City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
December 10, 2003

Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
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.

REGULAR AGENDA

R2 - Competitive Bid Reports

R2A Request For Approval To Reject All Bids Received Pursuant To Bid No. 27-02/03 For The ADA And Public Interior Design Enhancement Renovations For The Jackie Gleason Theater Of The Performing Arts. (Page 130)

(Capital Improvement Projects)
(Deferred from November 25, 2003)

R5 - Ordinances

R5A An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, By Establishing The Classification Of Sign Maker In Group I, Being The Classifications Covered By The American Federation Of State, County, And Municipal Employees, (AFSCME), Local No. 1554; By Establishing The Classifications Of Meter Analyst, Revenue Processor 1, And Revenue Processor 2 In Group IV, Being The Classifications Covered By The Communication Workers Of America (CWA), Local 3178; By Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, OPEIU Local 100, (GSAF), In Accordance With The Negotiated Agreement, Changing The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications, Retroactively, Effective With The First Pay Period Ending In October 2003; Increasing The Salary Of Each Employee By Two And One Half Percent (2.5%), Retroactively, Effective The First Pay Period Ending In October 2003; Providing For A Repealer, Severability, Effective Date, And Codification. **10:15 a.m. Second Reading, Public Hearing** (Page 140)

(Human Resources)

(First Reading on November 25, 2003)

R5B An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Assistant Director - Tourism And Cultural Development, City Engineer, Code Compliance Manager, Right-Of-Way Supervisor, Procurement Coordinator, And Customer Service Liaison; Amending The Titles Of The Classifications Of Cultural Arts Division Director To Cultural Affairs Program Manager And EMS Training Coordinator To EMS Coordinator; Providing For A Repealer, Severability, Effective Date, And Codification. **10:20 a.m. Second Reading, Public Hearing** (Page 153)

(Human Resources)

(First Reading on November 25, 2003)

R5C Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902 "Permitted Accessory Uses," Permitting Commercial Uses In Apartment Buildings In The RM-2 District Bounded By Indian Creek Drive, Collins Avenue, 41st Street And 44th Street; Amending Chapter 130, "Off-Street Parking," Article V "Parking Impact Fee Program," Section 130-131, "Generally," By Including An Exception To The Parking Impact Fee Program; Providing For Repealer, Severability, Codification And An Effective Date. **10:30 a.m. First Reading, Public Hearing** (Page 166)

(Planning Department)

R5 - Ordinances (Continued)

R5D An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, CCC Civic And Convention Center District, Of The Land Development Regulations Of The City Code In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **2:00 p.m. First Reading, Public Hearing** (Page 177)

(Planning Department)
(Continued from September 10, 2003)

R5E Proposed Amendment To The Goals, Policies & Objectives And The Future Land Use Map Of The Comprehensive Plan.
An Ordinance **1)** Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And **2)** Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 p.m. First Reading, Public Hearing** (Page 186)

(Planning Department)
(Continued from September 10, 2003)

R5F Proposed Amendment to Official Zoning District Map & Land Development Regulations.
An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3;" Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. First Reading, Public Hearing** (Page 207)

(Planning Department)
(Continued from September 10, 2003)

R6 - Commission Committee Reports

R6A Verbal Report Of The Special Finance And Citywide Projects Committee Meeting Of December 5, 2003: **1)** Discussion On Fire Station No. 2; **2)** A Resolution Authorizing The City Manager To Decline In Writing The Right Of First Offer Transaction As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; Further Authorizing The City Manager And City Attorney To Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease Upon Completion Of The City's Review Of Information, As Provided In The Lease, Relative To The Proposed Transfer Of The Project; And **3)** Update Of Mt. Sinai Financial Status - Issuance Of Bonds To Refinance Existing Issues. (Page 225)

R6B Verbal Report Of The Land Use And Development Committee Meeting Of December 8, 2003: **1)** Discussion On How To Propose A Legislation To Create And Adopt A Dune Project In Conjunction With The Miami Beach Parks And Recreation Department, ECOMB, Teen Job Corp And The Miami-Dade Extension; **2)** Discussion Regarding A Resolution To Consider An Amendment To The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public As A Conditional Use In This Zoning District; **3)** Discussion On North Shore Traffic Study; **4)** Discussion Regarding Approval Of The Location Of The Miami Beach Convention Center For Conventions, Expositions Or Events Involving Adult Materials; And 5) Discussion Regarding Ordinance Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District. (Page 227)

R6C Verbal Report Of The Community Affairs Committee Meeting Of December 9, 2003: **1)** Discussion On Alcohol And Nudity Ordinance. (Page 229)

R7 - Resolutions

R7A Approval Of The Miami Beach Convention Center For Events Involving Adult Materials.
A Resolution Approving The Miami Beach Convention Center As A Location For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes. **3:00 p.m. Public Hearing** (Page 232)
(Planning Department)

R7B A Resolution Approving Amendment No. 1, In The Amount Of $1,913,302, To The Agreement With CH2MHill, For The Design, Construction Documents, Bid, Award And Construction Administration, For The Bayshore Neighborhood Right Of Way Improvement Project; And Appropriating Funds In The Amount Of $645,094, As Follows: $117,610 From General Obligation Bond Funds, $295,736 From Series 2000 Stormwater Bond Funds, And $231,748 From Series 2000 Water And Sewer Bond Funds, To Completely Fund The Additional Services. (Page 243)
(Capital Improvement Projects)

R7 - Resolutions (Continued)

R7C A Resolution Authorizing The Mayor And City Clerk To Execute A Home Investment Partnerships (HOME) Program Agreement Between The City And Carrfour Supportive Housing, Providing $309,469 In HOME Program Funds From A HOME Program Notice Of Funding Availability (NOFA) Utilizing Funds From Fiscal Year 2002/03, Towards The Cost Of The Rehabilitation Of A Building, Located At 530 Meridian Avenue, Miami Beach, To Provide Fifty-Five HOME Program Rental Units For Income-Eligible Residents In Accordance With The HOME Program Requirements. (Page 266)

(Neighborhood Services)

R7D A Resolution Approving The City's State Legislative Agenda For The 2004 Session Of The Florida Legislature. (Page 319)

(Economic Development)

R7E A Resolution Approving The Issuance And Sale Of Not To Exceed $115,000,000 Principal Amount Of City Of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center Of Florida), By The City Of Miami Beach Health Facilities Authority, Including The Approval Required By Section 147(F) Of The Internal Revenue Code Of 1986, As Amended; Providing That Said Bonds Shall Not Constitute A Debt, Liability Or Obligation Of The City Or The State Of Florida Or Any Political Subdivision Thereof But Shall Be Payable Solely From The Revenues Provided Therefore; And Providing An Effective Date. (Page 328)

(Finance Department)

R7F A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Settlement Agreement Between La Gorce Country Club, Inc., And The City Of Miami Beach, And Authorizing The City Manager And City Attorney To Take Such Actions As May Be Necessary To Carry Out The Intent Hereof. (Page 357)

(City Attorney's Office)

R7G A Resolution Authorizing The City Manager To Decline In Writing The Right Of First Offer Transaction As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; Further Authorizing The City Manager And City Attorney To Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease Upon Completion Of The City's Evaluation Of Information In Connection With The Proposed Transfer Of The Project And The Proposed Purchaser. (Page 365)

(City Manager's Office)

R7H A Resolution Relating To The City Attorney; Updating And Revising His Terms Of Engagement; Receiving The City Attorney's Annual Report; Finding His Performance To Be Satisfactory And Approving The Award Of Deferred Compensation Pursuant To The Internal Revenue Code, And Setting An Effective Date. (Page 376)

(City Attorney's Office)

R7 - Resolutions (Continued)

R7I A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report; Adjusting His Salary And Benefits Accordingly; Granting A Performance Bonus And Deferred Compensation; Adjusting His Employment Contract Accordingly; And Setting An Effective Date. (Page 382)

(City Manager's Office)

(Memorandum And Resolution To Be Submitted In Supplemental)

R7J A Resolution Accepting The Proposed Guaranteed Maximum Price Of $8,096,580, Submitted Pursuant To The Agreement For Pre-Construction Services Between The City Of Miami Beach, Florida, And Jasco Construction Company For Construction Management At Risk Services Pursuant To RFQ No. 117-99/00, Entitled Construction Management At Risk For The Fire Station No. 2 Renovation And Expansion, As Previously Amended, And Amending The Agreement To Include Construction Of A Fire Department Dormitory Building, Renovate The Existing Historic Fire Station #2 For Use As A Fire Department Administration Building, And Complete Construction Of The Site Drainage System Serving The Fire Station Site And Public Works Yard; Further, Approving And Appropriating $4,453,396, Which Includes A Contingency Amount Of $416,875, And Fixtures, Furniture& Equipment, In The Amount Of $240,930, And Additional Services For STA, In The Amount Of $190,000, To Complete This Work. (Page 384)

(Capital Improvement Projects)

R7K A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Of Miami Beach Shall Sell Park/Waterfront Property Located At 2620 Biarritz Drive In Miami Beach, Florida (Survey And Legal Description Of Property On File In City's Public Works Department), With The Sale Proceeds To Be Utilized For Renovation Of The City's Normandy Shores Golf Course. (Page 395)

(City Manager's Office)

R9 - New Business and Commission Requests

R9A Board and Committee Appointments. (Page 405)

(City Clerk's Office)

R9A1 Nominate Michael Gongora To The Board Of Adjustments. (Page 415)

(Requested By Commissioner Richard L. Steinberg)

(Deferred from November 25, 2003)

R9A2 Appoint Rosalia Lopez To Serve As Tenant Commissioner On The City's Housing Authority Committee. (Page 417)

(Requested By Mayor David Dermer)

R9 - New Business and Commission Requests (Continued)

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 419)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Charter Review Board Proposed Amendments To City Charter - Resolutions Proposing March 9, 2004 City Of Miami Beach Special Election. (Page 421)

1. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03(C) Requiring Voter Approval Before Floor Area Ratio May Be Increased On Properties Adjacent To Specified Waterbodies ("Atlantic Ocean, Government Cut, Indian Creek, Or Biscayne Bay") Be Amended To Delete Language Referencing Such Waterbodies, Thereby Expanding The Requirement Of Voter Approval To All Property Within City Limits; Exempting The Division Of Lots, Or The Aggregation Of Development Rights On Unified Abutting Parcels, Otherwise Permitted By Ordinance.

2. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Article V Regarding "Budget And Finance" Should Be Amended To Require That The City Commission Consider The Long Term Economic Impact (At Least Five Years) Of Legislative Acts.

3. A Resolution Calling For Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Charter Should Be Amended To Include Within The Citizen's Bill Of Rights A Policy Statement Of The City To Conserve And Protect Its Natural Resources And Scenic Beauty, Including The Abatement Of Air And Water Pollution And Of Excessive And Unnecessary Noise.

4. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 4.02(I) Regarding The City Manager's Power To Negotiate City Contracts And Agreements Be Amended By Deleting Language Subjecting Said Power To Approval Of The City Attorney, Retaining Language Requiring City Commission Approval Of City Manager Negotiations.

5. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach Related Special Acts, Article II Thereof Entitled "Public Library" And Article III Thereof Entitled "Municipal Projects," Be Deleted As Said Language Is Obsolete And/Or Redundant.

(City Attorney's Office)
(Deferred from November 25, 2003)

R9D Nightlife Industry Task Force - Extension Of Hours For Wednesday, December 31, 2003 - New Year's Eve 2003. (Page 453)

(Economic Development)

R9E Discussion Regarding The Scott Rakow Youth Center. (Page 455)
(Requested By Commissioner Saul Gross)

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session. (Page 462)
Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On December 10, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

La Gorce Country Club, Inc., Vs. City Of Miami Beach, Florida. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

City Of Miami Beach Vs. La Gorce Country Club, Inc., Case No 3D03-2442, Third District Court Of Appeal

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner And First Assistant City Attorney Gary Held.

Reports and Informational Items

A City Attorney's Status Report. (Page 465)
(City Attorney's Office)

B Parking Status Report. (Page 467)
(Parking Department)

C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2. (Page 503)
(Capital Improvement Projects)

D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4. (Page 505)
(Capital Improvement Projects)

E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 507)
(Procurement)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
http:\\ci.miami-beach.fl.us

OFFICE OF THE CITY CLERK

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

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.

2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - http://ci.miami-beach.fl.us.

3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, Fl 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office <u>no later than noon on Tuesday of the week prior to the scheduled Commission meeting</u> to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.

4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.

5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a <u>public hearing</u> may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.

6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of <u>fifteen minutes total</u> allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.

CITY OF MIAMI BEACH

2004 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

January 14 (Wednesday)	
February 4 (Wednesday)	February 25 (Wednesday)
March 17 (Wednesday)	
April 14 (Wednesday)	
May 5 (Wednesday)	May 26 (Wednesday)
June 9 (Wednesday)	
July 7 (Wednesday)	July 28 (Wednesday)

August City Commission in Recess – NO MEETINGS

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

R2
COMPETITIVE
BID REPORTS

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Request for Approval to Reject All Bids Received Pursuant to Bid No. 27-02/03 for the ADA and Interior Renovations for the Jackie Gleason Theater of the Performing Arts.

Issue:

Shall the City Commission reject all Bids?

Item Summary/Recommendation:

On April 30, 2003, the Mayor and City Commission awarded a contract to Romano Brothers Construction Inc. (Romano Brothers) as the lowest responsive bidder. On May 7, 2003, Romano Brothers informed the City of its decision not to honor their bid due to an error in their bid pricing.

At the City Commission meeting of June 11, 2003, the Romano Brothers' award was rescinded and, instead of rejecting all bids, the City Commission directed staff to negotiate a contract with the apparent second lowest responsive bidder, Regosa, subject to discussions and Regosa's willingness to honor their bid price until mid 2004.

City staff performed a review of Regosa's references for compliance with contract provisions. Upon review of the submitted references, Regosa's qualifications to perform are questioned. Additionally, the City received a letter from the fourth lowest bidder, Tran Construction Inc., advising of a potential legal challenge should the City move forward to an award to Regosa.

Therefore, the Administration recommends that the City Commission grant approval to reject all bids received pursuant to Bid No. 27-02/03.

Advisory Board Recommendation:

This item was heard at the November 20, 2003 Finance and Citywide Projects Committee meeting. Committee members concurred with staff's recommendation.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	N/A		
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mauro Burgio, Senior Capital Projects Coordinator, ext. 6447

Sign-Offs:

Department Director	Assistant City Manager	City Manager
TH		

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AGENDA ITEM R2A

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO REJECT ALL BIDS RECEIVED PURSUANT TO BID No. 27-02/03 FOR THE ADA AND PUBLIC INTERIOR DESIGN ENHANCEMENT RENOVATIONS FOR THE JACKIE GLEASON THEATER OF THE PERFORMING ARTS.**

ANALYSIS

On March 3, 2003, invitation to Bid No. 27-02/03 was issued for the Jackie Gleason Theater of the Performing Arts (TOPA) ADA and interior renovations, resulting in the receipt of 10 bids. The results of the bid opening, held on April 16, 2003, were as follows:

COMPANY	BASE	ALT. 1-3	GRAND TOTAL BID
Romano Brothers Construction, Inc.	$1,512,463.80	$71,513.73	$1,583,977.53
Regosa Engineering, Inc.	$1,690,000.00	$12,600.00	$1,702,600.00
IGWT Construction, Inc.	$1,732,892.00	$54,113.73	$1,787,005.73
Tran Construction, Inc.	$1,997,000.00	$18,700.00	$2,015,700.00
Cazo Construction, Inc.	$2,254,700.00	$31,000.00	$2,285,700.00
Miami Skyline Construction Corp.	$2,397,251.00	$66,100.00	$2,463,351.00
Landel Construction Corporation	$2,707,710.00	$132,650.00	$2,840,360.00
SunCoast Contracting	$2,867,984.00	$85,381.00	$2,953,365.00
Lear Associates, Inc.	$2,985,947.00	$54,200.00	$3,040,147.00
StoreTech	$3,749,375.00	$67,312.00	$3,816,687.00

On April 30, 2003, the Mayor and City Commission awarded a contract to Romano Brothers Construction Inc. (Romano Brothers) as the lowest responsive bidder. On May 7, 2003, Romano Brothers informed the City of its decision not to honor their bid due to an error in their bid pricing. Subsequently, staff analyzed the option of rescinding the contract award to Romano Brothers and awarding a contract to the next lowest responsive bidder. However, staff determined that an award pursuant to this bid, after the April 30, 2003 Commission meeting, would jeopardize the timely Substantial Completion of the Phase I ADA restrooms renovation.

On May 19, 2003, a bid protest was submitted by the apparent second lowest responsive bidder, Regosa Engineering, Inc. (Regosa).

At the City Commission meeting of June 11, 2003, staff recommended that the City Commission rescind the contract award to Romano Brothers and reject all bids. The project could then be re-bid in February 2004 for construction of Phase I during TOPA's next break in scheduled events, between June 1, 2004 and September 30, 2004. The Romano Brothers's award was rescinded but the City Commission directed staff to negotiate a contract with the apparent second lowest responsive bidder, Regosa, subject to discussions and Regosa's willingness to honor their bid price until mid 2004.

As part of the bid evaluation process, City staff performed a review of Regosa's references for compliance with contract provisions, which required the contractor to have completed projects of a certain size and scope and to have had experience in the type of renovation involved. This evaluation was not undertaken prior to the June 11, 2003 City Commission meeting since a rejection of all bids was recommended and the Administration had no advance indication that the Commission would consider a bid award.

Upon review of the submitted references by the City's Consultant, SKLARchitecture, and the City's Program Manager, URS Corporation, Regosa's qualifications to perform are questioned. Exhibit "A" attached herein contains the results of the consultant and program manager reviews.

Additionally, the City has received a letter from the fourth lowest bidder, Tran Construction Inc., advising of a potential legal challenge should the City move forward to an award to Regosa. Refer to Exhibit B.

On November 20, 2003, this item was presented at the Finance and Citywide Projects Committee meeting. Committee members concurred with staff's recommendation to reject bids.

At the November 25, 2003 Commission meeting, the Commission deferred this item to the December 10, 2003 meeting.

CONCLUSION

The Administration recommends that the City Commission grant approval to reject all bids received pursuant to Bid No. 27-02/03 for the ADA and public interior design enhancement renovations for the Jackie Gleason Theater of the Performing Arts.

JMG/RCM/TH/mb
Attachments
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EXHIBIT "A"

URS

July 14, 2003

Mr. John Ellis
Assistant Procurement Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida, 33139

Re: Regosa Engineering's References

Dear Mr. Ellis:

Per Nury's request I am submitting URS's findings regarding Regosa's reference checks. Pursuant to the contract requirements delineated in Section 05000, regarding the utilization of certain finishes, I find that Regosa has not submitted project references which utilize the finishes specified.

Reference Number 1. : The 13 th Street Parking Renovation does not utilize the finishes required in Section 05000.

Reference Number 2. : I called Mr. Bob Christoph and confirmed that Regosa did not utilize the finishes required in Section 05000.

Reference Number 3. : Although I was unable to reach Mr. Trujillo, the Modelo Community Center is a Miami Dade HUD project. I feel confident that this project does not utilize the finishes required per Section 05000. This is a low income housing project which most likely does not utilize the high end finishes required at the TOPA. I will try to reach Mr. Trujillo on Monday to verify.

Reference Number 4. I talked to Mr. Les Bellinson. Although Regosa utilized curtains/draperies, precast concrete columns and casework, he did not utilize terrazzo flooring or special paint finishes as required by Section 05000.

Reference Number 5. I talked to Mr. Juan Poleo of URS Corp. Regosa utilized casework in a concession stand and precast concrete columns in the Flamingo Pool Park, however, this project did not require high end casework and precast concrete columns as required in Section 05000. In addition, Regosa

did not utilize terrazzo tile, curtains and draperies nor decorative or special paint finishes as required in Section 05000.

Please find attached for your review Mr. Ari Sklar's recommendation regarding the verification of Regosa Engineering's references. I concur with Mr. Sklar's findings and recommendations and agree that Regosa Engineering needs to submit additional references which meet the minimum requirements for the project pursuant to Section 05000 of the Contract.

Please feel free to contact me if you have any questions or need my assistance. My office number is: 305-884-8900 ext. 237 or cell number: 786-586-6874.

Sincerely,
URS Corporation

Graciela Escalante R.A.
URS Project Manager

Cc: Mr. Jorge Chartrand, CIP
Ms. Nury Menicucci, CIP
Mr. Mauro Burgio, CIP
Mr. Todd Osborn, URS
Mr. Ari Sklar, Sklarchitects

URS Corporation
Eastern Financial Building, Suite 1000
700 South Royal Poinciana Boulevard
Miami Springs, Fl 33166
Tel: 305-884-8900
Fax: 305-884-2665

SKLARchitecture

July 11, 2003

Mrs. Grace Escalante
Project Manager
URS Corporation
700 So. Royal Poinciana Blvd.
Suite # 1000
Miami Springs, Fl. 33166.

Ref: Jackie Gleason Theater of the Performing Arts – ADA & Interior Renovations
Bid Award Recommendation.

Dear Grace:

In an effort to verify the quality of Regosa Engineering as a contractor, SKLARchitecture has contacted a number of references submitted by Regosa Engineering. These references were:

1. Bob Cristoph of Miami Beach Marina.
2. Francisco Trujillo of Miami Dade HUD.
3. Les Beilinson of Les Beilinson Architects.
4. Kobi Karp of Kobi Karp Architects.
5. Juan Poleo of URS Corporation

Although most of the references indicated that Regosa Engineering performed satisfactorily on their projects, they do not have a minimum of 4 projects meeting the Bid requirements in terms of type of similar work and the type of finishes required. Please ask them to provide you with additional references meeting the minimum requirements for this project, as well as photographs of their completed work.

At this time, as a result of our review of the references, we are unsure if Regosa Engineering is qualified to do the Jackie Gleason TOPA- Interiors & ADA project. In fact, we have serious concerns that they may not be able to achieve the quality of work that this project requires. We can make a better determination with additional project examples, references & photos.

Should you have any questions please contact me at your earliest convenience.

Sincerely,

Ari L. Sklar, AIA, NCARB.
Principal

ALS/jt.

CC: Nury Menicucci, CMB / CIP
Steve Clark, SMG
Roman Martinez, CMB Procurement

Architecture
Interior Architecture & Design
Urban Renovation
Architectural Design of Children's Environments

141 N.E. 3rd Ave.
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Florida 33132
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WEBSITE:
www.sklarchitect.com

AA 0002849
IB 0000694
NCARB CERTIFIED

Ari Sklar, A.I.A.
President

EXHIBIT "B"

LEIBY TAYLOR STEARNS LINKHORST & ROBERTS, P.A.
THE LEIBY CONSTRUCTION LAW FIRM
Attorneys at Law

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JAMES S. HELF
jsh@leibylaw.com

* Also Certified Circuit Court Civil Mediator
+ Also Florida Certified Building Contractor

June 24, 2003

VIA FACSIMILE: 305-673-7096

Mayor David Dermer and
Members of the City Commission
City Hall
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: ADA & Public Interior Design Enhancement Renovations
for Miami Beach Jackie Gleason Theater of the Performing Arts
Bid No. 27-02/03

Ladies and Gentlemen:

Please be advised that undersigned counsel represents Tran Construction, Inc. They have brought to my attention certain issues which I find imperative to bring to the attention of the Mayor and City Commissioners.

As you are probably aware, the City issued an invitation to Bid No. 27-02/03 in the Spring of 2003. Ten bidders responded to the bid which was opened on April 16, 2003. It was determined that Romano Brothers Construction, Inc. was the lowest and best bidder and so on April 30, 2003, the Mayor and City Commission awarded the contract to Romano Brothers. On May 5, 2003, Romano Brothers informed the City that there were issues with their bid and the City rescinded the contract and bid award.

Regosa Engineering as the second bidder filed a bid protest the contents of which I am presently unaware, however, upon information and belief, the City is considering awarding the contract to Regosa for this project.

Tran Construction requests the City take the recommendation of the City Manager as outlined in the Commission memorandum dated June 11, 2003. In that memorandum, Mr. Gonzalez states that it the staff's analysis and opinion the City should reject all bids and re-bid the project at a later date.

1390 North University Drive, Ft. Lauderdale, Florida 33322
Broward (954) 382-9199 Fax (954) 382-9063
http://www.leibylaw.com

Only one sheet printed

Not only is this the City Manager's recommendation, it also seems prudent and a good business decision when considering the nature of construction and specifically this project. As is outlined in the June 11, 2003 Commission memorandum, because of the late issuance of this contract, the work cannot be performed until the Summer of 2004. Awarding the contract now, at prices that will be a year old at or about the time of the project, may very well open the door for escalation change orders and the real possibility of the contractor looking to recoup these additional costs. Moreover, re-bidding the project will allow all of the bidders sufficient time to "sharpen their pencils" with the accordant savings being passed on to the citizens of Miami Beach.

While Tran Construction has always had an excellent working relationship with the City of Miami Beach, if the contract is awarded to Regosa, against the City Manager's recommendations, Tran may very well be forced to file its own bid protest.

Hopefully, the City of Miami Beach will seriously consider the recommendations of its City Manager and re-bid the project at a time closer to the actual construction.

Sincerely,

KEVIN J. TAYLOR

KJT:bk

cc: Tran Construction
City of Miami Beach Office of Procurement Via Facsimile: 305-673-7851

Leiby Taylor Stearns Linkhorst and Roberts, P.A.
1390 North University Drive, Ft. Lauderdale, Florida 33322
Broward (954) 382-9199 Fax (954) 382-9063

R5
ORDINANCES

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending Classified Salary Ordinance No. 789 for Classified employees, by establishing the classifications of Meter Analyst, Revenue Processor 1, Revenue Processor 2, and Sign Maker; by increasing the salary of each employee in Group V by two and one half percent (2.5%), being those covered by the Government Supervisors Association in Florida, OPEIU Local 100, (GSAF) and changing the minimum and maximum of the pay ranges to reflect the present classification and pay system applicable to the Unclassified classifications, providing for a repealer, severability, effective date and codification.

Issue:

Shall the City provide appropriate titles and salary ranges for individuals performing specific duties and facilitate the implementation of the provisions of the budget to improve the City and provide a classification and compensation system that is fair and externally competitive by amending the Classified Salary Ordinance to allow for the amendments? Incumbents in these classifications have been performing their functions using similar titles and grades, pending approval. As a result, classifications need to be established.

Item Summary/Recommendation:

On November 25, 2003, the City Commission approved the Ordinance on first reading and scheduled a second reading public hearing for December 10, 2003. The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$53,645 COLA (2003/2004)	Included in various Departmental budgets	
2	$54,987 COLA (2004/2005)	Included in various Departmental budgets	
3	$57,702 COLA (2005/2006)	Included in various Departmental budgets	
Total COLA	166,334 $328,611 (compounded)	Included in various Departmental budgets	

City Clerk's Office Legislative Tracking:

T.C. Adderly

Sign-Offs:

Department Director	Assistant City Manager	City Manager
T.C. Adderly	Maryanne C. Buttacavoli	

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AGENDA ITEM R5A

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

SECOND READING PUBLIC HEARING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATION OF SIGN MAKER, COVERED BY BARGAINING FOR CLASSIFICATIONS IN GROUP I, BEING THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL NO. 1554; BY ESTABLISHING THE CLASSIFICATIONS OF METER ANALYST, REVENUE PROCESSOR 1, AND REVENUE PROCESSOR 2 IN GROUP IV, BEING THE CLASSFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; BY PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPEIU LOCAL 100, (GSAF), IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT, CHANGING THE MINIMUM AND MAXIMUM OF THE PAY RANGES TO REFLECT THE PRESENT CLASSIFICATION AND PAY SYSTEM APPLICABLE TO THE UNCLASSIFIED CLASSIFICATIONS, RETROACTIVELY, EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER 2003; INCREASING THE SALARY OF EACH EMPLOYEE BY TWO AND ONE HALF PERCENT (2.5%), RETROACTIVELY, EFFECTIVE THE FIRST PAY PERIOD ENDING IN OCTOBER 2003; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

ANALYSIS

This amendment will establish certain classifications and change the salary range of certain classifications in order to ensure that the City has an employee classification and compensation system which is fair and externally competitive.

The following classifications are being established:

GROUP I: AFSCME

Sign Maker (grade 8)

GROUP IV: CWA

Revenue Processor 1 (grade H20)
Meter Analyst (grade H23)
Revenue Processor 2 (grade H23)

In addition, the Ordinance amendment will implement the terms negotiated in the collective bargaining Agreement between the City and the Government Supervisors Association of Florida, OPEIU Local 100, (GSAF), changing the minimum and maximum of the pay ranges to reflect the present classification and pay system applicable to the Unclassified classifications, retroactively, effective with the first pay period ending in October 2003, and providing for a COLA by increasing the salary of each employee by two and one half percent (2.5%), retroactively, effective the first pay period ending in October 2003.

CONCLUSION

On November 25, 2003, the City Commission approved the Ordinance on first reading and scheduled a second reading public hearing for December 10, 2003. By amending the Classified Salary Ordinance for classifications in Group I, covered by the "AFSCME " bargaining unit; Group IV, covered by the "CWA" bargaining unit, and Group V, covered by the "GSA" bargaining unit, the City will ensure that there is a classification and compensation system which is fair and externally competitive and will implement the terms of the GSA collective bargaining Agreement.

JMG/MDB/TCA/PKR
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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATION OF SIGN MAKER IN GROUP I, BEING THE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, (AFSCME) , LOCAL NO. 1554; BY ESTABLISHING THE CLASSIFICATIONS OF METER ANALYST, REVENUE PROCESSOR 1, AND REVENUE PROCESSOR 2 IN GROUP IV, BEING THE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; BY PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPEIU LOCAL 100, (GSAF), IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT, CHANGING THE MINIMUM AND MAXIMUM OF THE PAY RANGES TO REFLECT THE PRESENT CLASSIFICATION AND PAY SYSTEM APPLICABLE TO THE UNCLASSIFIED CLASSIFICATIONS, RETROACTIVELY, EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER 2003; INCREASING THE SALARY OF EACH EMPLOYEE BY TWO AND ONE HALF PERCENT (2.5%), RETROACTIVELY, EFFECTIVE THE FIRST PAY PERIOD ENDING IN OCTOBER 2003; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, there is a need to establish certain classifications and change the salary range of certain classifications in order to ensure that the City has an employee classification and compensation system which is fair and externally competitive.

WHEREAS, on October 15, 2003, negotiators for the City and the Government Supervisors Association of Florida, OPEIU Local 100, (GSA), successfully concluded negotiations for a three year collective bargaining agreement; and

WHEREAS, the City desires to implement the provisions of the agreement.

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

SECTION 1: That the following lines of in Section 1 of the Classified Salary Ordinance No. 789 are amended to read as follows:

GROUP I AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES – (AFSCME)

CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS

A. Salary Grades and Ranges

GRADE	MINIMUM	MAXIMUM
10	$33,769	$54,540
9	$31,078	$50,195
8	$28,601	$46,193
7	$26,321	$42,511
6	$24,223	$39,123
5	$22,293	$36,003
4	$20,516	$33,135
3	$18,880	$30,494

B. Grades and Classifications

GRADE	CLASSIFICATION	UNION
10	DIESEL GENERATOR MECHANIC	AFSCME
10	FIRE EQUIPMENT MECHANIC	AFSCME
10	MECHANIC III	AFSCME
10	PEST CONTROL SUPERVISOR	AFSCME
10	BUILDING SUPERVISOR	AFSCME
9	HEAVY EQUIPMENT OPERATOR II	AFSCME
9	IRRIGATION SYSTEMS SUPERVISOR	AFSCME
9	MECHANIC II	AFSCME
9	PARK SUPERVISOR	AFSCME
9	PUMPING MECHANIC	AFSCME
9	RECREATION PROGRAM SUPERVISOR	AFSCME
9	SEWER SUPERVISOR	AFSCME
9	STREET SUPERVISOR	AFSCME
9	TREE MAINTENANCE SUPERVISOR	AFSCME
9	WASTE DRIVER SUPERVISOR	AFSCME
9	WATER SUPERVISOR	AFSCME

8	CONTROL ROOM OPERATOR	AFSCME
8	HEAVY EQUIPMENT OPERATOR I	AFSCME
8	**SIGN MAKER**	**AFSCME**
8	STOREKEEPER II	AFSCME
8	STREET LIGHTING TECHNICIAN II	AFSCME
7	ASSISTANT PUMPING MECHANIC	AFSCME
7	FLEET SERVICE REPRESENTATIVE	AFSCME
7	MUNICIPAL SERVICE WORKER III	AFSCME
7	SEWER PIPEFITTER	AFSCME
7	STOREKEEPER I	AFSCME
7	WATER METER TECHNICIAN II	AFSCME
7	WATER PIPEFITTER	
6	FLEET SERVICE WRITER	AFSCME
6	MECHANIC I	AFSCME
6	STREET LIGHTING TECHNICIAN I	AFSCME
5	CENTRAL SERVICES TECHNICIAN	AFSCME
5	MUNICIPAL SERVICE WORKER II	AFSCME
5	STORES CLERK	AFSCME
5	TREE TRIMMER	AFSCME
5	WASTE COLLECTOR	AFSCME
5	WATER METER TECHNICIAN I	AFSCME
4	MUNICIPAL SERVICE WORKER I	AFSCME
3	MUNICIPAL SERVICE WORKER TRAINEE	AFSCME
3	MUSEUM GUARD	AFSCME

* * *

GROUP IV COMMUNICATION WORKERS OF AMERICA - (CWA)

CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS

A. Salary Ranges

SALARY RANGE	MINIMUM STEP D/1	MINIMUM STEP E/2	MAXIMUM STEP M/10
H15	914.11	941.53	1,192.70
H16	941.53	969.78	1,228.48
H17	969.78	998.87	1,265.34
H18	998.87	1,028.84	1,303.30
H19	1,028.84	1,059.70	1,342.40
H20	1,059.70	1,091.49	1,382.67
H21	1,091.49	1,124.24	1,424.15
H22	1,124.24	1,157.96	1,466.87
H23	1,157.96	1,192.70	1,510.88
H24	1,192.70	1,228.48	1,571.32
H25	1,228.48	1,265.34	1,634.17
H26	1,265.34	1,303.30	1,699.54
H27	1,303.30	1,342.40	1,767.52
H28	1,342.40	1,382.67	1,838.22
H29	1,382.67	1,424.15	1,911.75
H30	1,424.15	1,466.87	1,988.22
H31	1,466.87	1,510.88	2,067.74
H32	1,510.88	1,571.32	2,150.45
H33	1,571.32	1,634.17	2,236.47
H34	1,634.17	1,699.54	2,325.93
H35	1,699.54	1,767.52	2,418.97
H36	1,767.52	1,838.22	2,515.73
H37	1,838.22	1,911.75	2,616.36
H50	1,164.24	1,199.17	1,533.82
H51	1,199.17	1,235.15	1,595.17
H52	1,235.15	1,272.20	1,658.98
H53	1,272.20	1,310.37	1,725.34
H54	1,310.37	1,349.68	1,794.35
H55	1,349.68	1,390.17	1,866.13
H56	1,390.17	1,431.87	1,940.77
H57	1,431.87	1,474.83	2,018.40
H58		1,533.82	2,099.14
H59		1,595.17	2,183.11
H60		1,658.98	2,270.43

B. Salary Ranges and Classifications

CLASSIFICATION	SALARY RANGE	STARTING STEP	UNION
CLERK	H15	1/D	CWA
COIN ROOM MONEY HANDLER	H16	1/D	CWA
CLERK TYPIST	H17	1/D	CWA
MASONRY HELPER	H18	1/D	CWA
ACCOUNT CLERK 1	H20	1/D	CWA
ADMINISTRATIVE AIDE 1	H20	1/D	CWA
DATA ENTRY CLERK	H20	1/D	CWA
DUPLICATING EQUIPMENT OPERATOR	H20	1/D	CWA
PERMIT CLERK 1	H20	1/D	CWA
POLICE RECORDS TECHNICIAN	H20	1/D	CWA
REVENUE PROCESSOR 1	**H20**	**1/D**	**CWA**
PARKING ENFORCEMENT SPECIALIST 1	H22	1/D	CWA
PARKING METER TECHNICIAN 1	H22	1/D	CWA
ACCOUNT CLERK 2	H23	1/D	CWA
CODE COMPLIANCE OFFICER 1	H23	1/D	CWA
METER ANALYST	**H23**	**1/D**	**CWA**
PERMIT CLERK 2	H23	1/D	CWA
PROPERTY EVIDENCE TECHNICIAN 1	H23	1/D	CWA
PUBLIC SAFETY SPECIALIST	H23	1/D	CWA
REVENUE PROCESSOR 2	**H23**	**1/D**	**CWA**
ADMINISTRATIVE AIDE 2	H24	1/D	CWA
ADMINISTRATIVE SECRETARY	H24	1/D	CWA
BUYER	H24	1/D	CWA
ENGINEERING ASSISTANT 1	H24	1/D	CWA
FINANCE SPECIALIST 1	H24	1/D	CWA
PAINTER	H24	1/D	CWA
ACCOUNT CLERK 3	H25	1/D	CWA
ADMINISTRATIVE ASSISTANT 1	H25	1/D	CWA
CARPENTER 1	H25	1/D	CWA
COMMUNICATIONS OPERATOR	H25	1/D	CWA
DISPATCHER TRAINEE	H25	1/D	CWA

CLASSIFICATION	SALARY RANGE	STARTING STEP	UNION
MASON	H25	1/D	CWA
PARKING METER TECHNICIAN 2	H25	1/D	CWA
CARPENTER 2	H26	1/D	CWA
COMMISSION REPORTER 1	H26	1/D	CWA
COMPLAINT OPERATOR 2	H26	1/D	CWA
CRIME ANALYSIS SPECIALIST	H26	1/D	CWA
FINANCE SPECIALIST 2	H26	1/D	CWA
CODE COMPLIANCE OFFICER 2	H27	1/D	CWA
DISPATCHER	H27	1/D	CWA
ENGINEERING ASSISTANT 2	H27	1/D	CWA
PROPERTY EVIDENCE TECHNICIAN 2	H27	1/D	CWA
COMMISSION REPORTER 2	H28	1/D	CWA
FINANCE SPECIALIST 3	H28	1/D	CWA
PLUMBER	H28	1/D	CWA
POLICE FLEET SPECIALIST	H28	1/D	CWA
PLANNING TECHNICIAN	H29	1/D	CWA
AIR CONDITIONING MECHANIC	H30	1/D	CWA
ELECTRICIAN	H30	1/D	CWA
ENGINEERING ASSISTANT 3	H30	1/D	CWA
CRIME SCENE TECHNICIAN 1	H31	1/D	CWA
POLICE PHOTOGRAPHER	H31	1/D	CWA
BUILDING INSPECTOR	H34	2/E	CWA
CODE COMPLIANCE ADMINISTRATOR	H34	1/D	CWA
CRIME SCENE TECHNICIAN 2	H34	1/D	CWA
ELECTRICAL INSPECTOR	H34	2/E	CWA
ELEVATOR INSPECTOR	H34	2/E	CWA
ENGINEERING INSPECTOR	H34	2/E	CWA
MECHANICAL INSPECTOR	H34	2/E	CWA
PLUMBING INSPECTOR	H34	2/E	CWA
POOL GUARD 1	H50	1/D	CWA
POOL GUARD 2	H52	1/D	CWA
LIFEGUARD 1	H52	1/D	CWA

CLASSIFICATION	SALARY RANGE	STARTING STEP	UNION
LIFEGUARD 2	H56	1/D	CWA
LIFEGUARD LIEUTENANT	H58	2/E	CWA

SECTION 2: The minimum and the maximum of the pay ranges will be changed to reflect the present classification and pay system applicable to the Unclassified classifications, retroactively, effective the first pay period ending in October 2003. The following lines of Section 1 of the Classified Salary Ordinance No. 789, providing for the Group V classifications, being those classifications covered by the GSA Bargaining unit, shall be amended as follows:

GROUP V GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF) - CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS

A. Salary Grades and Ranges effective the first pay period ending in October 2003

GRADE	MINIMUM		MAXIMUM	
15	~~$45,805~~	$51,153	~~$ 73,450~~	$ 82,621
14	~~42,157~~	47,079	~~67,596~~	76,036
13	~~38,797~~	43,327	~~62,209~~	69,976
12	~~35,704~~	39,873	~~57,249~~	64,397
11	~~32,858~~	36,694	~~52,686~~	59,264
10	~~30,239~~	33,769	~~48,486~~	54,540
9	~~27,829~~	31,078	~~44,623~~	50,195
8	~~25,611~~	28,601	~~41,066~~	46,193
7	~~23,569~~	26,321	~~37,792~~	42,511
6	~~21,691~~	24,223	~~34,780~~	39,123

SECTION 3: Increasing the salary of each employee, retroactively, by two and one half percent (2.5%) effective the first pay period ending in October 2003; with no employee to exceed the maximum of the new range at any time. Effective with the first pay period ending in October 2004, there shall be a wage increase of two and one half percent (2.5%); with no employee to exceed the maximum of the new range at any time. Effective with the first pay period ending in October 2005, there shall be a wage increase of two and one half percent (2.5%); with no employee to exceed the maximum of the new range at any time.

SECTION 4: REPEALER.

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

SECTION 5: SEVERABILITY.

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

SECTION 6: CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 7: EFFECTIVE DATES.

Section 1 will be effective upon approval by the Commission. Sections 2 and 3 will be effective retroactively, effective the first pay period ending in October 2003.

PASSED and ADOPTED this _____ day of _____ , 2003

_____
MAYOR

ATTEST:

_____
CITY CLERK

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 11-12-03 Date

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that Public Hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 10, 2003, at the times listed below,** to consider the following.

at 10:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATION OF SIGN MAKER IN GROUP I, BEING THE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, (AFSCME), LOCAL NO. 1554; BY ESTABLISHING THE CLASSIFICATIONS OF METER ANALYST, REVENUE PROCESSOR 1, AND REVENUE PROCESSOR 2 IN GROUP IV, BEING THE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; BY PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPEIU LOCAL 100, (GSAF), IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT, CHANGING THE MINIMUM AND MAXIMUM OF THE PAY RANGES TO REFLECT THE PRESENT CLASSIFICATION AND PAY SYSTEM APPLICABLE TO THE UNCLASSIFIED CLASSIFICATIONS, RETROACTIVELY, EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER 2003; INCREASING THE SALARY OF EACH EMPLOYEE BY TWO AND ONE HALF PERCENT (2.5%), RETROACTIVELY, EFFECTIVE THE FIRST PAY PERIOD ENDING IN OCTOBER 2003; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

Inquiries may be directed to the Planning Department (305) 673-7550.

at 10:20 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF ASSISTANT DIRECTOR - TOURISM AND CULTURAL DEVELOPMENT, CITY ENGINEER, CODE COMPLIANCE MANAGER, RIGHT-OF-WAY SUPERVISOR, PROCUREMENT COORDINATOR, AND CUSTOMER SERVICE LIAISON; AMENDING THE TITLES OF THE CLASSIFICATIONS OF CULTURAL ARTS DIVISION DIRECTOR TO CULTURAL AFFAIRS PROGRAM MANAGER AND EMS TRAINING COORDINATOR TO EMS COORDINATOR; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

Inquiries may be directed to the Human Resources (305) 673-7520.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

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In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE).

Miami Beach
All-America City
2003

Ad #231

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Ordinance amending Ordinance No. 1605, Unclassified Employees Salary Ordinance, establishing the classifications of Assistant Director – Tourism and Cultural Development, City Engineer, Code Compliance Manager, Right-of-Way Supervisor, Procurement Coordinator, and Customer Service Liaison; amending the titles of the classifications of Cultural Arts Division Director to Cultural Affairs Program Manager and EMS Training Coordinator to EMS Coordinator; providing for a Repealer, Severability, Effective Date, and Codification.

Issue:

Shall the City provide appropriate titles and salary ranges for individuals performing specific duties and facilitate the implementation of the provisions of the budget to improve the City and provide a classification and compensation system that is fair and externally competitive by amending the Unclassified Salary Ordinance? Incumbents in these classifications have been performing their functions using similar titles and grades, pending this approval. As a result, classifications need to be established and amended.

Item Summary/Recommendation:

The City Commission approved the Ordinance on First Reading and the Administration recommends the Ordinance be Adopted on Second Reading, public hearing on December 10, 2003.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

T. C. Adderly

Sign-Offs:

Department Director	Assistant City Manager	City Manager
T. C. Adderly	Maryanne Butterworth	Jorge

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AGENDA ITEM R5B

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Second Reading
Public Hearing

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF ASSISTANT DIRECTOR - TOURISM AND CULTURAL DEVELOPMENT, CITY ENGINEER, CODE COMPLIANCE MANAGER, RIGHT-OF-WAY SUPERVISOR, PROCUREMENT COORDINATOR, AND CUSTOMER SERVICE LIAISON; AMENDING THE TITLES OF THE CLASSIFICATIONS OF CULTURAL ARTS DIVISION DIRECTOR TO CULTURAL AFFAIRS PROGRAM MANAGER AND EMS TRAINING COORDINATOR TO EMS COORDINATOR; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION**

ADMINISTRATION RECOMMENDATION:

Adopt the ordinance.

ANALYSIS:

The Administration needs to provide appropriate titles and salary ranges for individuals performing specific duties and facilitate the implementation of the provisions of the budget to improve the City. Incumbents in these positions have been performing their functions using similar titles and grades, pending this approval. As a result, classifications need to be established and amended.

The following classifications are being established:

Assistant Director – Tourism and Cultural Development (grade 18)

City Engineer (grade 18)

Code Compliance Manager (grade 15)

Right-of-Way Supervisor (grade 15)

Procurement Coordinator (grade 11)

Customer Service Liaison (grade 10)

The following titles will be amended as follows:

Cultural Arts Division Director → Cultural Affairs Program Manager

EMS Training Coordinator → EMS Coordinator

CONCLUSION

On November 25, 2003, the City Commission approved the Ordinance on first reading and scheduled a public hearing and second reading for December 10, 2003.

By establishing six (6) new classifications, and amending the titles of two (2) classifications, the Ordinance amendment will ensure that the City has an employee classification system which is representative of the functions performed in the City.

JMG:MDB:TCA:NJ

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF ASSISTANT DIRECTOR – TOURISM AND CULTURAL DEVELOPMENT, CITY ENGINEER, CODE COMPLIANCE MANAGER, RIGHT-OF-WAY SUPERVISOR, PROCUREMENT COORDINATOR, AND CUSTOMER SERVICE LIAISON; AMENDING THE TITLES OF THE CLASSIFICATIONS OF CULTURAL ARTS DIVISION DIRECTOR TO CULTURAL AFFAIRS PROGRAM MANAGER AND EMS TRAINING COORDINATOR TO EMS COORDINATOR; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, there is a need to create certain classifications, amend the title of certain classifications, and change the salary range of certain classifications in order to ensure that the City has an employee classification and compensation system which is fair and representative of the functions performed in the City.

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

SECTION 1: That the following lines of the Unclassified Salary Ordinance No. 1605 are amended to read as follows:

CLASS AND PAY GRADES, SALARIES AND CLASSIFICATIONS

A. Salary Grades and Ranges

GRADE	MINIMUM	MAXIMUM
26	Determined by City Commission	Determined by City Commission
25	$117,457	$189,601
24	$108,035	$174,488
23	$99,424	$160,579
22	$91,500	$147,781
21	$84,206	$136,002
20	$77,495	$125,161
19	$71,318	$115,183
18	$65,633	$106,004
17	$60,401	$97,555
16	$55,357	$89,778
15	$51,153	$82,621
14	$47,079	$76,036
13	$43,327	$69,976
12	$39,873	$64,397
11	$36,694	$59,264
10	$33,769	$54,540
9	$31,078	$50,195
8	$28,601	$46,193
7	$26,321	$42,511
6	$24,223	$39,123
5	$22,293	$36,003
4	$20,516	$33,135
3	$18,880	$30,494
2	$17,376	$28,063
1	$15,991	$25,826

B. Grades and Classifications

GRADE	CLASSIFICATION	UNION
26	City Attorney	Unclassified
26	City Manager	Unclassified
25	Deputy City Manager	Unclassified
24	Assistant City Manager	Unclassified
24	Chief Deputy City Attorney	Unclassified
24	Chief Financial Officer	Unclassified
23	Deputy City Attorney	Unclassified
23	Fire Chief	Unclassified
23	Police Chief	Unclassified
22	Executive Assistant to the City Manager	Unclassified
22	Public Works Director	Unclassified
21	Assistant Chief of Police	Unclassified
21	Assistant Fire Chief	Unclassified
21	Building Director	Unclassified
21	Capital Improvement Projects Director	Unclassified
21	City Clerk	Unclassified
21	First Assistant City Attorney	Unclassified
21	General Services Director	Unclassified
21	Human Resources Director	Unclassified
21	Management & Budget Director	Unclassified
21	Neighborhood Services Director	Unclassified
21	Parking Director	Unclassified
21	Planning Director	Unclassified
21	Parks & Recreation Director	Unclassified
20	Assistant Director - Finance	Unclassified
20	Community / Economic Development Director	Unclassified
20	Cultural Affairs & Tourism Development Director	Unclassified
20	Fire Division Chief	Unclassified
20	Fire Marshall	Unclassified
20	Information Technology Division Director	Unclassified
20	Police Division Major	Unclassified
19	Assistant Director - Building	Unclassified
19	Assistant Director – CIP	Unclassified
19	Assistant Director - Community / Economic Development	Unclassified

19	Assistant Director - Public Works	Unclassified
19	Bass Museum Director	Unclassified
19	Beach Patrol Captain	Unclassified
19	Budget Officer	Unclassified
19	Chief of Staff	Unclassified
19	Code Compliance Director	Unclassified
19	Community Information Manager	Unclassified
19	Executive Assistant to the Chief	Unclassified
19	Fleet Management Division Director	Unclassified
19	Internal Auditor	Unclassified
19	Police Captain	Unclassified
19	Procurement Division Director	Unclassified
19	Property Management Division Director	Unclassified
19	Public Information Coordinator	Unclassified
19	Sanitation Director	Unclassified
19	Senior Assistant City Attorney	Unclassified
19	Special Assistant to the City Manager	Unclassified
19	Transportation and Concurrency Manager	Unclassified
18	Affirmative Action Officer	Unclassified
18	Application Systems Manager	Unclassified
18	Assistant Director - Neighborhood Services	Unclassified
18	Assistant Director - Parking	Unclassified
18	Assistant Director - Parks	Unclassified
18	Assistant Director - Planning	Unclassified
18	Assistant Director - Recreation	Unclassified
18	**Assistant Director- Tourism and Cultural Development**	**Unclassified**
18	Chief Accountant	Unclassified
18	**City Engineer**	**Unclassified**
18	Expenditure / Treasury Manager	Unclassified
18	Finance Manager	Unclassified
18	Human Resources Administrator II	Unclassified
18	Labor Relations Division Director	Unclassified
18	Police Commander	Unclassified
18	Redevelopment Coordinator	Unclassified
18	Revenue Manager	Unclassified
18	Senior Capital Projects Coordinator	Unclassified
18	Systems Support Manager	Unclassified
18	Technical Services Manager	Unclassified
18	Utilities Superintendent	Unclassified
17	Account Manager - Finance	Unclassified
17	Arts, Culture & Entertainment Director	Unclassified
17	Assets Manager	Unclassified
17	Assistant Director - Code Compliance	Unclassified
17	Assistant Division Director - Property Management	Unclassified

17	Assistant For Labor Relations	Unclassified
17	Assistant to the Neighborhood Services Director	Unclassified
17	Assistant Internal Auditor	Unclassified
17	Call Center / Customer Service Manager	Unclassified
17	Capital Improvement Administrator - Finance	Unclassified
17	Capital Projects Coordinator	Unclassified
17	Chief Accessibility Inspector	Unclassified
17	Chief Structural Plans Examiner	Unclassified
17	Community Development and Housing Division Director	Unclassified
17	Construction Management Division Director	Unclassified
17	Cultural ~~**Arts Division Director**~~ **Affairs Program Manager**	Unclassified
17	Economic Development Division Director	Unclassified
17	Employment Supervisor	Unclassified
17	Grants Manager	Unclassified
17	Historic Preservation Coordinator	Unclassified
17	Housing Manager	Unclassified
17	Manager – Finance	Unclassified
17	Office of Community Services Division Director	Unclassified
17	Organizational Development & Training Coordinator	Unclassified
17	Planning & Zoning Manager	Unclassified
17	Preservation & Design Manager	Unclassified
17	Risk Manager	Unclassified
17	Service Delivery Manager	Unclassified
17	Special Projects Coordinator	Unclassified
16	Assistant Director - Procurement Division	Unclassified
16	Assistant Director - Sanitation	Unclassified
16	Assistant City Attorney II	Unclassified
16	Assistant City Clerk	Unclassified
16	Capital Improvement Administrator	Unclassified
16	Capital Projects Administrator	Unclassified
16	Chief Building Inspector	Unclassified
16	Chief Electrical Inspector	Unclassified
16	Chief Elevator Inspector	Unclassified
16	Chief Engineering Inspector	Unclassified
16	Chief Mechanical Inspector	Unclassified
16	Chief Plumbing Inspector	Unclassified
16	Civil Engineer III	Unclassified
16	Claims Coordinator	Unclassified
16	Community Development Coordinator	Unclassified
16	Community Resources Coordinator	Unclassified
16	Database Administrator	Unclassified
16	Employee Benefits Coordinator	Unclassified
16	EMS ~~**Training**~~ Coordinator	Unclassified
16	Financial Analyst III	Unclassified

16	Human Resources Administrator I	Unclassified
16	Implementation Services Manager	Unclassified
16	Log Cabin Program Administrator	Unclassified
16	Mayor / Commissioner Aide	Unclassified
16	Network Administrator	Unclassified
16	Office of Child Development Director	Unclassified
16	Parks Superintendent	Unclassified
16	Police Plans & Policies Manager	Unclassified
16	Principal Planner	Unclassified
16	Project Planner/Designer	Unclassified
16	PSCU Administrator	Unclassified
16	Public Information Officer	Unclassified
16	Real Estate Economist	Unclassified
16	Senior Auditor	Unclassified
16	Senior Management & Budget Analyst	Unclassified
16	Streets & Lighting Superintendent	Unclassified
16	Organizational Development & Training Specialist	Unclassified
16	Transportation Coordinator	Unclassified
16	Utility Billing Supervisor	Unclassified
15	Assistant Director - Bass Museum	Unclassified
15	CDBG Projects Coordinator	Unclassified
15	Central Services Coordinator	Unclassified
15	**Code Compliance Manager**	**Unclassified**
15	Code Compliance Supervisor	Unclassified
15	Departmental ADA Coordinator	Unclassified
15	Development Coordinator	Unclassified
~~15~~	EMSTraining Coordinator	Unclassified
15	Film & Print Coordinator	Unclassified
15	Financial Analyst II	Unclassified
15	Fire Protection Analyst	Unclassified
15	Grants Writer / Researcher	Unclassified
15	Information Technology Specialist III	Unclassified
15	Inspection Services Coordinator	Unclassified
15	Media Specialist	Unclassified
15	Property / Evidence Supervisor	Unclassified
15	Redevelopment Specialist	Unclassified
15	**Right-of-Way Supervisor**	**Unclassified**
15	Safety Officer	Unclassified
15	Senior Planner	Unclassified
15	Senior Plans Designer	Unclassified
15	Senior Capital Projects Planner	Unclassified
15	Special Events Coordinator	Unclassified
15	Structural Engineer	Unclassified
15	Tourism & Convention Director	Unclassified

14	Assistant City Attorney I	Unclassified
14	CDBG Program Analyst	Unclassified
14	Civil Engineer II	Unclassified
14	Communications Manager	Unclassified
14	Community Development Specialist	Unclassified
14	Construction Manager	Unclassified
14	Curator	Unclassified
14	Curator of Collections	Unclassified
14	Curator of Education	Unclassified
14	Entertainment Industry Liaison	Unclassified
14	Environmental Specialist	Unclassified
14	Housing Specialist	Unclassified
14	Information Technology Specialist II	Unclassified
14	Landscape Architect	Unclassified
14	Legal Administrator	Unclassified
14	Log Cabin Education Coordinator	Unclassified
14	Parking Administration Manager	Unclassified
14	Parking Operations Manager	Unclassified
14	Police Records Manager	Unclassified
14	Records Manager	Unclassified
14	Recreation Supervisor II	Unclassified
14	Sanitation Superintendent	Unclassified
14	Social Worker	Unclassified
14	Transportation Engineer	Unclassified
14	Victims Advocate	Unclassified
13	Agenda Coordinator	Unclassified
13	Auditor	Unclassified
13	Executive Office Associate II	Unclassified
13	Financial Analyst I	Unclassified
13	Fleet Analyst	Unclassified
13	Grants Writer / Researcher	Unclassified
13	Management & Budget Analyst	Unclassified
13	Office Manager	Unclassified
13	Human Resources Specialist	Unclassified
13	Planner	Unclassified
13	Public Art Coordinator	Unclassified
13	Public Information Specialist	Unclassified
13	Security Specialist	Unclassified
13	Special Events Liaison	Unclassified
12	Building Records Supervisor	Unclassified
12	Civil Engineer I	Unclassified
12	Community Development Technician	Unclassified
12	Executive Office Associate I	Unclassified
12	Field Agent	Unclassified

12	Field Inspector	Unclassified
12	Homeless Program Coordinator	Unclassified
12	Information Technology Specialist I	Unclassified
12	Labor Relations Technician	Unclassified
12	Legal Secretary	Unclassified
12	Police Financial Assistant	Unclassified
12	Police Public Information Officer	Unclassified
12	Police Records Supervisor	Unclassified
12	Property Management Contracts Coordinator	Unclassified
12	Registrar	Unclassified
12	Senior Procurement Specialist	Unclassified
11	Case Worker	Unclassified
11	Elder Affairs Coordinator	Unclassified
11	Ice Rink Manager	Unclassified
11	Log Cabin Employment Specialist / Job Coordinator	Unclassified
11	Office Associate V	Unclassified
11	**Procurement Coordinator**	**Unclassified**
11	Sanitation Coordinator	Unclassified
10	Code Violations Clerk	Unclassified
10	Paralegal	Unclassified
10	**Customer Service Liaison**	**Unclassified**
9	Office Associate IV	Unclassified
8	Graffiti Removal Coordinator	Unclassified
7	Log Cabin Instructor	Unclassified
7	Office Associate III	Unclassified
7	Receptionist	Unclassified
5	Office Associate II	Unclassified
4	Log Cabin Driver / Instructor Aide	Unclassified
3	Office Associate I	Unclassified

SECTION 2: **REPEALER.**

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

SECTION 3: **SEVERABILITY.**

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

SECTION 4: **CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5: **EFFECTIVE DATES.**

This Ordinance Amendment shall become effective upon final approval of the City Commission.

PASSED and ADOPTED this ____ day of _____, 2003.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

_____ 10-3-03
City Attorney Date

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that Public Hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 10, 2003, at the times listed below,** to consider the following.

at 10:15 a.m.:

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Inquiries may be directed to the Planning Department (305) 673-7550.

at 10:20 a.m.:

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Inquiries may be directed to the Human Resources (305) 673-7520.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

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Miami Beach
All-America City
2003

Ad #231

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

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, to allow commercial and retail accessory uses in apartment buildings in the RM-2, Residential Multifamily medium intensity zoning district and to provide the required parking.

Issue:

Should the City Commission amend the Land Development Regulations to permit commercial/retail accessory uses in apartment buildings?

Item Summary/Recommendation:

Currently the City Code does not permit accessory commercial/retail uses in apartment buildings in the RM-2 zoning district, but they are permitted in hotels.

The Administration recommends that the City Commission approve the ordinance on first reading public hearing and set a second reading public hearing for the first meeting of January 2004, after 5 p.m..

Advisory Board Recommendation:

The Planning Board heard this matter at a public hearing on October 28, 2003. The Board voted 5-0 (2 members absent) to recommend to the City Commission approval of this request.

Financial Information:

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

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5C

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

First Reading Public Hearing

Subject: **Amendment to allow commercial and retail accessory uses in apartment buildings in the RM-2, Residential Multifamily medium intensity zoning district.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," SECTION 142-902 "PERMITTED ACCESSORY USES", PERMITTING COMMERCIAL USES IN APARTMENT BUILDINGS IN THE RM-2 DISTRICT BOUNDED BY INDIAN CREEK DRIVE, COLLINS AVENUE, 41ST STREET AND 44TH STREET; AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE V "PARKING IMPACT FEE PROGRAM," SECTION 130-131, "GENERALLY," BY INCLUDING AN EXCEPTION TO THE PARKING IMPACT FEE PROGRAM; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance on first reading and set a second reading public hearing for a time certain after 5:00 p.m. on the first meeting of January 2004.

BACKGROUND

The applicant, 4360 Collins, LLC, is constructing a new 8-story residential apartment building at 4360 Collins Avenue. Their building site is located in the RM-2 Residential multifamily medium intensity zoning district, between Collins Avenue on the east and Indian Creek Drive on the west. During the design review process, the Historic Preservation Board recommended that the proposed apartment building incorporate commercial uses on the ground floor in order to provide an active pedestrian environment along the building frontage. However, while commercial/retail uses are permitted as accessory uses in apartment buildings in the RM-3 zoning district, the same is not true in the RM-2 district.

The applicant subsequently made application to change the text of the Miami Beach Land Development Regulations, in order to permit accessory commercial uses in apartment buildings within the RM-2 zoning district, where such district fronts upon an adjacent RM-3 zoning district.

Currently, accessory commercial uses are permitted along the first floor frontages in buildings located in the RM-3 districts. The proposed amending ordinance would broaden this to allow accessory commercial uses along the first floor frontages of buildings in the RM-2 zoning district, when the site is directly adjacent to an RM-3 zoning district but only in the area that is bounded by 41st Street on the south, 44th Street on the north, Collins Avenue on the east and Indian Creek Drive on the west - an area that may be able to support such uses. For the Commission's information, page 4 of this Memorandum contains a land use map for the entire corridor comprising the RM-2 zoning district from 26th Street to 44th Street. The commercial uses would be located in ground-floor space not to exceed 70% of the ground floor and have direct access to the street.

It should be noted that a similar provision for commercial uses currently exists in the City Code, whereby stand-alone parking garages in the RM-2, when fronting an RM-3 district may contain first floor accessory commercial uses.

ANALYSIS

The applicant applied for this proposed amendment to the Land Development Code in order to accommodate the request of the Historic Preservation Board to incorporate commercial uses on the ground floor of their proposed project, in order to provide an active pedestrian environment along the building frontage. Planning Department staff worked with the applicant to help craft a proposed ordinance that would be limited in scope to a specified area within Miami Beach. The revised ordinance limits the affected area in the RM-2 zoning district along Collins Avenue, between 26th Street to 44th Street only to extend from 41st Street to 44th Street. This area directly fronts upon the RM-3 zoning district, and is characterized by medium-intensity apartment and hotel development. The adjacent RM-3 district across the street contains high-intensity hotels and apartment buildings, some of which also contain accessory commercial uses on the ground floor.

Of concern was the potential for the accessory commercial uses to be disruptive to single-family homes located across the Indian Creek Waterway from the subject area. Therefore, it was suggested to limit these uses to the frontage facing Collins Avenue, away from the Creek and abutting residences. The improved pedestrian environment created along the Collins Avenue corridor should benefit the area, without resulting in negative impacts to surrounding properties. However, at the September 2003 meeting, the Planning Board believed that allowing the commercial uses on the Indian Creek Drive portion of the district would enliven the area and would start creating a better pedestrian experience.

The revised ordinance proposes to limit the commercial uses to eating and drinking establishments, but would prohibit dance halls and all kinds of entertainment establishments; it would also prohibit outdoor music, including background music. In addition, after discussions with the Planning Department staff, the applicant included a provision in the proposed ordinance that requires all new construction to provide all the required parking instead of paying a fee in lieu of providing the parking. The area that would be affected by the amendment is within a historic district, and as such, Section 130-131 of the Code provides for a fee payment in lieu of providing the parking. Notwithstanding the provisions of the City Code, the Administration believes that when a new building is designed such as what is being proposed in this district, the required parking should be incorporated within. It is a known fact that there is a parking shortage in this area and the provision of all the required parking would tremendously improve the deficit. Another reason for this provision is that when allowed, these commercial uses in the RM-2 are accessory to a parking structure and therefore all of the parking is provided.

With regard to the provision of all required parking in this particular RM-2 district in a historic district, the revised ordinance contains a cross-reference to Section 130-131 relative to providing all the required parking rather than paying a fee. This clarifying amendment would ensure clarity when reading a separate section of the City Code.

PLANNING BOARD ACTION

The Planning Board heard this matter at a public hearing on October 28, 2003. The Board voted 5-0 (2 members absent) to recommend to the City Commission approval of this request.

LAND USE COMMITTEE

This matter was referred to the Land Use and Development Committee and will be discussed at its December 8, 2003 meeting.

CONCLUSION

When the proposed amendment changes the actual list of permitted, conditional or prohibited uses within a zoning category the City Commission shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5:00 p.m. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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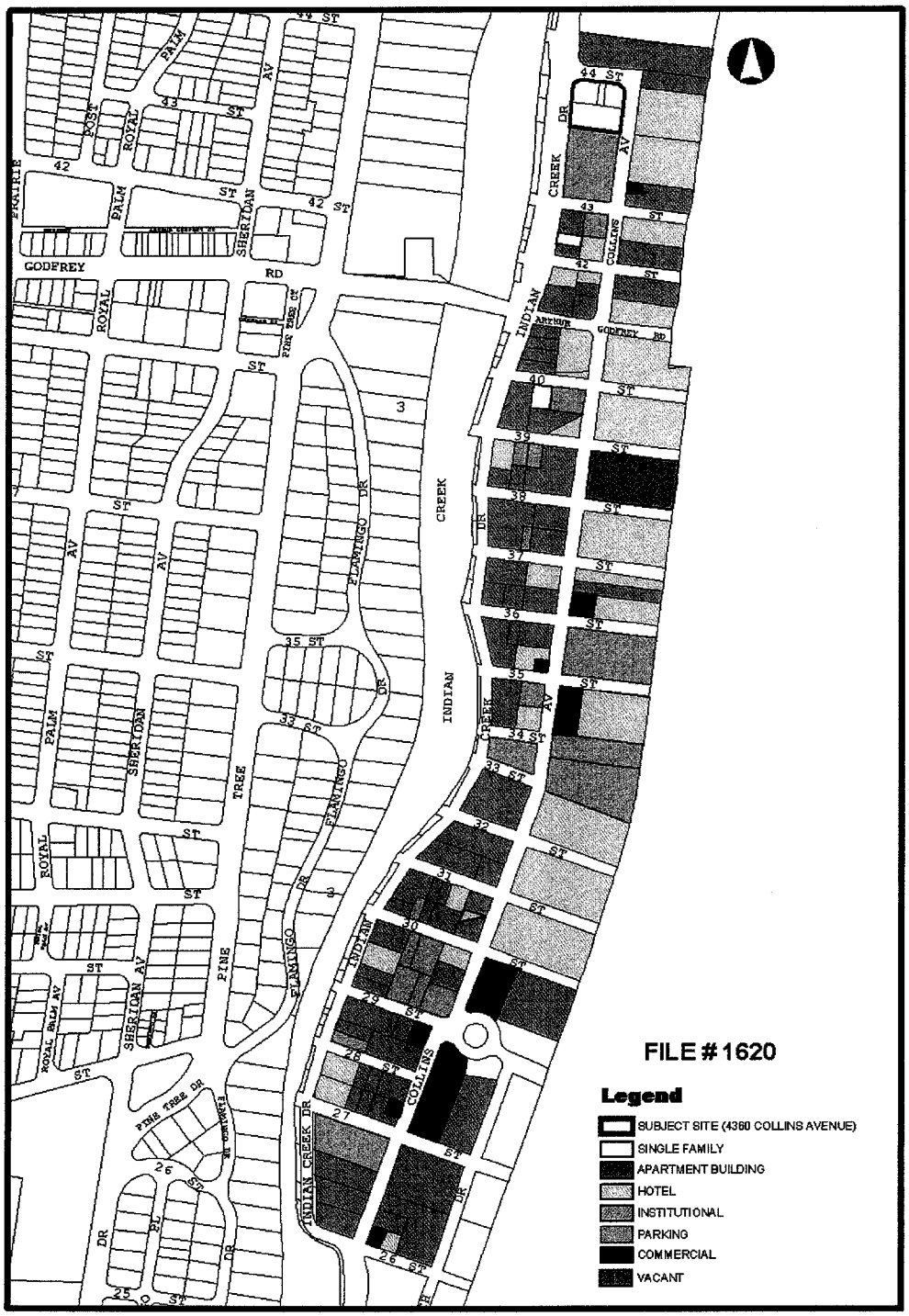
LAND USE STUDY OF THE BOUNDARIES OF THE RM-2 DISTRICT FROM 26TH TO 44TH STREETS.



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," SECTION 142-902 "PERMITTED ACCESSORY USES", PERMITTING COMMERCIAL USES IN APARTMENT BUILDINGS IN THE RM-2 DISTRICT BOUNDED BY INDIAN CREEK DRIVE, COLLINS AVENUE, 41ST STREET AND 44TH STREET; AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE V "PARKING IMPACT FEE PROGRAM," SECTION 130-131, "GENERALLY," BY INCLUDING AN EXCEPTION TO THE PARKING IMPACT FEE PROGRAM; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Land Development Regulations contain an article for accessory uses; and

WHEREAS, the City desires to activate the greenway along the Indian Creek Waterway with pedestrian uses particularly between 41st and 44th Street; and

WHEREAS, the apartment buildings in the RM-2 district in such area are currently not permitted to have restaurant or retail uses on the ground floor, accessible from the streets; and

WHEREAS, this proposed amendment accomplishes the above purpose by allowing limited restaurant and retail uses in such area; and

WHEREAS, the Planning Board, at its meeting of October 28, 2003, by a vote of 5-0, recommended approval of this proposed amendment to the Land Development Regulations.

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

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902, of the Land Development Regulations, are hereby amended to read as follows:

Article IV, Supplementary District Regulations

* * *

Division 2. Accessory Uses

* * *

Sec. 142-902. Permitted accessory uses.

The following are permitted accessory uses:

(1) a. Hotels not located in the RM-1 or RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building.

b. Hotels located in the RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building, except for dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open air entertainment establishments.

c. Where permitted, hotels located in the RM-1 district may have accessory uses based upon the below criteria:

1. A dining room operated solely for registered hotel visitors and their guests, located inside the building and not visible from the street, with no exterior signs, entrances or exits except as required by the South Florida Building Code.

2. Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.

(2) Apartment buildings may have accessory uses based upon the below criteria:

a. Mechanical support equipment and administrative offices and uses that maintain the operation of the building.

b. Washers and dryers shall be located inside a structure or not visible from a right-of-way.

c. A dining room which is operated solely for the residents in the building shall be located inside the building and shall not be visible from the street with no exterior signs, entrances or exits except for those required by the South Florida Building Code. However, a dining room shall not be allowed in the RM-1 district except for those dining rooms associated with adult congregate living facilities.

d. Public telephones and vending machines shall only be permitted to be located inside buildings; however, one public telephone may also be permitted outside, as long as it is not located in a required front yard, required side yard facing a street, or on a facade facing a street; the exact location and manner of placement of all public telephones shall be subject to design review approval. One automatic teller machine shall be permitted on the exterior walls of buildings, when associated with an accessory commercial use allowed under subsection 142-902(2)e.,

except in historic districts. The exact location and manner of placement for automatic teller machines shall be subject to design review approval.

e. Buildings in the RM-3 and R-PS4 districts may have commercial, office, eating or drinking uses with access to the street if they are either located in the ground floor space, subterranean level or in the highest floor of a building; however, office space, when located on the ground floor, shall be at least 50 feet from the front property line.

f. Solarium, sauna, exercise studio, health club or massage service for use by residents or open to the public by an individual licensed by the state or other appropriate agencies.

g. Any accessory commercial~~, office, or retail~~ use~~s~~ as permitted herein shall ~~not~~ be located on ~~any floor, except~~ the lobby or first floor~~, where~~ if there are no apartment units on such levels. This provision shall not apply to home based business offices as provided for in section 142-1411.

h. Family day care centers as defined in subsection 142-905(b)(1).

i. Buildings in the RM-2 district in the area bounded by Indian Creek Drive, Collins Avenue, 41st Street and 44th Street that face the RM-3 district may have restaurant, coffee house, sundry shops, or market uses located in ground floor space not to exceed 70% of the ground floor. These uses may have direct access to the street. Dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, or open air entertainment establishments are not permitted. Outdoor music (including background music) is prohibited. Newly constructed buildings may not pay a fee in lieu of providing required parking spaces.

(3) An apartment hotel located on an oceanfront or bayfront lot shall be permitted to have any accessory use that is commonly associated with a hotel if the use meets the below criteria and those listed in section 142-901.

a. Seventy-five percent of the total units shall be hotel rooms or the building shall contain at least 100 hotel rooms.

b. The registration desk shall be staffed 24 hours per day.

c. Open key and mail compartments for the hotel units.

d. Central telephone switchboard directly connected to the hotel units.

e. The hotel units shall have independent electrical and water meters from the apartment units.

f. The applicant shall provide the city with a listing of the hotel units prior to the issuance of an occupational license.

(4) Office, retail and commercial uses shall be permitted to have the following accessory uses:

a. Storage of supplies or merchandise normally carried in stock in connection with a permitted use.

b. Accessory off-street parking and loading spaces, subject to applicable district regulations.

c. Public telephones and vending machines shall only be permitted to be located inside buildings; however, one public telephone may also be permitted outside, as long as it is not located on a facade facing a street; the exact location and manner of placement shall be subject to design review approval. Service stations may also have public telephones outside, but no more than two and at a single location in full view of the station attendant; the exact location and manner of placement shall be subject to design review approval. Automatic teller machines shall be permitted on the exterior walls of buildings. The exact location, number and manner of placement for automatic teller machines shall be subject to design review approval.

(5) Industrial accessory uses shall be limited to the following:

a. Storage of goods used in, or produced by, permitted industrial uses or related activities.

b. Accessory off-street parking and loading spaces.

SECTION 2. That, Chapter 130, "Off-Street Parking," Article V, "Parking Impact Fee Program," Section 130-131, "Generally," is hereby amended as follows:

A parking impact fee may be paid to the city in lieu of providing required parking on-site, or within 1,200 feet of the site in the architectural district or otherwise within 500 feet of the site, only in the following instances <u>except that new construction within the Collins Waterfront Historic District in an area in the RM-2 zoning district that is bounded by 41st Street on the south and 44th Street on the north shall provide all the required parking</u>:

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. 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 6. EFFECTIVE DATE

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of_____, 2003.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM
& LANGUAGE & FOR EXECUTION

_____ City Attorney

11-26-03
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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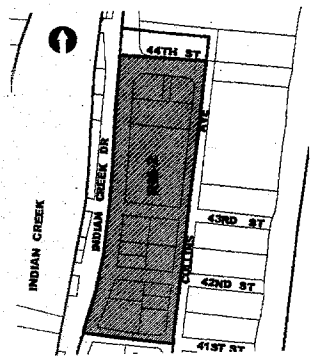
CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

The Miami Beach proposes to adopt the following ordinance:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, "ACCESSORY USES," SECTION 142-902 "PERMITTED ACCESSORY USES," PERMITTING COMMERCIAL USES IN APARTMENT BUILDINGS IN THE RM-2 DISTRICT BOUNDED BY INDIAN CREEK DRIVE, COLLINS AVENUE, 41ST STREET AND 44TH STREET; AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE V "PARKING IMPACT FEE PROGRAM," SECTION 130-131, "GENERALLY," BY INCLUDING AN EXCEPTION TO THE PARKING IMPACT FEE PROGRAM; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.



A public hearing on the ordinance will be held on **December 10, 2003 at 10:30 a.m.** in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Miami Beach
All-America City
2003

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's Office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's Office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE).

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance of the Mayor and City Commission amending Chapter 142, "Land Development Regulations," of the City Code; Division 7. "CCC, Civic and Convention Center district," in order to allow waivers of development regulations by a five-sevenths vote of the City Commission.

Issue:

The City Commission already has the discretion to waive the development regulations in the GU, Government Use districts. Should the Commission have the same discretion in the CCC district?

Item Summary/Recommendation:

Currently the City Code allows the City Commission to waive development regulations in the GU, Government Use district; however the CCC, Civic and Convention Center regulations do not have the same provision.

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the January 14, 2004 meeting.

Advisory Board Recommendation:

At the September 30, 2003 meeting, the Planning Board made the following motion: Recommend the amendment to Section 142-368 to grant to the City Commission the power by a 5/7ths vote solely to waive for the New World Symphony the parking requirements that otherwise would be applicable in the Land Development Regulations, so long as the City Commission simultaneously commits to provide the spaces that would otherwise be required, in a new parking facility within 1200 feet. The Board also stated that they feel very strongly that no other aspect of the land development regulations should be modified until there is a fully designed project presented.

The motion was approved by a vote 5-0 (2 members absent).

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		Jmg

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AGENDA ITEM RSD

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

FIRST READING PUBLIC HEARING

Subject: CCC, Civic and Convention Center District amendment to include provisions for waivers of development regulations by the City Commission.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

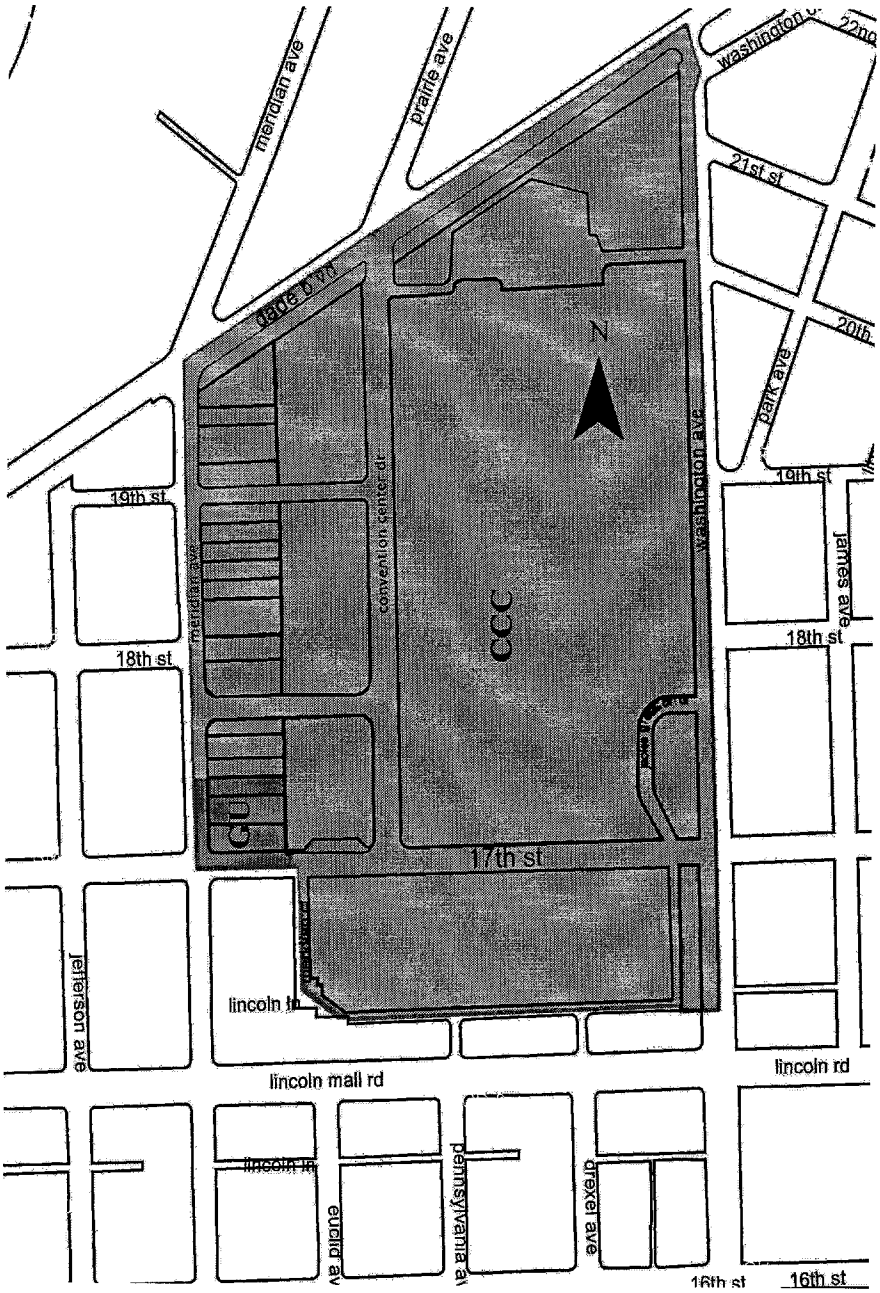
The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for January 14, 2004.

ANALYSIS

As shown on the locational map below, the boundaries of the CCC district are Dade Boulevard to the north, Washington Avenue to the east, North Lincoln Lane to the south with the west boundary on Meridian Court from No. Lincoln Lane to the north lot line of the 777 17th Street building (City Hall Annex) and Meridian Avenue.

The proposed ordinance consists of the following:

Section 1. The ordinance proposes to amend the public notice requirements currently existing in the CCC district for consistency with those that exist in the GU, Government Use district, which requires a 15-day newspaper and mailed notice to property owners within a 375' radius. This proposed change will also be consistent with the notice requirements of the City's development boards.



Section 2. This proposed ordinance tracks the language that empowers the City Commission to waive certain development regulations with respect to City-owned property that is zoned "GU, Government Use" such as setbacks, parking, height and other requirements as may be necessary, by amending the "CCC" District section of the Land Development Regulations of the City Code, to allow for the same procedure for City owned land in the "CCC" District.

The purpose for these amendments is one of achieving efficiency and effectiveness. The New World Symphony proposal will require the use of this authority by the City Commission to waive regulations. By having the City Code amended at this time, efficiency will be achieved as there will be a process in place whereby the City Commission can act expeditiously.

The properties that lie within a GU or the CCC districts are government-owned and it stands to reason that if the GU already permits waivers of development regulations by the City Commission, the CCC district regulations should also give the City Commission the same discretion. These proposed amendments seek to make the Land Development Regulations of the City Code more consistent for different but related zoning districts.

PLANNING BOARD ACTION

At its July 2, 2003 meeting, the City Commission referred the proposed ordinance to the Planning Board for its review and recommendations. The Planning Board met on July 29, 2003, and commented that the City Commission should not waive all development regulations as a general policy; that it is better to look at waivers of development regulations and variances on a case by case basis and based on the merits of the specific project. The Board commented further that they believed that the Commission should even reconsider its policy of waiving development regulations in the GU district, and by a vote of 6-0 (1 member absent) recommended that the City Commission not adopt the proposed ordinance.

At the request of the Administration, the Planning Board reconsidered the proposed ordinance at the September 30, 2003 meeting, and made the following motion: Recommend the amendment to Section 142-368 to grant to the City Commission the power by a 5/7ths vote solely to waive for the New World Symphony the parking requirements that otherwise would be applicable in the Land Development Regulations, so long as the City Commission simultaneously commits to provide the spaces that would otherwise be required, in a new parking facility within 1200 feet. The Board also stated that they feel very strongly that no other aspect of the land development regulations should be modified until there is a fully designed project presented.

The motion was approved by a vote 5-0 (2 members absent).

CITY COMMISSION ACTION

The Commission opened and continued the first reading public hearing to September 10, 2003 at 2:00 p.m., and was again continued to the December 10, 2003 meeting.

CONCLUSION

Pursuant to Section 118-164(3)a. of the City Code, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the City.

JMG/CMC/JGG/ML

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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, as provided in City Code Sections 142-361 and -362, the purpose of the CCC District is for "the facilities necessary to support the convention center," and the district allows as main permitted uses: "parking lots, garages, performing arts and cultural facilities; hotel; merchandise mart; commercial or office development; landscape open space; parks, [and] any use not listed above shall only be approved after the city commission holds a public hearing"; and

WHEREAS, the regulations that exist in the CCC, Civic and Convention Center district do not parallel those in the GU, Government Use district, although the properties within both districts are government-owned or leased; and

WHEREAS, in order to create consistency in the City Code relative to regulations for government-owned or leased properties it is necessary to amend the CCC regulations in the Code; and

WHEREAS, the proposed amendments will achieve consistency between the GU and CCC districts.

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

Section 1. That Chapter 142, Zoning Districts and Regulations, Division 7, CCC Civic and Convention Center District, Section 142-367, Notice of public hearing; vote, is hereby amended as follows:

Sec. 142-367. Notice of public hearing; vote.

When a public hearing is required before the city commission, either to approve a use not listed in section 142-362, or to waive development regulations, the public notice shall be advertised in a newspaper of general paid circulation in the ~~community~~ city at least fifteen (15) days prior to the hearing. ~~Thirty~~ Fifteen days prior to the public hearing date, both a description of the request, and the time and place of such hearing shall be posted on the property; notice shall also be given by mail to the owners of land lying within 375 feet of the property ~~and the advertisement shall be placed in the newspaper~~. A five-sevenths vote of the city commission is required to approve a use or waiver that is considered under this ~~subsection~~ regulation.

Section 2. That Sections 142-368 – 142-390. Reserved, is hereby amended as follows:

Sec. 142-368. Waivers.

Following a public hearing, the development regulations required by these land development regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the city commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no CCC property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of CCC property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the city commission. All such private or joint government/private uses are allowed to apply for any permitted variances. Private or joint government/private uses shall not be eligible to waive any regulations as described in this paragraph, except for not-for-profit, educational, or cultural organizations as set forth herein.

Secs. 142-369 ~~368~~– 142-390 Reserved.

SECTION 3. REPEALER.

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

SECTION 4. CODIFICATION.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney 7-22-03
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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CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 30, 2003, at 2:00 p.m.**, to consider the following:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING DIVISION 7, CCC CIVIC AND CONVENTION CENTER DISTRICT, OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENTAL OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.AN ORDINANCE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TDY) or (800) 955-8770 (VOICE).
(Ad #0197)

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance of the Mayor and City Commission of the City of Miami Beach amending the Official Zoning Map and creating new development regulations for RM-PRD-3 Multifamily, Planned Residential zoning district with a floor area ratio (FAR) of 1.0 for a parcel of land of approximately 5.6+/- acres located on Terminal Island

Issue:

Should the zoning district map of the City and development regulations be amended to create a multifamily residential district on Terminal Island adjacent to I-1 Light Industrial, thereby mixing incompatible uses.

Item Summary/Recommendation:

This request is applicant-driven. Following adoption of the amendments to the Future Land Use Map and the text of the Comprehensive Plan, the Official Zoning Map of the City of Miami Beach must be amended to reflect the new zoning district created. In addition, development regulations for this newly created zoning district must also be reviewed and adopted.

The Administration recommends that the City Commission deny the request.

Advisory Board Recommendation:

Planning Board – on October 22, 2002, the Board voted 5-2 recommending that the City Commission **not** approve the requests to amend the Official Zoning Map and the proposed development regulations, as the change of zoning designation is incompatible with the zoning designation throughout Terminal Island and the adjacent U.S. Coast Guard Base. The Planning Board also requested that should the City Commission approve the request for rezoning, that the land development regulations for this new zoning district be remanded back to the Board for further review.

Because the approval of the zoning map change and development regulations was contingent upon the approval of the Comprehensive Plan amendments, the proposed regulations were not properly reviewed once the Board recommended not to approve the amendments to the Comprehensive Plan.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5E

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

First Reading, Public Hearing

Subject: **Proposed amendment to the Goals, Policies and Objectives and to the Future Land Use Map of the Comprehensive Plan**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO (FAR) OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES

ADMINISTRATION RECOMMENDATION

The Administration recommends that the ordinance is not approved.

OVERVIEW

The applicant, James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida, is requesting to amend the Future Land Use Map (FLUM) of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category for a parcel of unplatted land of approximately 5.604 acres on Terminal Island, located south of the MacArthur Causeway, from the Current Land Use category I-1, Light Industrial, to the proposed Future Land Use Category of RM-PRD, Multifamily Planned Residential Development, retaining the existing floor area ratio (FAR) of 1.0 as permitted in the I-1 Light Industrial category. The request will also necessitate a text amendment to the Goals, Policies and Objectives of the Comprehensive Plan of the City of Miami Beach.

The Comprehensive Plan (Plan) provides for the RM-PRD FLU category; however, the Land Development Regulations (LDRs) of the City Code would require a new zoning district to be created, in order to accommodate the specific site development characteristics

desired by the developer for the RM-PRD-3 zoning district. Upon approval of the FLUM and Comprehensive Plan amendment, the applicant is also requesting an amendment to the Zoning District Map and LDRs to reflect the new zoning district and regulations being created. It should be noted that the change to the Zoning Map and the district regulations could only be approved after the Department of Community Affairs and all other reviewing agencies have reviewed the amendments to the Comprehensive Plan and FLUM.

Planning staff had several meetings with the applicant prior to the submission of the applications for Planning Board review, in order to assist with the process and ensure complete submission of all required documents and exhibits. During the course of these meetings, several copies of the Comprehensive Plan were provided to the applicant and his consultants in order to facilitate the understanding of the complex issues involved with regard to this application. At that time, staff also expressed concerns relative to the change of land use designation of the property for a number of reasons, among which were the increase in density on a land use that currently does not permit residential uses, the incompatibility of residential with the industrial uses remaining on Terminal Island and with the U.S. Coast Guard base, which is located across the channel to the east, and the diminution of industrial zoning districts.

Below is a summary of events leading to this Commission hearing:

May 28, 2002 – Applicant made a presentation of the concept plan for the property to the Planning Board in order to receive preliminary feedback and guidance. The Board continued the applications to the July 23, 2002 meeting.

July 23, 2002 - The U.S. Coast Guard submitted a letter raising several objections and concerns relative to this initiative. In addition, they had representatives present at the July 23, 2002 Planning Board meeting, who reiterated those concerns during the meeting. At that time, the applicant requested that this matter be continued to the September meeting in order to be able to meet with the U.S. Coast Guard and try to address their concerns.

September 24, 2002 - At this Planning Board meeting, the U. S. Coast Guard reported that they had met with the developer, who had addressed some of the issues they had raised, however, they were still concerned about the incompatibility of uses, as well as their role in the security of the country. At this meeting, the Board requested that staff contact the Port of Miami or Miami-Dade County regarding the proposed land use change for the property, from a port facility and industrial use, to a multifamily residential use.

October 22, 2002 - Staff contacted the Metropolitan Planning Division of the Miami-Dade County Planning Department. We were informed that the County very strongly discourages the elimination of sites designated for industrial uses because once that land use designation is lost, very seldom it can be regained somewhere else. The Comprehensive Development Master Plan for Miami-Dade County (as amended through April 2001) states that "Residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the Land Use Plan map to **avoid use conflicts and for health and safety, and residential service planning reasons."**

(emphasis added). The Plan goes on to state that minor exceptions may be granted, for instance, when the industrially designated site immediately adjoins a currently developed or platted residential area and it is determined that the residential component provides a compatible transition along the boundary. This information was related to the Planning Board.

Based on the above information, it is apparent that the County, with much more land areas designated for industrial use, is also concerned about the loss of these areas, as they are necessary for a community in order to keep noxious uses separated from residential uses. As previously expressed, the City of Miami Beach has very limited areas designated for light industrial uses and the loss of even a small potion of those areas may be detrimental for the community.

The U. S. Coast Guard also had representatives at this meeting who expressed again their concerns about the incompatibility of uses, as well as concerns from a security perspective.

SITE DATA

Future Land Use: I-1 Light Industrial District

Land Uses: Currently the site is a container port and overflow parking area for the Fisher Island Ferry Terminal. To the east, across the channel, lies the U. S. Coast Guard Station. The parcel to the west is designated PF Public Facilities and contains the City's maintenance facilities. Government Cut lies to the south. MacArthur Causeway borders on the north. The Florida Power and Light substation and The Fisher Island ferry landing are located on the western-most portion of island, contiguous to the City's maintenance facilities.

REVIEW CRITERIA:

Traditionally in the past, when reviewing a request for Comprehensive Plan amendments, either to the FLUM or text, the criteria listed for amendments to the land development regulations has been used for the evaluation of such requests:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Not Consistent - The proposed amendment is not consistent with the Comprehensive Plan. The following review will address each of the applicable elements of the Plan to determine whether the application is Consistent, Not Consistent or Partially Consistent:

1. FUTURE LAND USE ELEMENT

GOAL

Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

a. Policy 1.2 – Low Density Planned Residential Category (RM-PRD)

Partially Consistent – To the extent that the desire is to change the FLUM to this category, this future land use category is contemplated in the Plan. This land use category permits 25 dwelling units per acre and a floor area ratio of 1.0. The parcel subject to this request is approximately 5.6 acres, thus creating the potential for the development of 140 dwelling units. However, due to the remaining uses on the island, the potential for incompatible land uses is created, which is in direct contradiction to the Goal.

b. OBJECTIVE 4: HURRICANE EVACUATION

Continue to coordinate City (*i.e.*, coastal area) population densities with the Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density.

Policies 4.2 – Permitted city population densities shall be reduced to better conform with the Metropolitan Dade County Office of Emergency Management's 1991 Emergency Operations Plan and the experience with Hurricane Andrew.

Not Consistent – The proposed change to the FLUM from Light Industrial, which prohibits residential uses, to a residential land use category, will increase the population density in this area of the City.

c. OBJECTIVE 5: CONCURRENCY MANAGEMENT

Meet the concurrency management requirements of Ch. 9J-5.0055 *FAC* and the LDR, and the land needs for utilities.

Policy No. 5.2 – Measuring conformance with the Level of Service for water, sewer, solid waste and drainage; for recreation; for traffic.

Partially Consistent – The project proposed for this site under the RM-PRD Future Land Use category may fail water, sewer and recreation levels of service.

d. OBJECTIVE 6: INCONSISTENT USES

The City land development regulations shall continue to provide for the discontinuation of non-conforming land and building uses which are incompatible or inconsistent with the Future Land Use Plan.

Policy 6.1 Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited and enforced through zoning decisions.

Not Consistent – The proposed FLU designation of RM-PRD would be incompatible with the Light Industrial category existing throughout Terminal Island.

2. TRAFFIC CIRCULATION ELEMENT

GOAL:

To ensure the development of a safe, efficient and integrated motorized and non-motorized transportation system in the City of Miami Beach.

a. OBJECTIVE 1: LEVEL OF SERVICE

To require that roadways within the City operate at acceptable levels of service (LOS) coordinated with the Future Land use Map.

Policy 1.1: The City hereby adopts the following peak hour LOS standards for each listed facility type:

- Local roads – LOS Standard D
- Collector roads – LOS Standard D
- Arterial roads - LOS Standard D
- Limited access roads - LOS Standard D

Not Consistent – According to the revised Concurrency Calculation Sheet issued by the Transportation and Concurrency Management Division, the Trip Generation Determination is as follows: (these calculations were revised in order to show the proposal by the applicant of a total of 100 dwelling units, and on the existing use of the site – a container port/marine terminal, rather than a warehouse)

- *Light Industrial –Waterport/Marine Terminal = 5.5 (+/-) acres x 11.93 trips per acre – 65.615 trips*
- *Condominium = 100 x 5.86 trips per unit = 586 trips*
- *Yacht Slips = 17 x 2.96 per slip = 48.62 trips*
- *Restaurant = 96 x 2.86 trips per seat = 274.56 trips*
- *Total net trips generated by proposed development = 843.565*

Based and this determination, credits and trip allowances, the applicant would have to pay for mitigation of 55.67529 trips at a cost of $112,241.38.

3. PORTS, AVIATION AND RELATED FACILITIES

GOAL:

There shall be no expansion of the existing port or new facility siting of ports, airports or related facilities in the City of Miami Beach.

a. OBJECTIVE 1: PORT FACILITY EXPANSION

There shall be no future land use changes which would allow for the expansion of existing cargo port terminal; new port or airport facilities are not feasible.

Policy 1.2 – The existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.

Not Consistent – The applicant is requesting a FLUM amendment that would change the FLU category from Light Industrial to RM-PRD. The request is contrary to this policy.

b. OBJECTIVE 2: MACARTHUR CAUSEWAY

Maintain the integrity of the Future Land Use Map in order to meet the traffic Level of Service standards on the MacArthur Causeway; measurability shall be 0 (zero) such Plan amendments.

Policy 2.2 – The projected level of service standard for the MacArthur Causeway shall be reduced below adopted levels as a result of either traffic from the MacArthur Causeway terminal or Future Land Use Plan amendments.

Partially Consistent – It appears that the level of service standard may be affected according to the evaluation issued by the Transportation and

Concurrency Management Division, however, a more in-depth evaluation will need to be performed.

4. INFRASTRUCTURE: SANITARY SEWER, SOLID WASTE, DRAINAGE AND POTABLE WATER
GOAL:

Provide for potable water, sanitary sewer, drainage and solid waste facilities which meet the city's needs in a manner which promotes the public health, sanitation, environmental protection, operational efficiency, and beneficial land use and redevelopment patterns.

a. Objective 5: OBJECTIVE 5: LEVEL OF SERVICE STANDARDS

The City shall continue to maintain and provide potable water, sanitary sewer, solid waste disposal and drainage facilities at adopted level of service standards to ensure that adequate facility capacity is available for proposed and existing commercial and residential developments within its jurisdiction.

Policy 5.1 – The following City-wide Level of Service standards shall be used as the basis for determining the availability of facility capacity…

Partially Consistent – The information provided by Coastal Systems International, one of the consultants for the proposed development for this site, states that "While the 8-inch line should provide sufficient capacity to the site, an additional requirement of 62,890 gpd will be required to meet the development requirements." Likewise, "Based on the water supply analysis… there will be deficit of approximately 62,890 pd for sanitary sewer requirements."

5. CONSERVATION/COASTAL ZONE MANAGEMENT

GOAL:

Provide public improvements and restrict development activities that would damage or destroy coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.

a. Objective 4: HURRICANE EVACUATION

The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall be maintained or lowered by 1995.

Policy 4.9 – Selected City population density maximums shall be reduced as a part of this Plan to better coordinate with the 1991 Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the 1991 Lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

Not Consistent – The changes to the FLUM from light industrial to RM-PRD, which is a residential land use category, would increase the population density of the subject site, which currently does not allow residential uses.

b. Objective 9: DENSITY LIMITS

Direct population concentrations away from citywide coastal high hazard area by prohibiting residential density increases.

Policy 9.2 - In addition to the density reductions in the Future Land Use Element of 1-94 changes to this Plan, the City shall approve no future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

Not Consistent *– The request to amend the FLUM would increase the density of the subject parcel from Light Industrial to RM-PRD, which is a residential use.*

6. RECREATION AND OPEN SPACE ELEMENT

GOAL:

Develop and Maintain a Comprehensive System of Parks and Recreational Open spaces to Meet the Needs of the Existing and Future Population by Maximizing the Potential Benefits of Existing Facilities and Open Space While Encouraging the Preservation and enhancement of the Natural Environment.

a. Objective 2: OBJECTIVE 2: LEVEL OF SERVICE STANDARDS

Ensure that parks and recreational facilities are adequately and efficiently provided by enforcing the following level of service standards and related guidelines through the concurrency management system.

Partially Consistent – The project proposed for the amended FLU may fail levels of service established for some of the types of recreational facilities.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

   Not Consistent – The proposed amendment would create an isolated district that would change a Light Industrial district to a residential district within Terminal Island. The proposed residential land use category would be surrounded by industrial uses, which would be unrelated and incompatible land uses.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

   Not Consistent –The proposed land use, along with the envisioned high-rise project with a mega-yacht marina and a restaurant with 96 seats, would be out of scale with the residential single-family neighborhoods of Palm, Hibiscus and Star Islands on the north side of the MacArthur Causeway. At the same time, the proposed mega-yacht marina may have an adverse impact on the U.S. Coast Guard station across the channel, east of subject property.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

   Partially Consistent – It may be possible that the proposed land use and comprehensive plan change diminish commercial traffic, but at the same time, the changes may also increase traffic because of the residential and commercial uses proposed. However, not enough information has been submitted and further evaluation will be necessary.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

   Not Consistent – The district boundaries for this proposed amendment follow property lines for the parcel of land in question. However, the proposed land use category is not logical in relation to the existing conditions of the adjacent properties and land use.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

   Not Consistent - The proposed amendment does not appear to relate to changing conditions of the existing land use category or the uses in Terminal Island. The U.S. Coast Guard Base, the FPL transformer station, the Fisher Island ferry terminal and

the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

   Partially Consistent – The proposed land use change may negatively impact the future residents of the proposed project, as the rest of Terminal Island would remain light industrial, including the City's vehicle repair yard, the Florida Power and Light substation and the Fisher Island ferry terminal.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

   Partially Consistent – It may be possible that the proposed land use and comprehensive plan change diminish commercial traffic, but at the same time, the changes may also increase traffic because of the residential and commercial uses proposed. However, not enough information has been submitted and further evaluation will be necessary.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

   Partially Consistent – The proposed project for the amended land use category of RM-PRD consists partially of a residential tower approximately 160 feet in height, but with a potential of 200 feet in height, which may reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

    Inconclusive – The adjacent properties in Terminal Island and the U.S. Coast Guard Station will remain as Light Industrial, however, it is not possible to predict how a high-rise, residential property may affect the values of the single family neighborhoods on Palm, Hibiscus and Star Islands, on the north side of MacArthur Causeway.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

    Not Consistent - The proposed amendment would have an effect on the limited Light Industrial FLU designations that exist in the City. The loss of areas classified for industrial uses has a negative impact on how a municipality functions in terms of being able to provide utilitarian, light industrial services that are necessary to its

residents. These services include, but are not limited to, warehouses, utilities and ferry terminals.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Consistent – There are no substantial reasons why the subject property cannot continue to be used in accordance with the existing land use classification. The subject property is a commercial seaport and has been under an industrial land use classification since as early as 1930.[1]

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Consistent – There are opportunities in the City to site a project such as the one proposed, which would not require a FLUM and Comprehensive Plan Text Amendment.

ANALYSIS

The applicant is requesting to amend the FLUM and the text of the Plan in order to convert the site from its current I-1 Light Industrial FLU category to RM-PRD Residential Planned Development. The applicant originally submitted a concept plan that represented a larger magnitude for the proposed project; however the development concept for the subject site has since been modified and consists of the following:

- A residential tower approximately 160 feet in height, consisting of approximately 40 units, but which could be increased to a total of 90 units;
- Ten townhouse units along Government Cut, approximately 50 feet in height;
- A racket club;
- A 165-space parking garage;
- A 17-slip mega-yacht marina with vessels mooring parallel to the seawall;
- A 96-seat restaurant.

At the time of original submission, the applicant also submitted a number of signed letters from neighbors in the Palm, Hibiscus and Star Islands who indicated support of his project.

* * *

The Administration has several concerns relative to this application, and these concerns have been expressed to the applicant on several occasions by the Planning Department staff. First, and most important, this request would mix incompatible uses - industrial and

1. Zoning Ordinance of City of Miami Beach, Florida, dated December 3, 1930. The Use District Map shows the area of what is known today as Terminal Island, classified as "BF" Business District with allowed uses such as ship yards and dry docks, oil and/or gasoline storage tanks.

residential. This site is adjacent to the City's vehicle repair yard, with the FPL substation and the ferry terminal also located on the island. History has shown that when residential uses start intruding into industrial areas, the industrial-designated areas start diminishing as the residents become uncomfortable with those uses.

Secondly, the request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan. These inconsistencies and contravention of Plan and City policy would require very serious consideration before the Plan is amended. As can be observed in the review criteria, this application is not consistent with six of the goals, objectives and policies of the Plan and it is partially consistent with 4. The application is also not consistent with 8 of the review criteria, partially consistent with 4 and inconclusive with one.

Throughout the process of this application, the U. S. Coast Guard has expressed concerns relative to security for various reasons. The U.S. Coast Guard base is connected to Terminal Island through a vehicular bridge, which also gives the base, access to MacArthur Causeway. Moreover, the width of the channel between the base and Terminal Island is about +/- 300 feet. When Coast Guard vessels scramble on emergencies, the vessels take off at a high rate of speed, which could result in a liability issue if one of the vessels that would dock on the opposite side of the channel from the Base moves at the same time.

Although in some instances the adaptive re-use of formerly industrial buildings have been successfully converted to residential uses, the isolated nature of Terminal Island, which is designated I-1, Light Industrial in its entirety, would not constitute a good example. The existing structure on the site is proposed to be demolished in order to make room for the proposed residential development. The proposed change in land use designation would create an isolated land use contravening Plan and City Code policies and regulations.

Lastly, the City of Miami Beach has a very limited industrial zoning district - a 1½-block area north of Dade Boulevard and west of Alton Road, and the area at Terminal Island, off the MacArthur Causeway. The request to change the land use category on a portion of Terminal Island would further erode the light industrial category, which would effectively limit even more the areas where the light industrial activities could occur. Light industrial activities are necessary and support the functionality of any community. In addition, the residential use proposed by the applicant, with the exception of the mega-yacht marina included in the concept plan, is allowed in all the Residential FLU categories in the City.

PLANNING BOARD ACTION

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Future Land Use Map and the text of Policy 1.2 of the Ports, Aviation and Related Facilities based on the inconsistencies with the review criteria, as well as the incompatibility of the proposed use with the existing uses. Furthermore, the Planning Board did not review or consider the accompanying amendments to the land development regulations. Should the City Commission decide to approve the requested amendments to the Comprehensive Plan, the

Commission decide to approve the requested amendments to the Comprehensive Plan, the ordinance amending the development regulations would have to be remanded back to the Planning Board for their review and recommendation prior to the City Commission public hearing on this matter.

CITY COMMISSION ACTION

At the January 8, 2003 meeting, the Commission opened and continued this item at the request of the applicant. The public hearing was continued to a date and time certain of February 5, 2003 at 5:01 p.m.

At the February 5, 2003 meeting, the Commission opened and continued this item at the request of the applicant to a time certain of May 21, 2003 at 5:01 p.m. and it was again continued to the December 10, 2003 meeting.

CONCLUSION

The request is an amendment to the Goals, Policies and Objectives, as well as a change to the Future Land Use Map of the Comprehensive Plan. Chapter 163.3187, Fl. Stat., provides that amendments directly related to proposed small-scale development involving 10 acres of land or less may be adopted after one public hearing by the City Commission. However, although the land area involved is less than 10 acres, because this request also involves an amendment to the Goals, Policies and Objectives of the Plan, Chapter 163.3184 F.S. requires that the local governing body hold at least two advertised public hearings, one at the transmittal stage and the second public hearing at the adoption stage. Should the City Commission not approve this ordinance on first reading, the process does not go any further.

The required 30-day mailed notice was sent on December 6, 2002. In addition, as required by State Statutes, a newspaper notice was also published, at least seven days before the City Commission first reading public hearing.

JMG/CMC/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,

1) AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT LAND USE CATEGORY I-1, "LIGHT INDUSTRIAL," WITH A FLOOR AREA RATIO (FAR) OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF "RM-PRD," MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; and

2) AMENDING PART II: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF MIAMI BEACH COMPREHENISVE PLAN, BY AMENDING POLICY 4.2 OF OBJECTIVE 4 "HURRICANE EVACUATION," OF THE FUTURE LAND USE ELEMENT; BY AMENDING POLICY 1.2 OF OBJECTIVE 1: "PORT FACILITY EXPANSION" OF THE "PORTS, AVIATION AND RELATED FACILITIES" ELEMENT; AMENDING POLICY 9.2 OF OBJECTIVE 9, "DENSITY LIMITS," OF THE "CONSERVATION/COASTAL ZONE MANAGEMENT," ELEMENT, IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES.

WHEREAS, the applicant James F. Silvers, Trustee, a contract purchaser of the subject property, has made application to the City of Miami Beach to amend the Future Land Use Map of the Comprehensive Plan of the City to change the future land use designation for the property located at 120 MacArthur Causeway (a/k/a Sun Terminal), a parcel of unplatted land of approximately 5.6 +/- acres, from I-1 Light Industrial, to RM-PRD Multifamily, Planned Residential Development, in order to redevelop the site; and

WHEREAS, the application for the Comprehensive Plan amendment requires amendments to the Goals, Objectives and Policies of several Elements of the Plan; and

WHEREAS, the Planning Board reviewed this application during a public hearing on October 22, 2002; and

WHEREAS, Planning Board reviews amendments to the Comprehensive Plan of the City of Miami Beach in an advisory capacity to the City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That the Future Land Use Map of the City of Miami Beach Comprehensive Plan is hereby amended by changing the land use designation of the property located at 120 MacArthur Causeway (a/k/a Sun Terminal), from the existing Future Land Use Category I-1 Light Industrial, to the proposed Future Land Use Category RM-PRD Multifamily, Planned Residential Development.

Section 2. That Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element is hereby amended as follows:

OBJECTIVE 4: HURRICANE EVACUATION

Continue to coordinate City (*i.e.*, coastal area) population densities with the Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density.

Policy 4.2

Permitted city population densities shall be ~~reduced~~ amended from time to time ~~to better~~ in order to conform with the most current Metropolitan Dade County Office of Emergency Management's ~~1991~~ Emergency Operations Plan and the experience with Hurricane Andrew.

Section 3. That Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element is hereby amended as follows:

~~Policy 1.2~~

~~Conversely, the existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.~~

Section 4. That Policy 4.9 of Objective 4 "Hurricane Evacuation" of the Conservation/Coastal Zone Management Element is hereby amended as follows:

OBJECTIVE 4: HURRICANE EVACUATION

The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall continue to be maintained or improved ~~by 1995~~.

Policy 4.9

Selected City population density maximums shall be ~~reduced~~ modified from time to time in order to reflect existing densities, as a part of this Plan to better coordinate with the ~~1991~~ most current Metropolitan Dade County Emergency Operations Plan at the time of the changes, which is the local hurricane evacuation plan for Miami Beach, and the ~~1991~~ most current Lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

Section 5. That Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element is hereby amended as follows:
OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from citywide coastal high hazard area by prohibiting residential density increases.

Policy 9.2

In addition to the density reductions in the Future Land Use Element of 1-94 changes to this Plan, any requests for increase in residential densities in any area of the City shall simultaneously decrease the residential densities in other areas of the City; otherwise, the City shall not be able to approve ~~no~~ future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

Section 6. The Administration is hereby instructed to transmit a copy of this Ordinance and all applicable documents immediately upon approval on First Reading and again after its adoption on Second Reading to all agencies as provided by law. The City Commission hereby requests that the state land planning agency review the plan amendment transmitted herewith.

Section 3. Repealer.

That all Ordinances or parts of Ordinances in conflict herewith be and 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. Inclusion In The Comprehensive Plan.

It is the intention of the City Commission, and it is hereby ordained that Section 1 of this Ordinance shall become and be made part of the City of Miami Beach Year 2000 Comprehensive Plan Part II: Goals, Objectives and Policies, as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word ordinance may be changed to section or other appropriate word.

Section 6. Effective Date.

This Ordinance shall become effective ten days after the date of its enactment; however, the effective date of any plan amendment shall be in accordance with Section 163.3184, Florida Statutes.

Passed on First Reading the _____ day of _____200__.

Passed and Adopted on Second and Final Reading this _____day of 200___.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 12-20-02
City Attorney Date

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JAMES F. SILVERS, TRUSTEE
1100 FIFTH STREET
MIAMI BEACH, FLORIDA 33139
Telephone: 305-672-0801
Fax: 305-672-1586

RECEIVED
03 MAY -9 AM 8:34
CITY CLERK'S OFFICE

May 8, 2003

Mr. George Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

VIA FAX: 305-673-7559

RE: Marina Point Project
Terminal Island
Items No.: _____ and _____

Dear Mr. Gonzalez:

This letter is a request for a continuance for the above referenced items scheduled for a public hearing on May 21, 2003. I had met with the United States Coast Guard on May 6, 2003 to discuss alternate uses for the Terminal Island property. They have informed me that a reply on the proposed design changes will take a month or two due to the distribution of the plans to different departments within the Coast Guard. These plans were a second submittal to the Coast Guard within the last several months. The Coast Guard did not have any objection to a continuance.

On May 8, 2003, I met with Christina Cuervo and George Gomez concerning Terminal Island. We discussed different uses for the property. Ms. Cuervo and Mr. Gomez did not have any objection to a continuance.

My request is to reschedule the public hearing for the September 2003 City Commission meeting. If you have any questions, please call me at your convenience.

Respectfully,

James F. Silvers, Trustee

JFS/tr

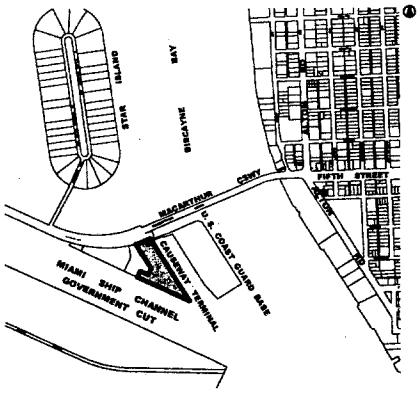
CITY OF MIAMI BEACH NOTICE OF COMPREHENSIVE PLAN TEXT AND FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AND DEVELOPMENT REGULATIONS AMENDMENTS

James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida is requesting to amend the Future Land Use Map of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category from I-1 to RM-PRD, and amending the text of the Comprehensive Plan in order to allow the requested change for a parcel of unplatted land on Terminal Island, located south of the MacArthur Causeway. Upon approval of the above request, the applicant is also requesting to amend the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District classification for the property and creating development regulations for future development.

THE CITY OF MIAMI BEACH will hold public hearings on the following ordinances on **WEDNESDAY, January 8, 2003** at **5:01 P.M.** in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, or as soon thereafter as these matters can be heard:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING THE GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3;" PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION AND AN EFFECTIVE DATE.



All interested parties are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk's Office, 1700 Convention Center Drive, City Hall, Miami Beach, Florida 33139.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In Accordance with the Americans with Disabilities Act of 1990, Persons Needing Special Accommodation to Participate in this Proceeding Should Contact the City Clerk's Office No Later Than Four Days Prior to the Proceeding. Telephone (305) 673-7441 for Assistance; If Hearing Impaired, Telephone the Florida Relay Service Number, (800) 955-8771 (TDD) (800) 955-8770 (Voice), for Assistance.

(Ad Number 0746)

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance of the Mayor and City Commission amending the FLUM and Goals, Policies and Objectives of the Comprehensive Plan for a parcel of unplatted land of approximately 5.6+/- acres located on Terminal Island, with a floor area ratio (FAR) of 1.0

Issue:

Should the City Commission:

1. Approve changing the Future Land Use Map of the Comprehensive Plan in order to create a multifamily land use designation in Terminal Island which would be surrounded by light industrial land use designations?
2. Amend Goals, Objectives and Policies of the Comprehensive Plan that would create:
   a. Incompatibility of the proposed uses with the existing ones;
   b. Increase density in an area that does not currently permit residential uses;
   c. Contravene hurricane evacuation procedures;
   d. Amend Goals, Policies and Objectives of the Comprehensive Plan?

Item Summary/Recommendation:

The request is applicant-driven and there is a potential for creating incompatible land uses when changing from industrial to residential uses, which is in direct contradiction to the Goal, Policies and Objectives of the Comprehensive Plan. In addition, the request would increase the potential for hurricane evacuation in an area of the City that currently does not allow residential uses, as well as requiring that be amended.

The Administration recommends that the ordinance is not approved.

Advisory Board Recommendation:

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Future Land Use Map and the text of the Goals, Objectives and Policies of the Comprehensive Plan based on the inconsistencies with the review criteria, as well as the incompatibility of the proposed use with the existing uses.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	CMC	

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AGENDA ITEM R5F

DATE 12-10-03

CITY OF MIAMI BEACH
CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

First Reading Public Hearing

Subject: Proposed amendment to Official Zoning District Map and Land Development Regulations of the City Code

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3"

ADMINISTRATION RECOMMENDATION

The Administration recommends that the ordinance is not approved.

OVERVIEW

Upon approval of the amendments to the Comprehensive Plan (FLUM and Goals, Policies and Objectives as described in the companion Commission Memorandum), the applicant, James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida, is requesting to amend the district classification in the Official Zoning Map for a parcel of unplatted land of approximately 5.604 acres on Terminal Island, located south of the MacArthur Causeway. The property is currently zoned I-1 Light Industrial with a floor are ratio (FAR) of 1.0, and the request is for rezoning to a new classification, RM-PRD3 Residential Multifamily Planned Residential Development, retaining the existing floor area ratio (FAR) of 1.0.

This request would also require new land development regulations to be created in order to accommodate the specific site development characteristics desired by the developer.

Prior to the submission of this request, Planning Department staff met on several occasions with the applicant in order to facilitate the application process. During those meetings, staff also expressed concerns relative to the incompatibility of uses, increased traffic, utility provision, hurricane evacuation and the further erosion of industrial-zoned property. The applicant was also informed that this request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan.

The following is a summary of events leading to this City Commission hearing:

May 28, 2002 – Applicant made a presentation of the concept plan for the property to the Planning Board in order to receive preliminary feedback and guidance. The Board continued the applications to the July 23, 2002 meeting.

July 23, 2002 - The U.S. Coast Guard submitted a letter raising several objections and concerns relative to this initiative. In addition, they had representatives present at this Planning Board meeting, who reiterated those concerns. At that time, the applicant requested that this matter be continued to the September meeting in order to be able to meet with the U.S. Coast Guard and try to address their concerns.

September 24, 2002 - At this Planning Board meeting, the U. S. Coast Guard reported that they had met with the developer, who had addressed some of the issues they had raised, however, they were still concerned about the incompatibility of uses, as well as how this incompatibility of uses would affect their role in the security of the country. At this meeting, the Board requested that staff contact the Port of Miami or Miami-Dade County regarding the proposed land use change for the property, from a port facility and industrial use, to a multifamily residential use.

October 22, 2002 - Staff contacted the Metropolitan Planning Division of the Miami-Dade County Planning Department. We were informed that the County very strongly discourages the elimination of sites designated for industrial uses because once that land use designation is lost, very seldom can it be regained somewhere else. The Comprehensive Development Master Plan for Miami-Dade County (as amended through April 2001) states that "Residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the Land Use Plan map to **avoid use conflicts and for health and safety, and residential service planning reasons." (emphasis added).** The Plan goes on to state that minor exceptions may be granted, for instance, when the industrially designated site immediately adjoins a currently developed or platted residential area and it is determined that the residential component provides a compatible transition along the boundary. This information was related to the Planning Board.

Based on the above information, it appears that the County, with much more land areas designated for industrial use, is also concerned about the loss of these areas, as they are deemed necessary for a community in order to keep noxious uses separated from residential uses.

The U. S. Coast Guard also had representatives at this meeting who expressed again their concerns about the incompatibility of uses, as well as concerns from a security perspective.

SITE DATA

Future Land Use: I-1 Light Industrial District

Land Uses: Currently the site is a container port and overflow parking area for the Fisher Island Ferry Terminal. To the east, across the channel, lies the U. S. Coast Guard Station. The parcel to the west is designated PF Public Facilities and contains the City's maintenance facilities. Government Cut lies to the south. MacArthur Causeway borders on the north. The Florida Power and Light substation is located on the western-most portion of island, contiguous to the City's maintenance facilities. The Fisher Island ferry landing is located on the western end of Terminal Island.

REVIEW CRITERIA:
In reviewing a request for an amendment to the land development regulations, the following criteria shall be considered when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Not Consistent - The request requires amendments to policies of the Comprehensive Plan as well as to the Future Land Use Map. No neighborhood plans exist for the immediate area.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

   Not Consistent – The proposed amendment would create an isolated district that would change a Light Industrial district to a residential district within Terminal Island. The proposed residential land use category would be surrounded by industrial uses, which would be unrelated and incompatible land uses.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

   Not Consistent – While the proposed use may reduce commercial traffic, the proposed land use, along with the envisioned high-rise project with a 17-slip mega-yacht marina and a restaurant with 96 seats, would have the potential of increasing traffic and be out of scale with the residential single-family neighborhoods of Palm, Hibiscus and Star Islands on the north side of the MacArthur Causeway. At the same time, the proposed mega-yacht marina may have an adverse impact on the U.S. Coast Guard station across the channel, south of subject property.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

   Partially Consistent – While it is possible that the proposed land use and comprehensive plan change may diminish the commercial traffic, it is also probable that traffic in general may be increased. However, further studies and evaluation will be necessary.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

   Not Consistent – The district boundaries for this proposed amendment follow property lines for the parcel of land in question. However, the proposed land use category is not logical in relation to the existing conditions of the adjacent properties and land use.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

   Not Consistent - The proposed amendment does not appear to relate to changing conditions of the existing land use category or the uses in Terminal Island. The U.S. Coast Guard Base, the FPL transformer station, the Fisher Island ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

   Partially Consistent – The proposed land use change may negatively impact the future residents of the proposed project, as the rest of Terminal Island would remain light industrial, including the City's vehicle repair yard, the Florida Power and Light substation and the Fisher Island ferry terminal.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

   Partially Consistent – While it is possible that the proposed land use and comprehensive plan change may diminish the commercial traffic, it is also probable that traffic in general may be increased. However, further studies and evaluation will be necessary.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

   Partially Consistent – The proposed project for the amended land use category of RM-PRD consists partially of a residential tower approximately 160 feet in height (as indicated in the concept plan), which will affect view corridors and may reduce light and air.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

    Inconclusive – The adjacent properties in Terminal Island and the U.S. Coast Guard Station will remain as Light Industrial, however, it is not possible to predict how a high-rise,

residential property may affect the values of the single family neighborhoods on Palm, Hibiscus and Star Islands, on the north side of MacArthur Causeway.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Not Consistent - The proposed amendment would have an effect on the limited Light Industrial FLU designations that exist in the City. The loss of areas classified for industrial uses has a negative impact on how a municipality functions in terms of being able to provide utilitarian, light industrial services that are necessary to its residents. These services include, but are not limited to vehicle repairs, warehouses, utilities and ferry terminals. The U.S. Coast Guard Base, the FPL transformer station, the ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Consistent – There are no substantial reasons why the subject property cannot continue to be used in accordance with the existing land use classification. The subject property is a commercial seaport and has been under an industrial land use classification since as early as 1930.[1]

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Consistent – There are opportunities in the City to site a project similar to the one being proposed without the need to amend the FLUM, Comprehensive Plan, Zoning Map and LDRs.

ANALYSIS

Upon approval of the request to amend the Future Land Use Map and the policies of the Comprehensive Plan by the City Commission, the applicant is requesting to amend the Official Zoning Map and the Land Development Regulations of the City Code in order to convert the site from its current I-1 Light Industrial zoning classification to RM-PRD-3 Residential Planned Development zoning district.

As part of the application documentation, the applicant originally proposed land development regulations for the new RM-PRD-3 zoning classification and a concept development plan for the subject site that consisted of a residential tower 200 feet in height, townhouses, racket club, 29-slip mega-yacht marina inclusive of mooring slips perpendicular to the seawall facing east and slips on the south side of the property adjacent

1. Zoning Ordinance of City of Miami Beach, Florida, dated December 3, 1930. The Use District Map shows the area of what is known today as Terminal Island, classified as "BF" Business District with allowed uses such as ship yards and dry docks, oil and/or gasoline storage tanks.

to Government Cut, a parking garage, and a 196-seat restaurant. After the July 23, 2002 Planning Board meeting, the applicant revised the concept plan as follows:

- reduced the height of the residential tower to approximately 160 feet (as indicated in the concept plan);
- increased the number of townhouse units along Government Cut from 5 to 10;
- increased the height of the townhouses from 40 feet to 50 feet;
- modified the proposed marina so that the vessels moor parallel to the docks rather than perpendicular to the seawall;
- reduced the number of slips at the marina from 29 to 17;
- reduced the capacity of the proposed restaurant from 196 seats to 96 seats

This request is cause for concern for several reasons, which have been expressed to the applicant on several occasions during meetings with Planning Department staff. First, the request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan.

Secondly, this request would mix incompatible uses - industrial with residential. This site is adjacent to the City's vehicle repair yard, with the FPL substation and the Fisher Island ferry terminal located on the western-most portion of the island. Staff is concerned that the request to change the use category on a portion of Terminal Island would further erode the light industrial category. When residential uses start intruding into industrial areas, those industrial areas start diminishing as the residents become uncomfortable with those uses.

In addition to the incompatibility of uses, the proposed height also affects view corridors and is incompatible with the scale of surrounding single-family neighborhoods north of MacArthur Causeway. Moreover, the residential use proposed by the applicant, with the exception of the mega-yacht marina included in the concept plan, is allowed in all the Residential FLU categories in the City. With regard to accommodations for large yachts, the City may not be lacking for this kind of facility, as the Miami Beach Marina has slips that can accommodate yachts that exceed 200 feet in length. In this regard, the applicant states that only vessels of shallow draft can be accommodated; however this information has not been confirmed. In a call to the Miami Beach Marina, the dockmaster informed us that the marina can normally accommodate vessels with a draft of ten feet, except that on very high tide, 13 feet of draft can be accommodated.

Throughout the various public hearings for this application, the U. S. Coast Guard has expressed concerns relative to security and other various reasons. The U.S. Coast Guard base is connected to Terminal Island through a vehicular bridge, which also gives the base, access to MacArthur Causeway. Secondly, the width of the channel between the base and Terminal Island is about +/- 300 feet. When Coast Guard vessels scramble on emergencies, the vessels take off at a speed of approximately 12 knots, which could result in a liability issue if one of the vessels that would dock on the opposite side of the channel from the Base moves at the same time.

Thirdly, there is concern with the revised land development regulations proposed, as they may conflict with adjacent land uses or are not entirely clear as to their purpose. For instance:

- The setback requirement for Buildings from any property line is proposed at 12 feet. This property is adjacent to a vehicle repair yard and a setback of 12 feet may not be sufficient to ameliorate the impact of the incompatible use.

  The original concept plan proposed to have a setback requirement of 15 feet, which was believed to be not enough separation from the existing adjacent uses.

- The regulations propose a minimum setback of 35 feet from any property line for apartment buildings and a minimum of 100 feet from the front property line, which is somewhat confusing and contradictory to the regulation proposed above. However, the minimum setback requirement for the townhouses, which are sited adjacent to Government Cut, is only proposed to be a minimum of 12 feet from any property line.

  The original submission proposed a minimum setback for the townhouses of 15 feet from any property line.

- The maximum height for the apartment tower was proposed to be 200 feet and the townhouses at 40 feet. The townhouses however are increased in number from 5 to 10 and the maximum height has been *increased* to 50 feet, and the apartment tower height was lowered to 160 feet, although this will need to be reviewed with more detail as the total height may exceed the 160 feet.

  Although the new concept plan shows what may be a reduction in height for the residential tower, the regulations proposed would allow a maximum height of 200 feet. There are no guarantees that the "concept" plan will remain at the same height as proposed at this time because the regulations would allow for more height to be added when the "concept" plan turns into a development plan.

- The applicant has not indicated if the project is consistent with the Miami-Dade County Shoreline Review process.

- The regulations provide for commercial uses allowed in the lobby and ground floor of the apartment building for the residents and their guests. The new proposal shows a reduction of seats in the restaurant from 198 to 96 seats. However, the proposed restaurant still appears to be excessive for the number of units proposed in the concept plan. The concept plan is also not clear as to what percentage of the land area will be used for commercial uses, as the Comprehensive Plan contemplates only "...limited accessory commercial uses not to exceed one-percent (1%) of the lot area of the site."

- The concept plan includes a mega-yacht marina, but there are no regulations included for this use, although the marina is being proposed as a main use rather than accessory

use to the residential use. The marina as a main use is not a permitted use in the Comprehensive Plan.

- The new proposal includes parking requirements for this development and differs from the original proposal in that one additional space per unit has been added for service personnel. By the same token the new regulations clarify space requirement for each use proposed.

  One of the concerns with the proposed parking requirements is that there is a direct relationship between the requirements and the mass of the parking structure. In addition, with the reduction of the number of restaurant seats, there is also a reduction in the number of required parking spaces for the restaurant. However, the net effect in the new proposal is an increase of 21 parking spaces – from 144 to 165.

In further reviewing the proposed regulations, it is noted that the marina is proposed as a main permitted use. This is cause for concern because depicted in this manner, the marina can be turned into a commercial entity by itself and not as an accessory use for the unit owners as purported verbally to staff. As previously stated, a marina is not a permitted use under this FLU category in the Comprehensive Plan. Moreover, a commercial marina has the potential of increasing the intensity of the proposed uses on the property and the impact on the surrounding area. Furthermore, although the concept plan shows that the mooring of vessels has been changed from perpendicular to parallel mooring and thus may have reduced the number of slips, the length of the east seawall is over 1,000 feet and over 800 feet on the south, therefore, the possibility exists for increasing the number of slips by modifying the distribution of mooring piles along the seawalls.

One of the resources staff may use for analysis is a comparison between the existing regulations for similar uses or districts and where they are located, and the proposed regulations for similarly situated properties. For purposes of this report, staff reviewed the development regulations for bayfront properties in the RM-2, and the regulations for the RM-3 zoning district. The maximum building height in the RM-2 districts, for lots fronting on Biscayne Bay that are larger than 45,000 square feet (the subject parcel is +/- 5.5 acres), is 140 feet (south side of Belle Isle, and north of 15th Street on Bay Road to Dade Boulevard). The maximum building height in the RM-3 districts is 150 feet for lots fronting Biscayne Bay.

Lastly, as we learn more about the development plans of the City of Miami for Watson Island, located on the western end of the MacArthur Causeway, we believe that traffic will increase because of the draw of Parrot Jungle and the Children's Museum. Although these attractions may also work for the benefit of the City as people decide to continue their trips to the beach, it is also cause for concern that the level of service at the intersection of Terminal Island and MacArthur will be diminished.

PLANNING BOARD ACTION

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Official Zoning Map and the proposed development regulations, as the change of zoning designation is incompatible with the zoning designation throughout Terminal Island and the adjacent U.S. Coast Guard Base.

However, the Board made an additional motion requesting that should the City Commission approve the request to amend the FLUM and the Goals, Objectives and Policies of the Comprehensive Plan, that the development regulations for this new zoning district be remanded back to the Board for further review. Because the approval of the zoning map change and development regulations was contingent upon the approval of the Comprehensive Plan amendments, the proposed regulations were not reviewed once the Planning Board recommended not to approve the amendments to the Comprehensive Plan.

CITY COMMISSION ACTION

At the January 8, 2003 meeting, the City Commission opened and continued this item at the request of the applicant. The public hearing was continued to a date and time certain of February 5, 2003 at 5:01 p.m. At the February 5, 2003 meeting, the Commission opened and continued this item at the request of the applicant to a time certain of May 21, 2003 at 5:01 p.m. and it was again continued to the December 10, 2003 meeting.

CONCLUSION

In view of the foregoing analysis, the inconsistencies with the review criteria, and the incompatibility of uses, the Administration recommends that the City Commission not approve this proposed ordinance. Should the Commission deem it appropriate to approve the proposed amendments to the Zoning Map and the land development regulations as delineated in this report, the adoption of the ordinance cannot take effect until the Florida Department of Community Affairs has approved the amendments to the Comprehensive Plan.

Pursuant to Sec. 118-164(1) of the City Code, because the proposed amendment involves less than 10 contiguous acres, notification to all property owners within 375 feet of the subject property was mailed on or about December 3, 2002. Additionally, a newspaper ad inclusive of a map showing the location of the land subject to these amendments was published in The Miami Herald. In addition, because the request to amend the LDRs is initiated by an applicant other than the City (Sec. 118-164(3)a.), the amending ordinance may be read by title or in full on two separate days. Immediately following the public hearing at the second reading, the Commission may adopt the ordinance by a 5/7^{ths} vote.

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RM-PRD-3 REGULATIONS AS PROPOSED BY JAMES F. SILVERS, TRUSTEE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD-3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," BY ADDING SUBDIVISION IIIB. "DEVELOPMENT REGULATIONS FOR RM-PRD-3;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, James F. Silvers, Trustee, a contract purchaser, filed an application to amend the Official Zoning Map of the Code of the City of Miami Beach for a parcel of unplatted land of approximately 5.6 +/- acres on Terminal Island; and

WHEREAS, this same applicant requested to amend the development regulations to create regulations for a the new RM-PRD3 zoning district; and

WHEREAS, the Planning Board reviewed this application during a public hearing on October 22, 2002; and

WHEREAS, the Planning Board reviews amendments to the Zoning Map and land development regulations in an advisory capacity to the City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That the Zoning District And Zoning District Map referenced in Section 142-72 is hereby amended as follows:

Changing the zoning district classification for the property located at 120 Mac Arthur Causeway from the existing zoning district classification I-1, Light Industrial, to the proposed classification RM-PRD-3 Multifamily, Planned Residential Development District 3.

Section 2. That Chapter 142, Division 3, Subdivision III. "RM-PRD Multifamily, Planned Residential Development District is hereby amended as follows:

Division 3. Residential Multifamily Districts

Subdivision IIIB. RM-PRD-3 MultiFamily, Planned Residential Development

Sec. 142-195. Purposes and Uses

1. District Purpose	2. Main Permitted Uses	3. Conditional Uses	4. Accessory Uses
This district is designed to provide for low-medium intensity Multiple-Family Planned Residential Development, with limited accessory commercial use.	Apartments*, Townhouses, Marina	None	See Section 142-901 thru 142-905. Commercial uses as specified in section 142-200

For the Terminal Island Site, residential development is restricted to apartment building and townhouses.

Sec. 142-196. Development Regulations

1. FAR	2. Min. Lot Area	3. Min. Unit Size	4. Max. Bldg. Height
1.0	5 acres	1,500 Sq. Ft.	200 feet

Residential development within this district may not exceed the following: 100 total dwelling units.

Sec. 142-197. Master Plan Approval

Development under this Subdivision shall be subject to review under the design review procedures pursuant to the Chapter 118, Article VI of this Code. For the Terminal Island site, development shall be substantially in compliance with the master plan on file with the planning department, prepared by James F. Silvers, Architect, which reflects a maximum building height of 200 feet for the main structure.

Sec. 142-198. Open Space.

Common landscaped areas shall be a minimum of 10 percent of the site. A minimum of 50 percent of the total landscaped area shall be retained for passive uses, with the remainder available for active uses. Landscaped areas shall be paved for no more than ten percent of their surface. For the purposes of this section, the calculation for open space does include pools, waterscapes, fountains, pool decks, tennis courts and marina decks.

Sec. 142-199. Urban and Architectural Design Guidelines

A. Buildings.

(1) General.

a. *Building use.* All principal buildings shall have residential uses, including townhouses and apartments. Limited accessory lobby floor and ground floor commercial uses shall be allowed as set forth in this section.

b. *Setback requirements.* All new buildings shall be setback from any property line a minimum of 12 feet.

c. *Special sites.* Special sites, which act as the termination of a vista or a leading corner, shall receive architectural or landscaped treatment recognizing their position.

(2) Apartments.

a. *Minimum unit size.* Apartments shall be a minimum of 1,500 square feet.

b. *Minimum average unit size.* Apartments shall be a minimum average of 2,500 square feet.

c. *Maximum building height.* New apartment buildings shall not exceed 200 feet in height.

d. *Setback requirements.* Apartment buildings shall have a setback of a minimum of 100 feet from the front property line. A minimum setback of 35 feet from any property line.

e. *Building use.* Building use shall be primarily residential, with commercial allowed on the lobby and ground floor. All such commercial use shall neither be visible from any public streets nor open to persons other than residents of the proposed development and their guests.

f. *Retail uses.* No retail uses are allowed in this development.

g. *Commercial uses.* Commercial space allowed at ground floor and the lobby floor is limited to: restaurant, health club, recreation uses, storage, marina uses, and business offices.

(3) Townhouses.

a. *Minimum unit size.* Townhouses shall be a minimum of 2,500 square feet in area.

b. *Maximum building height.* Townhouses shall not exceed 50 feet in height (excluding chimneys and elevator towers) to the main roof. Chimneys, elevator towers, enclosed stairwells, covered roof terraces, towers (with footprints less than 600 square feet and a height limit of 14 feet above the main roof) shall be allowed.

c. *Setback requirements.* Townhouses shall be setback a minimum of 12 feet from any property line. Setback requirements shall apply to the enclosed portion of the buildings only.

(4) Marina Dock Master Building.

a. *Maximum building size.* Dock master building shall be a maximum of 3,000 square feet.

b. *Maximum building height.* Dock master building shall not exceed 30 feet in height.

c. *Setback Requirements.* Dock master building shall have a front setback of 20 feet from a property line facing a public right of way. The building shall have a 10 foot setback facing any coastline.

(5) Recreation Building.

a. *Maximum building height.* Recreation buildings shall have a maximum height of 30 feet above any parking garage and 40 feet from the ground.

b. *Setback requirements.* Recreation buildings shall have a minimum setback of 20 feet from any property line.

(6) Parking Structure.

a. *Maximum building height.* Parking garages shall not exceed 25 feet in height.

b. *Setback requirements.* Parking garage shall have a minimum 20 foot setback from any property line.

c. *Visibility requirements.* Any parking garage shall be screened from view by means of landscaping, water features, and/or architectural elements.

B. Parking Requirements

(1) Apartments and Townhouses

a. Two spaces per unit shall be required for each unit.

b. One space per unit shall be required for service of each unit over 3,000 square feet.

(2) Marina - One space per 100 lineal feet of dockage shall be required.

(3) Restaurant - One space for every 4 seats shall be required.

(4) Dock Master - One space shall be required for every 400 square feet of office space.

Sec. 142-200. Accessory Uses

Restaurant, Dock Master, Communication Facilities, and Recreation related activities are permitted uses in the RM-PRD-3 District.

SECTION 3. REPEALER.

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

SECTION 4. CODIFICATION.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

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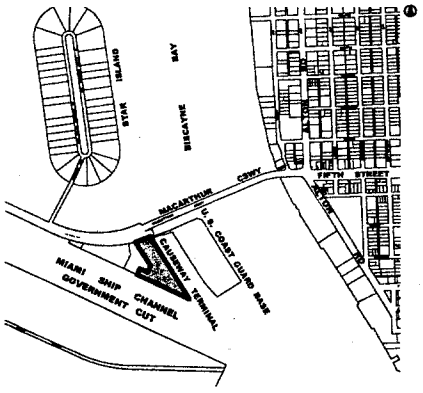
CITY OF MIAMI BEACH NOTICE OF COMPREHENSIVE PLAN TEXT AND FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AND DEVELOPMENT REGULATIONS AMENDMENTS

James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida is requesting to amend the Future Land Use Map of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category from I-1 to RM-PRD, and amending the text of the Comprehensive Plan in order to allow the requested change for a parcel of unplatted land on Terminal Island, located south of the MacArthur Causeway. Upon approval of the above request, the applicant is also requesting to amend the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District classification for the property and creating development regulations for future development.

THE CITY OF MIAMI BEACH will hold public hearings on the following ordinances on **WEDNESDAY, January 8, 2003** at **5:01 P.M.** in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, or as soon thereafter as these matters can be heard:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING THE GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3;" PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION AND AN EFFECTIVE DATE.



All interested parties are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk's Office, 1700 Convention Center Drive, City Hall, Miami Beach, Florida 33139.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In Accordance with the Americans with Disabilities Act of 1990, Persons Needing Special Accommodation to Participate in this Proceeding Should Contact the City Clerk's Office No Later Than Four Days Prior to the Proceeding. Telephone (305) 673-7441 for Assistance; If Hearing Impaired, Telephone the Florida Relay Service Number, (800) 955-8771 (TDD) (800) 955-8770 (Voice), for Assistance.

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R6
Comm. Committee
Reports

R6 - Commission Committee Reports

R6A Verbal Report Of The Special Finance And Citywide Projects Committee Meeting Of December 5, 2003: **1)** Discussion On Fire Station No. 2; **2)** A Resolution Authorizing The City Manager To Decline In Writing The Right Of First Offer Transaction As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; Further Authorizing The City Manager And City Attorney To Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease Upon Completion Of The City's Review Of Information, As Provided In The Lease, Relative To The Proposed Transfer Of The Project; And **3)** Update Of Mt. Sinai Financial Status - Issuance Of Bonds To Refinance Existing Issues.

AGENDA ITEM R6A
DATE 12-10-03

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R6B Verbal Report Of The Land Use And Development Committee Meeting Of December 8, 2003: **1)** Discussion On How To Propose A Legislation To Create And Adopt A Dune Project In Conjunction With The Miami Beach Parks And Recreation Department, ECOMB, Teen Job Corp And The Miami- Dade Extension; **2)** Discussion Regarding A Resolution To Consider An Amendment To The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public As A Conditional Use In This Zoning District; **3)** Discussion On North Shore Traffic Study; **4)** Discussion Regarding Approval Of The Location Of The Miami Beach Convention Center For Conventions, Expositions Or Events Involving Adult Materials; And 5) Discussion Regarding Ordinance Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District.

AGENDA ITEM R6B
DATE 12-10-03

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R6 - Commission Committee Reports

R6C Verbal Report Of The Community Affairs Committee Meeting Of December 9, 2003: **1)** Discussion On Alcohol And Nudity Ordinance.

AGENDA ITEM R6C
DATE 12-10-03

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R7
RESOLUTIONS

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of The Mayor and City Commission of the City of Miami Beach, Florida, approving the location of the Miami Beach Convention Center for conventions, expositions or events involving adult materials.

Issue:

Should the City Commission approve the Miami Beach Convention Center as a location to hold events involving adult materials?

Item Summary/Recommendation:

The provisions of s. 847.0134, Florida Statutes prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, however, municipalities may approve the location under proceedings as provided in s. 166.041(3)(c).

The Administration recommends that the City Commission approve the resolution on first reading public hearing and set a second reading public hearing for a time certain after 5:00 p.m. on the first meeting of January 2004.

Advisory Board Recommendation:

The Planning Board heard this matter at a public hearing on October 28, 2003. The Board voted 5-0 (2 members absent) to recommend to the City commission approval of this request.

Financial Information:

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

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7A

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

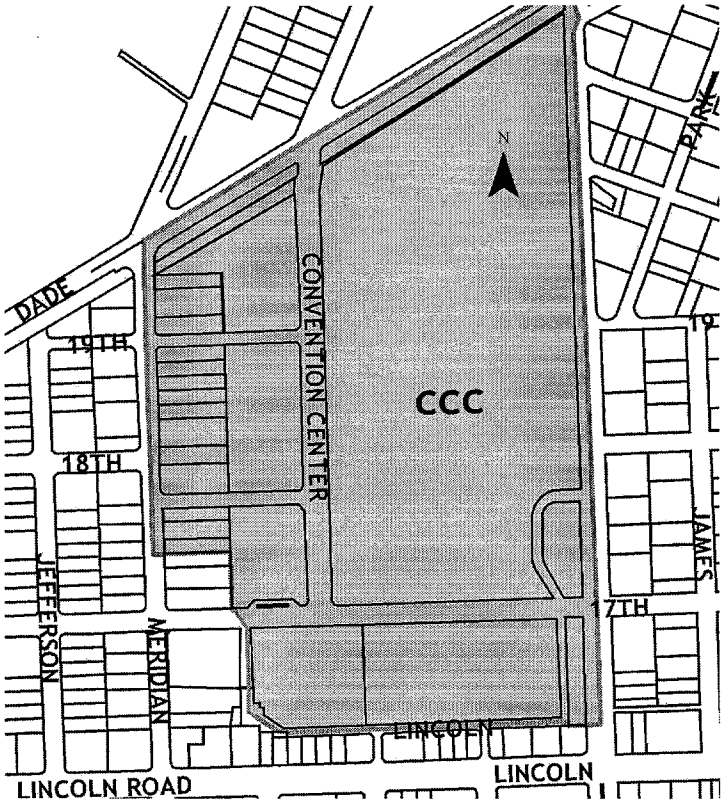
From: Jorge M. Gonzalez
City Manager

Subject: **Approval of the location of the Miami Beach Convention Center for Conventions, Expositions or Events Involving Adult Materials.**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE LOCATION OF THE MIAMI BEACH CONVENTION CENTER FOR CONVENTIONS, EXPOSITIONS OR EVENTS INVOLVING ADULT MATERIALS, PURSUANT TO THE PROVISIONS OF F.S. 847.0134.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the resolution on first reading set a second reading public hearing for a time certain after 5:00 p.m. on the first meeting of January 2004.



BACKGROUND

The Convention Center is a venue that is located within 2,500 feet of Miami Beach Senior High School and pursuant to the provisions of s. 847.0134, Florida Statutes, which prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, requires that the municipality approve the location under proceedings as provided in s. 166.041(3)(c).

The process specified in s. 166.041(3)(c) is the same procedure as for a zoning map change. This process requires two public hearings before the City of Miami Beach City Commission and a recommendation from the Planning Board, also under the public hearing process.

STAFF ANALYSIS

Consolidated Management Associates Corporation, the applicant of this request, approached the Convention Center management requesting information with regard to locating the Gay Erotic Expo at the Convention Center. The City Attorney's office was contacted and a meeting was set up with Planning staff to determine what the process would be with regard to the City Code and its Land Development Regulations. At that time a determination was made that due to the nature of the Expo, it would fall under the adopted Florida Statute that prohibits the location of an adult entertainment establishment within 2,500 feet of a school, unless approved by the municipality in accordance with the process prescribed in the statute.

The Gay Erotic Expo is a consumer expo targeted to the gay and lesbian community. The Expo is proposed to be held in Hall C of the Miami Beach Convention Center at 1901 Convention Center Drive on June 5 and 6, 2004 and yearly thereafter. The hours of the event will be approximately from noon to 7 p.m. both days. Vendors and exhibitors will be demonstrating and selling their products, including adult entertainment films, magazines, personal care products, leather and other clothing, and adult novelty items. Free space will be provided to local non-profit gay and lesbian community groups and AIDS groups so that they can promote themselves to the gay and lesbian community. The event will have a ticket price of approximately $15, and no one under 21 will be admitted. The Gay Erotic Expo has been held previously at the Los Angeles Convention Center, and at Webster Hall in New York.

In 2001 the Florida Legislature approved an amendment to Chapter 847, "Obscenity," which under s. 847.0134 reads:

> (1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s.

125.66(4) for counties or s. 166.041(3)(c) for municipalities.

(2) A violation of this section constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 166.041(3)(c) F.S. refers to the process by which a municipality must conduct a review for a zoning map change.

The approval of the Convention Center location would allow the Convention Center to entertain similar requests in the future as the approval under consideration is for the location and not the exposition. As part of the process, staff requested that legal notice be mailed to neighborhoods surrounding the Convention Center, including property owners facing Meridian Avenue, Washington Avenue, Lincoln Road and Dade Boulevard, including the Miami Dade County School Board, some of which are farther than the required radius of 375 feet.

This application is the first one for review since the Florida Legislature amended Chapter 847 F.S., thus, this is a process with no prior guidelines or criteria established. As a venue that may hold these kinds of productions in the future, staff is not overly concerned with the location. As a minor concern, it should be noted that although the Convention Center is separated by Washington Avenue from a residential district to the east; by the Collins Canal and Dade Boulevard from a residential district and Miami Beach High School to the north, and the residential area west of Meridian Avenue, it is a very large venue which as part of the approval, can be requested to contain inside any adult production. It is also suggested that any adult production have an age restriction of 21-and-over only admission.

PLANNING BOARD ACTION

The Planning Board heard this matter at a public hearing on October 28, 2003 and voted 5-0 (two members absent) to recommend that the City Commission approve the location of the Convention Center to permit this type event, but with a limitation of no more than 2 of these events per year and that each application for this type of event come before the Planning Board for review to discuss the actual programming under the procedure set by State Statutes. In addition, the Board also recommended that the City Commission set the hours of operation for this type of event at the Convention Center to no earlier than 9 a.m. and no later than 2 a.m.

LAND USE AND DEVELOPMENT COMMITTEE

This matter was referred to the Land Use and Development Committee and will be discussed at its December 8, 2003 meeting.

CONCLUSION

The procedure set forth in 166.041(3)(c) F.S. refers to the process by which a municipality

may approve the location under certain proceedings. This procedure requires that the City Commission hold two advertised public hearings with at least one hearing being held after 5:00 p.m. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. Immediately following the public hearing at the second reading, this resolution may be adopted by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE MIAMI BEACH CONVENTION CENTER AS A LOCATION FOR CONVENTIONS, EXPOSITIONS OR EVENTS INVOLVING ADULT MATERIALS, PURSUANT TO THE PROVISIONS OF SECTION 847.0134, FLORIDA STATUTES.

WHEREAS, Consolidated Management Associates Corporation, has requested the Convention Center management to approve holding the Gay Erotic Expo at the Convention Center; and

WHEREAS, such event will involve vendors and exhibitors demonstrating and selling their products, including adult entertainment films, magazines, personal care products, leather and other clothing, and adult novelty items; and

WHEREAS, a determination was made that due to the nature of the Gay Erotic Expo, it would fall under the adopted Florida Statute that prohibits the location of an adult entertainment establishment within 2,500 feet of a school, unless approved by the municipality in accordance with the process prescribed in the statute; and

WHEREAS, the approval of this location would allow the Convention Center to entertain similar requests in the future, as the approval under consideration is for the location and not the exposition; and

WHEREAS, the Planning Board has reviewed this request on October 28, 2003, and recommended approval subject to conditions; and

WHEREAS, Section 847.0134, Florida Statutes, states that an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits adult materials, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in section 166.041(3)(c), Florida Statutes, which requires the local governing body to hold two advertised public hearings on the proposed ordinance and at least one hearing shall be held after 5 p.m.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA THAT the location of the Miami Beach Convention Center is hereby approved as a venue for conventions, expositions or events involving adult materials.

PASSED AND ADOPTED THIS _____ day of _____, 2003.

ATTEST:

_____ _____

CITY CLERK **MAYOR**

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 11-26-03
City Attorney Date

First public hearing: _____
Second public hearing_____

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE LOCATION OF THE MIAMI BEACH CONVENTION CENTER FOR CONVENTIONS, EXPOSITIONS OR EVENTS INVOLVING ADULT MATERIALS, PURSUANT TO THE PROVISIONS OF F.S. 847.0134.

WHEREAS, Consolidated Management Associates Corporation, has requested the Convention Center management approval to locate the Gay Erotic Expo at the Convention Center; and

WHEREAS, vendors and exhibitors will be demonstrating and selling their products, including adult entertainment films, magazines, personal care products, leather and other clothing, and adult novelty items; and

WHEREAS, a determination was made that due to the nature of the Gay Erotic Expo, it would fall under the adopted Florida Statute that prohibits the location of an adult entertainment establishment within 2,500 feet of a school, unless approved by the municipality in accordance with the process prescribed in the statute; and

WHEREAS, the approval of this location would allow the Convention Center to entertain similar requests in the future as the approval under consideration is for the location and not the exposition; and

WHEREAS, the Planning Board has reviewed this request on October 28, 2003 and recommended approval subject to conditions; and

WHEREAS, Sec. 847.0134 F.S. states that an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits adult materials, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s. 166.041(3)(c), which requires the local governing body to hold two advertised public hearings on the proposed ordinance and at least one hearing shall be held after 5 p.m.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA THAT:

1. The location of the Miami Beach Convention Center is hereby approved as a venue for conventions, expositions or events involving adult materials;

2. No more than two (2) conventions, expositions or events involving adult materials per year shall be permitted;

3. Each application for conventions, expositions or events involving adult materials shall come before the Planning Board for review to discuss the actual programming under the procedure set by State Statutes;

4. The hours of operation for this type of event at the Convention Center shall be no earlier than 9 a.m. and no later than 2 a.m.;

5. No one under 21 years of age shall be admitted to these types of events.

PASSED AND ADOPTED THIS _____ day of _____, 2003.

ATTEST:

_____
CITY CLERK

_____
MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 11-26-03
City Attorney Date

First Reading:_____
Second Reading: _____

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CITY OF MIAMI BEACH

NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a Public Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 10, 2003, at 3:00 p.m.**, to consider approving the location of the Miami Beach Convention Center for conventions, expositions or events involving adult materials, pursuant to the provisions of Florida Statutes.

Inquiries may be directed to the Planning Department (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE).

Ad #230

Miami Beach
2003

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION APPROVING AMENDMENT NO. 1, IN THE AMOUNT OF $1,913,302, TO THE AGREEMENT WITH CH2MHILL, FOR THE DESIGN, CONSTRUCTION DOCUMENTS, BID, AWARD AND CONSTRUCTION ADMINISTRATION SERVICES, FOR THE BAYSHORE NEIGHBORHOOD RIGHT OF WAY IMPROVEMENT PROJECT, AND APPROPRIATING FUNDS, IN THE AMOUNT OF $645,094 TO COMPLETE THE PROJECT SERVICES.

Issue:

Should the City Commission adopt the Resolution?

Item Summary/Recommendation:

On May 16, 2001, the Mayor and City Commission authorized the execution of a contract, pursuant to Request for Qualifications (RFQ) No. 134-99/00, with CH2M Hill, Inc. for Planning Phase services for the Bayshore ROW Improvements Project. On April 9, 2003, the Mayor and City Commission approved the BODR for the Project. Negotiations for Design, Construction Documents, Bid/Award and Construction Administration services began in May 2003. The CIP Office and CH2M Hill staff worked to come to an agreement on the appropriate fee for the additional work, which covers work in four bid packages. On October 14, 2003, agreement was reached on a fee proposal for services, in an amount not to exceed $1,913,302, attached as Exhibit A. The bid packages and construction time periods are: Package A – Central Bayshore which will take sixteen months for Design, one hundred twenty days for Bid and Award of construction contract, and twenty four months for Construction. Package B – Lower North Bay Road will take twelve months to Design, four months to Bid and Award, and twelve months for Construction. Package C – Lake Pancoast will take four months to Design, four months to Bid and Award, and ten months for Construction. Package D – Sunset Islands will take eighteen months to Design, four months to Bid and Award, and twelve months for Construction. The design schedule includes nine months for the under grounding of utilities. On November 3, 2003, the GO Bond Oversight Committee requested of the CIP Office that further negotiation occur with the consultant and that the City attempt to reduce the fee to an amount similar to the last recommendation by Pappas & Associates of approximately $1,550,000. CIP requested CH2M Hill to re-evaluate their fee proposal and they have responded that after further evaluation the fee proposal will stand since they consider it to be their best estimate for the services required (Exhibit B). CIP recommends that the fee proposal be accepted as presented since it represents a reasonable amount for the complexity of the Project and because it contains four separate bid packages that add construction related meetings, Community meetings and additional tasks that are needed for construction which are not needed if the project were to be bid as a single package. Most of the consultant agreements in the Right of Way Program include only one bid pack which minimizes many of the additional tasks present in the Bayshore Neighborhood proposal. CIP has already established with CH2M Hill that some of the fees, such as the pre-construction meetings, weekly construction meetings, response to Requests for Information and Change Order proposals, and the Community meetings will be performed on an as needed basis, and the totals presented will be not to exceed allowances. Construction for the different Packages may be phased but all construction will happen within the total forty four months duration. Estimated completion of all construction is expected in the fall of 2007. The Project is approximately twelve months behind the original schedule.

Advisory Board Recommendation:

The G.O. Bond Oversight Committee in a second discussion, voted to recommend that the City Commission approve the amendment to CH2M Hill at its meeting of December 1, 2003.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	$117,610	GO Bond Funds	
	2	$295,736	Series 2000 Stormwater Bonds	
	3	$231,748	Series 2000 Water & Sewer Bonds	
	4			
Finance Dept.	Total	$645,094		

City Clerk's Office Legislative Tracking:

Jorge E. Chartrand

Sign-Offs:

Department Director	Assistant City Manager	City Manager
TH [signature] FORT HEMSTREET	RCM [signature]	[signature]

AGENDA ITEM R7B

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AMENDMENT NO. 1 IN THE AMOUNT OF $1,913, 302, TO THE AGREEMENT WITH CH2M HILL, FOR THE DESIGN, CONSTRUCTION DOCUMENTS, BID, AWARD AND CONSTRUCTION ADMINISTRATION, FOR THE BAYSHORE NEIGHBORHOOD RIGHT OF WAY IMPROVEMENT PROJECT; AND APPROPRIATING FUNDS IN THE AMOUNT OF $645,094, AS FOLLOWS: $117,610 FROM GENERAL OBLIGATION BOND FUNDS, $295,736 FROM SERIES 2000 STORMWATER BOND FUNDS, AND $231,748 FROM SERIES 2000 WATER & SEWER BOND FUNDS, TO COMPLETELY FUND THE ADDITIONAL SERVICES.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

Funds for this work have been previously appropriated. Additional funds in the amount of $645,094, as described below, must now be appropriated to completely fund the additional services.

$117,610 from General Obligation Bond Funds
$295,736 from Series 2000 Stormwater Bond Funds
$231,748 from Series 2000 Water & Sewer Bond Funds

ANALYSIS:

On May 16, 2001, the Mayor and City Commission authorized the execution of a contract, pursuant to Request for Qualifications (RFQ) No. 134-99/00, with CH2M Hill, Inc. for Planning Phase services. The total fee for the Planning Phase was $133,174, with $44,391 from 1999 General Obligation Bonds, $44,392 from Series 2000 Stormwater Revenue Bonds, and $44,391 from Series 2000 Water and Sewer Revenue Bonds.

For the Bayshore Right of Way Improvement Program, the initial contract agreement with A/E Consultant, CH2M Hill, developed by the City's contract negotiator for the Right of Way Program, Pappas and Associates, was for planning services only. The purpose of the Planning Phase (Task 1) is to establish a consensus design concept that meets the needs of the community and stays within established schedule and cost parameters. This intent

was met through the performance of a series of Community Design Workshops designed to encourage input from affected residents and verify and validate previously developed concepts and priorities. The first two workshops were held on December 4, 2001 and January 31, 2002. Resident comments resulted in the Consultant further revising and supplementing their program of improvements. After review by the Program Managers, City staff and neighborhood representatives, CH2M Hill presented a modified program of improvements at Community Design Workshop # 3 on June 11, 2002 at Miami Beach Senior High School. At this meeting, there was a substantial consensus among residents on the proposed improvements.

In September 2002, CH2M Hill presented the first draft BODR to the City. The final BODR was accepted by the City in March 2003 after extensive review and modifications by City staff and Program Managers, Hazen and Sawyer. On April 7, 2003, the GO Bond Oversight Committee approved the Bayshore Basis of Design Report. On April 9, 2003, the Mayor and City Commission approved the BODR.

Negotiations for Design, Construction Documents, Bid/Award and Construction Administration services began in May 2003. The CIP Office and CH2M Hill staff worked to come to an agreement on the appropriate fee for the additional work, which covers work in four bid packages. On October 14, 2003, agreement was reached on a fee proposal for services, in an amount not to exceed $1,913,302, attached as Exhibit A. This fee is broken down as follows: $496,009 from 1999 General Obligation Bonds, $812,365 from Series 2000 Stormwater Revenue Bonds, and $604,928 from Series 2000 Water and Sewer Revenue Bonds. The breakdown of this amount per remaining phase (Design, Bidding and Award, and Construction Administration) and Reimbursable Expenses is as follows: $1,130,878 for Design, Construction Documents, and Permitting, $59,224 for Bidding and Award, $371,441 for Construction Administration, and $351,760 for Reimbursable Expenses, which include Surveying, Geotechnical Investigations, and Underground Utility Verifications.

The bid packages and construction time periods are:

- Package A – Central Bayshore will take sixteen months for Design, one hundred twenty days for Bid and Award of construction contract, and twenty four months for Construction.

- Package B – Lower North Bay Road will take twelve months to Design, four months to Bid and Award, and twelve months for Construction.

- Package C – Lake Pancoast will take four months to Design, four months to Bid and Award, and ten months for Construction.

- Package D – Sunset Islands will take eighteen months to Design, four months to Bid and Award, and twelve months for Construction. The design schedule includes nine months for the under grounding of utilities.

On November 3, 2003, the GO Bond Oversight Committee requested of the CIP Office that further negotiation occur with the consultant and that the City attempt to reduce the fee to an amount similar to the last recommendation by Pappas & Associates of approximately $1,550,000. This request was based on the fact that the GO Bond Oversight Committee has set a target of 10% of construction costs for these types of services. The current proposal from CH2M Hill is about 14% of construction costs. CIP requested CH2M Hill to re-evaluate their fee proposal and they have responded that after further evaluation the fee proposal will stand since they consider it to be their best estimate for the services required (Exhibit B).

CIP recommends that the fee proposal be accepted as presented since it represents a reasonable amount for the complexity of the Project and because it contains four separate bid packages that add construction related meetings, Community meetings and additional tasks that are needed for construction which are not needed if the project were to be bid as a single package. Most of the consultant agreements in the Right of Way program include only one bid pack which minimizes many of the additional tasks present in the Bayshore Neighborhood proposal. This project's bid packages must be bid separately because of the size of some of the areas as well as to minimize disruption to the communities in the Bayshore Neighborhood. Further, the fee is based on the amount of staff hours required to provide the services multiplied by an hourly rate depending upon the person performing the work. The hourly rates for the program are consistent with other A/E/ firm rates and the staff has indicated that the level of effort stated by CH2M Hill is appropriate for the scope of work.

CIP has already established with CH2M Hill that some of the fees, such as the pre-construction meetings, weekly construction meetings, response to Requests for Information and Change Order proposals, and the Community meetings will be performed on an as needed basis, and the totals presented will be not-to-exceed allowances. These services total approximately $269,196, which will be closely monitored by the CIP Office in order to efficiently use the services. The total fee also contains site observation services in the amount of $30,743, which will allow the City to more closely monitor progress in the construction process. As it is not anticipated to need the full amount of these allowances, the final percent of fees devoted to A/E services will be correspondingly less than 14%.

Given the number of bid packages and the time of construction there is very little, if any, precedent value to a fee that is slightly above previous contract amounts.

The anticipated start date for the Project is currently January 2004 after City Commission approval of the amendment. The total duration for the project is estimated at forty four months with the design of the Packages occurring concurrently. Construction for the different Packages may be phased but all construction will happen within the total forty four months duration. Estimated completion of all construction is expected in the fall of 2007. The Project is approximately twelve months behind the original schedule.

The G.O. Bond Oversight Committee in a second discussion, voted to recommend that the City Commission approve the amendment to CH2M Hill at it meeting of December 1, 2003.

JMG/RCM/TH/EC
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AMENDMENT NO. 1, IN THE AMOUNT OF $1,913, 302, TO THE AGREEMENT WITH CH2M HILL, FOR THE DESIGN, CONSTRUCTION DOCUMENTS, BID, AWARD AND CONSTRUCTION ADMINISTRATION, FOR THE BAYSHORE NEIGHBORHOOD RIGHT OF WAY IMPROVEMENT PROJECT; AND APPROPRIATING FUNDS IN THE AMOUNT OF $645,094, AS FOLLOWS: $117,610 FROM GENERAL OBLIGATION BOND FUNDS, $295,736 FROM SERIES 2000 STORMWATER BOND FUNDS, AND $231,748 FROM SERIES 2000 WATER & SEWER BOND FUNDS, TO COMPLETELY FUND THE ADDITIONAL SERVICES.

WHEREAS, the City has issued 1999 General Obligation (GO) Bonds, Series 2000 Stormwater Revenue Bonds and Series 2000 Water and Sewer Bonds to fund capital improvement projects to provide better service to the City's residents and visitors; and

WHEREAS, on May 16, 2001, the Mayor and City Commission authorized the execution of a contract, pursuant to Request for Qualifications (RFQ) No. 134-99/00, with CH2M Hill, Inc. for Planning Phase services for the Bayshore Right of Way Improvement Project; and

WHEREAS, the purpose of the Planning Phase (Task 1) is to establish a consensus design concept that meets the needs of the community and stays within established schedule and cost parameters; and

WHEREAS, the intent of the Planning Phase is met through the performance of a series of Community Design Workshops designed to encourage input from affected residents and verify and validate previously developed concepts and priorities; and

WHEREAS, on December 4, 2002, the Consultant presented an initial program of recommended improvements to the public at Community Design Workshop #1; and

WHEREAS, on January 31 2002, the Consultant presented a revised plan that incorporated public comment and feedback at Community Design Workshop #2; and

WHEREAS, on June 11, 2002, the Consultant presented a further revised plan that incorporated public comment and feedback at Community Design Workshop #3, where consensus was achieved; and

WHEREAS, the results of the Community Design Workshops, technical analysis of existing conditions, and meetings with City staff and the public are incorporated into a Basis of Design Report (BODR), which serves as the planning blueprint for the creation of construction documents; and

WHEREAS, on April 7, 2003, the GO Bond Oversight Committee approved the Bayshore BODR; and

WHEREAS, on December 11, 2002, the City Commission accepted the Bayshore BODR, finalizing the Planning Phase of this project; and

WHEREAS, on October 14, 2003, CIP Staff reached an agreement with the Consultant to cover the balance of services for the Bayshore Neighborhood Right of Way Improvement Project, which includes Design (Task 2); Bid and Award (Task 3); Construction Administration (Task 4); and

WHEREAS, the Administration recommends approving Amendment No. 1, to that Agreement dated May 16, 2003 with CH2M HILL, for the Design, Construction Documents, Bid, Award and Construction Administration, for the Bayshore Neighborhood Right Of Way Improvement Project; and appropriating funds in the amount of $645,094.

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 Amendment No. 1 in the amount of $1,913, 302, to the agreement with CH2M HILL, for the Design, Construction Documents, Bid, Award and Construction Administration, for the Bayshore Neighborhood Right Of Way Improvement Project; and appropriating funds in the amount of $645,094, as follows: $117,610 from General Obligation Bond Funds, $295,736 from Series 2000 Stormwater Bond Funds, and $231,748 from Series 2000 Water & Sewer Bond Funds, to completely fund the Additional Services.

PASSED, ADOPTED AND APPROVED this 10th day of December 2003.

ATTEST: **MAYOR:**

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 12-4-03 Date

CH2M HILL
Hillsboro Executive Center North
800 Fairway Drive
Suite 350
Deerfield Beach, FL 33441-1831
Tel 954.426.4008
Fax 954.698.6010

CH2MHILL

October 13, 2003

Mr. Jorge Chartrand
Assistant Director, Capital Improvement Program
777 17th Street
Miami Beach, FL 33139

Subject: Miami Beach Right-of-Way Improvement Program
Neighborhood No. 8 - Bayshore/Sunset Islands Neighborhood - Final Budget Proposal for Packages A, B, C and D

Dear Jorge:

In accordance with our meeting on September 26, 2003, we have revised our final proposal to reflect our discussions.

Our list of assumptions (Attachment A) has been revised to reflect the tasks that will be utilized as allowances. It is our assumption that these funds will be accessed as directed by the CIP office and do not reflect guaranteed fees. The impacted tasks are as follows:

- Section 2.6: Document revisions
- Section 4.1: Pre-construction conference
- Section 4.2: Weekly construction meetings
- Section 4.3: Request for Information/Contract Document Clarification (RFI/CDC)

In addition, as you graciously pointed out, our previously submitted budget sheets had a calculating error in the line item for surveying services. With the corrected budget sheets the total for each design package are as follows (revised budget sheets are attached):

Package A	$994,329
Package B	$292,157
Package C	$235,914
Package D	$390,902
Grand Total	$1,913,302

We are looking forward to continue our work on this very important project with the City of Miami Beach. Should you have any questions do not hesitate to call either Rick Olson or myself at (945) 426-4008.

Sincerely,

CH2M HILL

Thomas M. McCormick

Tom McCormick, P.G.
Vice President

Rick Olson

Rick Olson, P.E.
Client Service Manager

Attachments

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EXHIBIT A

ATTACHMENT A

Miami Beach ROW Improvement Program Neighborhood No. 8—Bayshore/Sunset Islands Cost Proposal Assumptions for Tasks 2 through 4

The following is our estimated sheet count and various assumptions on which our budget is based:

Package A - Central Bayshore Community

Water plan – 21
Paving, Grading, Drainage plan – 66
Landscape plan – 23
Demolition – 33
Details - 10
Cover/Location/General notes - 3

Total - 156 sheets

Package B - North Bay Road

Water plan – 10
Paving, Grading, Drainage plan – 8
Demolition – 5
Details - 8
Cover/Location/General Notes - 3

Total - 34 sheets

Package C - Lake Pancoast

Paving, Grading, Drainage plan – 3
Landscape plan – 3
Striping and Signage – 3
Irrigation - 3
Demolition – 3
Horizontal Control - 3
Details - 4
Cover/Location/General Notes - 3

Total - 25 sheets

Package D - Sunset Islands

Water plan - 32
Paving, Grading, Drainage plan – 5

Demolition - 16
Details - 6
Cover/Location/General Notes - 3

Total - 62 sheets

Our budget estimate also includes the following assumptions:

Section 2.1

- A survey will be performed for the entire Bayshore Community - 60 days is insufficient to perform survey, geotechnical investigation, utility coordination, and drafting.
- Geotechnical borings will be conducted approximately every 500 feet along portions of road-way that receive utility improvement.

Section 2.3

- Independent meetings will be conducted for each of the 4 bid packages.
- Review meetings will be held at the 30, 60, and 90% milestones (3) per package.
- Constructability review meetings will be held at 60 and 90% milestones (2) per package.
- Construction sequencing meeting will be held at the 90% milestone (1) per package.

Section 2.5

- A total of 7 community meetings will be held for the Bayshore project. Assumed meeting breakdown: 2 for package A, 2 for package B, 2 for package C, and 1 for package D.

Section 2.6

- City to review meeting minutes and agree to proposed resident comments/design modifications prior to drawing revision.

Section 2.7

- Attend 3 meetings per bid package with PM and City to discuss permitting status.

Section 2.8

- Attend 2 meetings per bid package with PM and City to discuss QA/AC issues.

Section 3.3

- Attend 2 meetings per bid package including pre-bid and bid opening.

Section 3.4

- Prepare up to 8 queries and 4 addenda per bid package.

Section 3.6 & 3.7

- Each sheet of all final design drawings will be signed and sealed.

Section 4.1

- Attend and participate in one pre-construction meeting for each project.

Section 4.2

- Attend and participate in one weekly construction conference for each bid package. It is anticipated that each meeting for each bid package will require 4 hours of professional time plus 1 hour of administrative time.
- The construction duration assumes 24 months (104 meetings) bid package A, 12 months (52 meetings) bid package B and C, and 9 months (34 meetings) for bid package D.

Section 4.3

- Assumed for each project, RFIs/CDCs will occur at the rate of 1 per week for the entire construction sequence.

Section 4.4

- Assumes for each project, 1 change order per month for the entire construction sequence.

Section 4.5

- Shop drawing review assumes 2 hours engineering and 2 hour administrative time per review plus senior review time, as needed. Our estimate assumes the following list of submittals: Package A - 110 (25 water, 60 storm, 25 GO), Package B - 55 (25 water, 25 storm, 5 GO), Package C - 45 (25 stormwater, 20 GO), and Package D - 40 (25 water, 15 storm).

Section 4.6

- It is assumed that a total of 12 specialty site visits are requested for the entire neighborhood (Package A - 5, Package B - 3, Package C - 3, and Package D - 1).

Section 4.7

- Attend substantial completion walk through for each bid package (4).
- Attend final review walk through for each bid package (4).
- Program manager not Consultant will certify project completion to the appropriate agencies.

Section 6

- Survey: Package A - 35,000 feet
  Package B - 6,100 feet
  Package C - 2,600 feet
  Package D - 19,000 feet

The following tasks will be utilized on an as needed basis as an Allowance depending on the actual required level of effort:

- Section 2.6: Document revisions
- Section 4.1: Pre-construction conference
- Section 4.2: Weekly construction meetings
- Section 4.3: Request for Information/Contract Document Clarification (RFI/CDC)

SCHEDULE B
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
NEIGHBORHOOD Bid Package A

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
1	**PLANNING SERVICES**										
1.1	PROJECT KICK-OFF MEETING	0	0	0	0	0	0	0	0	0	$0
1.2	INFRASTRUCTURE PLANNING	0	0	0	0	0	0	0	0	0	$0
1.3	PROJECT SITE RECONNAISSANCE VISIT AND DEVELOPMENT OF ALTERNATIVE STREETSCAPE TREATMENTS	0	0	0	0	0	0	0	0	0	$0
1.4	ATTEND "VISIONING" SESSION	0	0	0	0	0	0	0	0	0	$0
1.5	REVIEW MEETINGS PRIOR TO COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6	COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6.1	COMMUNITY DESIGN WORKSHOP NO. 1			0							
1.6.2	COMMUNITY DESIGN WORKSHOP NO. 2										
1.7	BASIS OF DESIGN REPORT (DRAFT)	0	0	0	0	0	0	0	0	0	$0
1.8	REVIEW OF BODR W/ CITY DIVISIONS	0	0	0	0	0	0	0	0	0	$0
1.9	ADDITIONAL REVIEW MEETINGS	0	0	0	0	0	0	0	0	0	$0
1.10	FINAL BASIS OF DESIGN REPORT	0	0	0	0	0	0	0	0	0	$0
	Sub-Total	0	0	0	0	0	0	0	0	0	$0
2	**DESIGN SERVICES** (18 MONTHS)										
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	4	40	16	40	80	0	120	60	360	$25,306
2.2	DETAILED DESIGN	40	100	280	320	1,450	3,200	800	180	6,370	$513,999
2.3	DESIGN / CONSTRUCTABILITY REVIEW	4	16	24	48	0	0	0	24	116	$10,237
2.4	COST OPINIONS	4	40	120	0	180	0	0	80	424	$34,514
2.5	COMMUNITY DESIGN REVIEW MEETINGS	4	40	48	0	0	0	16	16	124	$11,946
2.6	DOCUMENT REVISIONS	2	8	16	40	0	160	0	16	242	$21,205
2.7	PERMITTING REVIEWS	12	40	80	40	150	0	48	80	450	$35,351
2.8	A/E CONSULTANT QA/QC OF DESIGN DOCUMENTS	8	12	60	0			0	32	112	$10,188
	Sub-Total	78	296	644	488	1860	3360	984	488	8,198	$662,746
3	**BIDDING AND AWARD SERVICES** (4 MONTHS)										
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW	2	8	0	0	0	0	0	4	14	$1,428
3.2	BID DOCUMENT DELIVERY	0	0	0	0	0	0	0	8	8	$324
3.3	PRE-BID CONFERENCE	0	8	0	6	0	0	0	2	16	$1,582
3.4	ADDENDA ISSUANCE	0	8	8	0	16	0	0	24	56	$3,962
3.5	BID EVALUATION	2	6	0	16	0	0	0	8	32	$2,757
3.6	CONTRACT AWARD	0	4	0	0	4	0	0	16	24	$1,430
3.7	AS-BID CONTRACT DOCUMENTS	2	8	0	16	0	0	0	16	42	$3,324
	Sub-Total	6	42	8	38	20	0	0	78	192	$14,806
4	**CONSTRUCTION ADMINISTRATION SERVICES** (24 MONTHS)										
4.1	PRE-CONSTRUCTION CONFERENCE	3	12	0	12	0	0	0	12	39	$3,442
4.2	WEEKLY CONSTRUCTION MEETINGS	0	0	312	0	0	0	0	78	390	$35,705
4.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI / CDC)	0	20	21	21	247	0	0	84	414	$28,135
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	18	24	24	157	0	0	45	268	$20,236
4.5	PROCESSING OF SHOP DRAWINGS	0	20	0	44	220	0	0	220	504	$31,484
4.6	FIELD OBSERVATION SERVICES	0	12	36	0	36	0	0	18	102	$8,604
4.7	PROJECT CLOSEOUT	0	24	48	0	24	0	0	24	120	$10,670
	Sub-Total	3	106	441	101	684	0	0	481	1,816	$138,276
5	**ADDITIONAL SERVICES**										
6	**REIMBURSABLES**										
6.1	REPRODUCTION SERVICES										$14,000
6.2	TRAVEL AND SUBSISTENCE										$7,500
6.3	SURVEYING (Approx. 35,000 L.F.)										$133,000
6.4	GEOTECHNICAL EVALUATION										$14,000
6.5	UNDERGROUND UTILITY VERIFICATION										$10,000
	Sub-Total										$178,500
	TOTAL HOURS	87	444	1,093	627	2,564	3,360	984	1,047	10,206	
	TOTAL FEE ESTIMATE										$994,329

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SCHEDULE B
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
NEIGHBORHOOD Bid Package B

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
1	**PLANNING SERVICES**										
1.1	PROJECT KICK-OFF MEETING	0	0	0	0	0	0	0	0	0	$0
1.2	INFRASTRUCTURE PLANNING	0	0	0	0	0	0	0	0	0	$0
1.3	PROJECT SITE RECONNAISSANCE VISIT AND DEVELOPMENT OF ALTERNATIVE STREETSCAPE TREATMENTS	0	0	0	0	0	0	0	0	0	$0
1.4	ATTEND "VISIONING" SESSION	0	0	0	0	0	0	0	0	0	$0
1.5	REVIEW MEETINGS PRIOR TO COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6	COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6.1	COMMUNITY DESIGN WORKSHOP NO. 1										
1.6.2	COMMUNITY DESIGN WORKSHOP NO. 2										
1.7	BASIS OF DESIGN REPORT (DRAFT)	0	0	0	0	0	0	0	0	0	$0
1.8	REVIEW OF BODR W/ CITY DIVISIONS	0	0	0	0	0	0	0	0	0	$0
1.9	ADDITIONAL REVIEW MEETINGS	0	0	0	0	0	0	0	0	0	$0
1.10	FINAL BASIS OF DESIGN REPORT	0	0	0	0	0	0	0	0	0	$0
	Sub-Total	0	0	0	0	0	0	0	0	0	$0
2	**DESIGN SERVICES (12 MONTHS)**										
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	4	8	0	8	40	0	40	8	108	$7,652
2.2	DETAILED DESIGN	12	60	66	80	260	400	132	48	1,058	$86,349
2.3	DESIGN / CONSTRUCTABILITY REVIEW	2	8	24	8	0	0	0	8	50	$4,798
2.4	COST OPINIONS	2	16	40	0	64	0	0	12	134	$11,628
2.5	COMMUNITY DESIGN REVIEW MEETINGS	2	16	16	16	16	0	0	24	90	$7,472
2.6	DOCUMENT REVISIONS	2	8	12	0	0	32	0	16	70	$5,985
2.7	PERMITTING REVIEWS	6	24	40	60	48	24	0	16	218	$19,568
2.8	A/E CONSULTANT QA/QC OF DESIGN DOCUMENTS	4	8	40	0			0	16	68	$6,380
	Sub-Total	34	148	238	172	428	456	172	148	1,796	$149,833
3	**BIDDING AND AWARD SERVICES (4 MONTHS)**										
3.1	PRE-CONSTRUCTION CONFERENCE	2	8	0	0	0	0	0	4	14	$1,428
3.2	BID DOCUMENT DELIVERY	0	0	0	0	0	0	0	8	8	$324
3.3	PRE-BID CONFERENCE	0	8	0	6	0	0	0	2	16	$1,582
3.4	ADDENDA ISSUANCE	0	8	8	0	16	0	0	24	56	$3,962
3.5	BID EVALUATION	2	6	0	16	0	0	0	8	32	$2,757
3.6	CONTRACT AWARD	0	4	0	0	4	0	0	16	24	$1,430
3.7	AS-BID CONTRACT DOCUMENTS	2	8	0	16	0	0	0	16	42	$3,324
	Sub-Total	6	42	8	38	20	0	0	78	192	$14,806
4	**CONSTRUCTION ADMINISTRATIVE SERVICES (12 MONTHS)**										
4.1	PRE-CONSTRUCTION CONFERENCE	2	8	0	8	0	0	0	8	26	$2,295
4.2	WEEKLY CONSTRUCTION MEETINGS	0	0	208	0	0	0	0	52	260	$23,803
4.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI / CDC)	0	10	14	14	165	0	0	56	259	$18,376
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	12	16	16	105	0	0	30	179	$13,515
4.5	PROCESSING OF SHOP DRAWINGS	0	8	0	22	110	0	0	110	250	$15,499
4.6	FIELD OBSERVATION SERVICES	0	8	24	0	24	0	0	12	68	$5,736
4.7	PROJECT CLOSEOUT	0	16	32	0	16	0	0	16	80	$7,113
	Sub-Total	2	62	294	60	420	0	0	284	1,122	$86,338
5	**ADDITIONAL SERVICES**										
6	**REIMBURSABLES**										
6.1	REPRODUCTION SERVICES										$3,500
6.2	TRAVEL AND SUBSISTENCE										$5,000
6.3	SURVEYING (Approx. 6,100 L.F.)										$23,180
6.4	GEOTECHNICAL EVALUATION										$4,500
6.5	UNDERGROUND UTILITY VERIFICATION										$5,000
	Sub-Total										$41,180
	TOTAL HOURS	42	252	540	270	868	456	172	510	3,110	
	TOTAL FEE ESTIMATE										$292,157

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SCHEDULE B
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
NEIGHBORHOOD Bid Package C

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
1	**PLANNING SERVICES**										
1.1	PROJECT KICK-OFF MEETING	0	0	0	0	0	0	0	0	0	$0
1.2	INFRASTRUCTURE PLANNING	0	0	0	0	0	0	0	0	0	$0
1.3	PROJECT SITE RECONNAISSANCE VISIT AND DEVELOPMENT OF ALTERNATIVE STREETSCAPE TREATMENTS	0	0	0	0	0	0	0	0	0	$0
1.4	ATTEND "VISIONING" SESSION	0	0	0	0	0	0	0	0	0	$0
1.5	REVIEW MEETINGS PRIOR TO COMMUNITY DESIGN WORKSHOPS		0	0	0	0	0	0	0	0	$0
1.6	COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6.1	COMMUNITY DESIGN WORKSHOP NO. 1										
1.6.2	COMMUNITY DESIGN WORKSHOP NO. 2										
1.7	BASIS OF DESIGN REPORT (DRAFT)	0	0	0	0	0	0	0	0	0	$0
1.8	REVIEW OF BODR W/ CITY DIVISIONS	0	0	0	0	0	0	0	0	0	$0
1.9	ADDITIONAL REVIEW MEETINGS	0	0	0	0	0	0	0	0	0	$0
1.10	FINAL BASIS OF DESIGN REPORT	0	0	0	0	0	0	0	0	0	$0
		0	0	0	0	0	0	0	0	0	$0
2	**DESIGN SERVICES (14 MONTHS)**										
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	4	8	8	16	24	0	40	8	108	$8,009
2.2	DETAILED DESIGN	10	40	50	50	200	225	80	56	711	$57,043
2.3	DESIGN / CONSTRUCTABILITY REVIEW	4	8	24	40	0	0	0	8	84	$7.912
2.4	COST OPINIONS	3	8	24	0	36	0	0	8	79	$6,902
2.5	COMMUNITY DESIGN REVIEW MEETINGS	2	16	0	16	0	0	0	24	58	$4,620
2.6	DOCUMENT REVISIONS	2	8	12	0	0	28	0	16	66	$5,633
2.7	PERMITTING REVIEWS	2	8	24	64	40	16	0	40	194	$15,396
2.8	A/E CONSULTANT QA/QC OF DESIGN DOCUMENTS	4	8	40	0			0	16	68	$6,380
	Sub-Total	31	104	182	186	300	269	120	176	1,368	111,894
3	**BIDDING AND AWARD SERVICES (4 MONTHS)**										
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW	2	8	0	0	0	0	0	4	14	$1,428
3.2	BID DOCUMENT DELIVERY	0	0	0	0	0	0	0	8	8	$324
3.3	PRE-BID CONFERENCE	0	8	0	6	0	0	0	2	16	$1,582
3.4	ADDENDA ISSUANCE	0	8	8	0	16	0	0	24	56	$3,962
3.5	BID EVALUATION	2	6	0	16	0	0	0	8	32	$2,757
3.6	CONTRACT AWARD	0	4	0	0	4	0	0	16	24	$1,430
3.7	AS-BID CONTRACT DOCUMENTS	2	8	0	16	0	0	0	16	42	$3,324
	Sub-Total	6	42	8	38	20	0	0	78	192	$14,806
4	**CONSTRUCTION ADMINISTRATION SERVICES (12 MONTHS)**										
4.1	PRE-CONSTRUCTION CONFERENCE	2	8	0	8	0	0	0	8	26	$2,295
4.2	WEEKLY CONSTRUCTION MEETINGS	0	0	208	0	0	0	0	52	260	$23,803
4.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI / CDC)	0	8	14	14	165	0	0	56	257	$18,133
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	8	16	16	105	0	0	30	175	$13,029
4.5	PROCESSING OF SHOP DRAWINGS	0	4	0	22	90	0	0	90	206	$12,724
4.6	FIELD OBSERVATION SERVICES	0	8	24	0	24	0	0	12	68	$5,736
4.7	PROJECT CLOSEOUT	0	16	32	0	16	0	0	16	80	$7,113
	Sub-Total	2	52	294	60	400	0	0	264	1,072	$82,834
5	**ADDITIONAL SERVICES**										
6	**REIMBURSABLES**										
6.1	REPRODUCTION SERVICES										$3,000
6.2	TRAVEL AND SUBSISTENCE										$5,000
6.3	SURVEYING (Approx. 2,600 L.F.)										$9,880
6.4	GEOTECHNICAL EVALUATION										$3,500
6.5	UNDERGROUND UTILITY VERIFICATION										$5,000
	Sub-Total										$26,380
	TOTAL HOURS	39	198	484	284	720	269	120	518	2,632	
	TOTAL FEE ESTIMATE										$235,914

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SCHEDULE B
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
NEIGHBORHOOD Bid Package D

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
1	**PLANNING SERVICES**										
1.1	PROJECT KICK-OFF MEETING	0	0	0	0	0	0	0	0	0	$0
1.2	INFRASTRUCTURE PLANNING	0	0	0	0	0	0	0	0	0	$0
1.3	PROJECT SITE RECONNAISSANCE VISIT AND DEVELOPMENT OF ALTERNATIVE STREETSCAPE TREATMENTS	0	0	0	0	0	0	0	0	0	$0
1.4	ATTEND "VISIONING" SESSION	0	0	0	0	0	0	0	0	0	$0
1.5	REVIEW MEETINGS PRIOR TO COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6	COMMUNITY DESIGN WORKSHOPS	0	0	0	0	0	0	0	0	0	$0
1.6.1	COMMUNITY DESIGN WORKSHOP NO. 1										
1.6.2	COMMUNITY DESIGN WORKSHOP NO. 2										
1.7	BASIS OF DESIGN REPORT (DRAFT)	0	0	0	0	0	0	0	0	0	$0
1.8	REVIEW OF BODR W/ CITY DIVISIONS	0	0	0	0	0	0	0	0	0	$0
1.9	ADDITIONAL REVIEW MEETINGS	0	0	0	0	0	0	0	0	0	$0
1.10	FINAL BASIS OF DESIGN REPORT	0	0	0	0	0	0	0	0	0	$0
	Sub-Total	0	0	0	0	0	0	0	0	0	$0
2	**DESIGN SERVICES** (9 MONTHS)										
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	4	8	16	0	80	0	80	32	220	$14,652
2.2	DETAILED DESIGN	10	40	140	120	550	520	220	60	1,660	$132,001
2.3	DESIGN / CONSTRUCTABILITY REVIEW	2	8	8	24	24	40	0	24	130	$10,486
2.4	COST OPINIONS	2	8	80	0	40	0	0	24	154	$13,540
2.5	COMMUNITY DESIGN REVIEW MEETINGS	2	12	8	8	8	0	0	12	50	$4,369
2.6	DOCUMENT REVISIONS	2	8	16	0	0	32	0	16	74	$6,403
2.7	PERMITTING REVIEWS	6	8	32	60	48	24	0	60	238	$18,572
2.8	A/E CONSULTANT QA/QC OF DESIGN DOCUMENTS	4	8	40	0			0	16	68	$6,380
	Sub-Total	32	100	340	212	750	616	300	244	2,594	$206,403
3	**BIDDING AND AWARD SERVICES** (4 MONTHS)										
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW	2	8	0	0	0	0	0	4	14	$1,428
3.2	BID DOCUMENT DELIVERY	0	0	0	0	0	0	0	8	8	$324
3.3	PRE-BID CONFERENCE	0	8	0	6	0	0	0	2	16	$1,582
3.4	ADDENDA ISSUANCE	0	8	8	0	16	0	0	24	56	$3,962
3.5	BID EVALUATION	2	6	0	16	0	0	0	8	32	$2,757
3.6	CONTRACT AWARD	0	4	0	0	4	0	0	16	24	$1,430
3.7	AS-BID CONTRACT DOCUMENTS	2	8	0	16	0	0	0	16	42	$3,324
	Sub-Total	6	42	8	38	20	0	0	78	192	$14,806
4	**CONSTRUCTION ADMINISTRATIVE SERVICES** (9 MONTHS)										
4.1	PRE-CONSTRUCTION CONFERENCE	2	8	0	8	0	0	0	8	26	$2,295
4.2	WEEKLY CONSTRUCTION MEETINGS	0	0	148	0	0	0	0	37	185	$16,937
4.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI / CDC)	0	8	10	10	120	0	0	44	192	$13,550
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	8	12	0	80	0	0	20	120	$8,949
4.5	PROCESSING OF SHOP DRAWINGS	0	8	0	18	80	0	0	80	186	$11,713
4.6	FIELD OBSERVATION SERVICES	0	8	12	0	12	0	0	8	40	$3,435
4.7	PROJECT CLOSEOUT	0	16	32	0	16	0	0	16	40	$7,113
	Sub-Total	2	56	214	36	308	0	0	213	829	$63,993
5	**ADDITIONAL SERVICES**										
6	**REIMBURSABLES**										
6.1	REPRODUCTION SERVICES										$6,000
6.2	TRAVEL AND SUBSISTENCE										$5,000
6.3	SURVEYING (Approx. 19,000 L.F.)										$72,200
6.4	GEOTECHNICAL EVALUATION										$15,000
6.5	UNDERGROUND UTILITY VERIFICATION										$7,500
	Sub-Total										$105,700
	TOTAL HOURS	40	198	562	286	1,078	616	300	535	3,615	
	TOTAL FEE ESTIMATE										$390,902

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AMENDMENT NO. 1

AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF MIAMI BEACH, FLORIDA AND CH2M Hill, INC., FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROGRAM NEIGHBORHOOD NO. 8 – BAYSHORE AND SUNSET ISLANDS.

This Amendment No. 1, dated as of _____, 2003, to that certain Agreement, dated May 16, 2001, captioned: Agreement between the City of Miami Beach and CH2M Hill for Professional Landscape Architectural and Engineering Services for the Right-of-Way Infrastructure Improvements Program Neighborhood No. 8 – Bayshore and Sunset Islands, by and between the City of Miami Beach, Florida (CITY) and CH2M Hill. (CONSULTANT) for Professional Services associated with the performance of Design / Bid / Award and Construction Management Services within the Bayshore and Sunset Islands neighborhood for a not-to exceed fee of $1,913,302.

RECITALS

WHEREAS, the Agreement provides for planning services with select reimbursables for the Bayshore neighborhood (Project); and

WHEREAS, the planning effort completed under the scope of the original Agreement resulted in the recommendation that four separate and distinct Bid Packages; (Bid Package A: Central Bayshore ROW Improvements, Bid Package B: Lower Bay Road ROW Improvements, Bid Package C: Lake Pancoast ROW Improvements, and Bid Package D: Sunset Island ROW Improvements), be designed, bid, awarded and constructed; and

WHEREAS, Professional Engineering services for the design, bid, award and construction management of certain improvements are required within the Bayshore neighborhood that were not included within the fee awarded under the original Agreement and scope of services, but are now required to move the implementation of the ROW Project forward.

1. **ABOVE RECITALS**

The above recitals are true and correct and are incorporated as a part of this First Amendment.

2. **MODIFICATIONS**

The Agreement is amended as follows:

Schedule A entitled Scope of A/E Consultant Services, is amended as follows:

a) Task 2.1 - Field Verification of Existing Conditions: Under the Schedule heading, REPLACE "60 working days" with "110 working days".

b) Task 2.3 - Design / Constructability Review: Under the Deliverables heading, DELETE in its entirety and REPLACE with the following:

"Deliverables: - Attend meetings with CITY and PROGRAM MANAGER staff to review

and discuss design, constructability and construction sequencing comments as follows:

- CONSULTANT shall attend Design Review Meetings at the 30%, 60% and 90% design completion stage milestones. Separate meetings will be held for each Bid Package. These meetings shall be separate and distinct from Constructability Review and/or Construction Sequencing meetings.
- CONSULTANT shall attend Constructability Review Meetings, separate from Design Review Meetings, at the 60% and 90% design completion stage milestones. These meetings shall be separate and distinct from Design Review and/or Construction Sequencing meetings.
- CONSULTANT shall attend one (1) construction-sequencing meeting per Bid Package to be held at approximately the 90% design completion stage milestone. These meetings shall be separate and distinct from Design Review and/or Constructability Review meetings."

c) Task 2.6 – Document Revisions: ADD the following at the end of the existing paragraph: "The amounts noted for this Task in the fee schedule shall be applied on an as-needed basis, subject to CITY approval. Unused amounts shall be credited back to CITY at the completion of the Project. The CONSULTANT shall advise the PROGRAM MANAGER in writing when this total is near 90% expended so that the CITY may make arrangements for the issuance of requisite authorizations to the CONSULTANT to fund additional fees so that services remain uninterrupted."

d) Task 2.7 - Permitting Reviews: Under the Deliverables heading, DELETE the item that states "Attend Meetings with CITY and PROGRAM MANAGER staff to review and discuss permitting status" and REPLACE it with the following:

" - Procure requisite permits from all jurisdictional agencies as required. Note that in this effort, the CITY will furnish CONSULTANT with applicable permit fees.

- Attend up to three (3) meetings per Bid Package with the CITY and / or PROGRAM MANAGER to review permit documents with applicable CITY review / regulatory agencies, including but not limited to the Fire, Planning, Public Works and Building Departments. In addition, under this effort, the CONSULTANT shall prepare requisite applications and presentation materials, and present such materials to scheduled meetings of the Historic Preservation Board and/or Design Review Board for each Bid Package, as applicable."

e) Task 2.8 – Consultant QA/QC of Design Documents: After the main paragraph, ADD a Deliverables heading, that states "Attend up to two (2) Meetings per Bid Package with CITY and PROGRAM MANAGER staff to review and discuss QA/QC issues as deemed necessary by the CITY."

f) Task 4.1 – Pre-Construction Conference: Under the Deliverables heading, DELETE the item that states "Attend participate in pre-construction conferences" and REPLACE it with the following:

" - Attend one (1) pre-construction conference per Bid Package."

g) Task 4.2 – Weekly Construction Meetings: Under the Deliverables heading, DELETE the item that states "Attend and participate in weekly progress meetings with Contractors" and REPLACE it with the following:

" - Attend and participate in weekly meetings with the CITY, PROGRAM MANAGER and CONTRACTOR. The CONSULTANT's representative at these weekly meetings shall be a senior person fully capable and empowered to make decisions and provide direction on issues which require the CONSULTANT to provide clarification to its contract documents, or as may be necessary to address adjustments due to actual field conditions, or otherwise as project requirements may dictate.

- For the purposes of this scope of services, weekly meeting attendance by the CONSULTANT shall be based on the following:
  - Bid Package A: Up to one hundred and four (104) weekly meetings
  - Bid Package B: Up to fifty-two (52) weekly meetings
  - Bid Package C: Up to fifty-two (52) weekly meetings
  - Bid Package D: Up to thirty-nine (39) weekly meetings
- The amounts noted for this Task in the fee schedule shall be applied on an as-needed basis, subject to CITY approval. In addition, the CONSULTANT shall advise the PROGRAM MANAGER in writing when any of these totals are near 90% expended so that the CITY may make arrangements for the issuance of requisite authorizations to the CONSULTANT to fund additional fees so that services remain uninterrupted."

h) Task 4.3– Requests for Information / Contract Document Clarifications (RFIs / CDCs): ADD the following items after the existing item under the heading entitled "Deliverables":

" - For the purposes of this scope of services, the CONSULTANT shall be assumed to be required to issue or respond to an RFIs / CDCs at the average rate of one (1) item per week per Bid Package for the following totals:
  - Bid Package A: Up to one hundred and four (104) RFIs / CDCs
  - ~~Bid~~ Package B: Up to fifty-two (52) RFIs / CDCs
  - Bid Package C: Up to fifty-two (52) RFIs / CDCs
  - Bid Package D: Up to thirty-nine (39) RFIs / CDCs
- The CONSULTANT shall advise the PROGRAM MANAGER in writing when any of these totals are near 90% expended so that the CITY may make arrangements for the issuance of requisite authorizations to the CONSULTANT to fund additional fees so that services remain uninterrupted."

i) Task 4.4– Requests for Changes to Construction Cost and/or Schedule: ADD the following items after the existing items under the heading entitled "Deliverables":

" - For the purposes of this scope of services, the CONSULTANT shall be assumed to be required to prepare, coordinate and participate in one (1) meeting per month

on average per Bid Package, to process change orders for the following totals:

- Bid Package A: Up to twenty-four (24) change orders
- Bid Package B: Up to twelve (12) change orders
- Bid Package C: Up to twelve (12) change orders
- Bid Package D: Up to nine (9) change orders

- The CONSULTANT shall advise the PROGRAM MANAGER in writing when any of these totals are near 90% expended so that the CITY may make arrangements for the issuance of requisite authorizations to the CONSULTANT to fund additional fees so that services remain uninterrupted."

j) Task 4.5– Processing of Shop Drawings: ADD the following items after the existing item under the heading entitled "Deliverables":

" - For the purposes of this scope of services, the CONSULTANT shall be assumed to process the following total of shop drawings:

- Bid Package A: Up to one hundred and ten (110) shop drawing submittals
- Bid Package B: Up to fifty-five (55) shop drawing submittals
- Bid Package C: Up to forty-five (45) shop drawing submittals
- Bid Package D: Up to forty (40) shop drawing submittals

- The CONSULTANT shall advise the PROGRAM MANAGER in writing when any of these totals are near 90% expended so that the CITY may make arrangements for the issuance of requisite authorizations to the CONSULTANT to fund additional fees so that services remain uninterrupted."

k) Task 4.6– Field Observation Services: DELETE the existing item under the heading entitled "Deliverables" and REPLACE it with the following:

" - For the purposes of this scope of services, the CONSULTANT shall be assumed to provide the following specialty site visits, at CITY and/or PROGRAM MANAGER request:

- Bid Package A: Up to five (5) specialty site visits
- Bid Package B: Up to three (3) specialty site visits
- Bid Package C: Up to three (3) specialty site visits
- Bid Package D: Up to one (1) specialty site visit

- The CONSULTANT shall advise the PROGRAM MANAGER in writing when any of these totals are near 90% expended so that the CITY may make arrangements for the issuance of requisite authorizations to the CONSULTANT to fund additional fees so that services remain uninterrupted."

l) Task 4.7– Project Closeout: DELETE the existing item under the heading entitled "Deliverables" and REPLACE it with the following:

" - For the purposes of this scope of services, the CONSULTANT shall be assumed to attend and assist in the development of a "punch list" for one (1) substantial completion and one (1) final completion walk-through for each Bid Package, at CITY and/or PROGRAM MANAGER request."

m) Task 6.3– Surveying: ADD a heading under the exiting paragraph entitled "Deliverables" and note the following:

" Deliverables - For the purposes of this scope of services, the CONSULTANT shall be assumed to provide surveys in full compliance with Task 2.1 requirements for the following corridor length:

- Bid Package A: Up to thirty-five thousand (35,000) linear feet of roadway
- Bid Package B: Up to six-thousand one hundred (6,100) linear feet of roadway
- Bid Package C: Up to two-thousand six hundred (2,600) linear feet of roadway
- Bid Package D: Up to nineteen thousand (19,000) linear feet of roadway

3. OTHER PROVISIONS

All other provisions of the Agreement, as amended, are unchanged, and shall remain in force and effect.

4. RATIFICATION

The CITY and CONSULTANT ratify the terms of the Agreement, as amended, as modified by this Amendment No. 1.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST	CITY OF MIAMI BEACH, FLORIDA
_____	_____
CITY CLERK	MAYOR
WITNESS	CH2M Hill
_____	_____
Signature	Signature
_____	_____
Print Name	Print Name and Title

NEIGHBORHOOD & PROJECT NAME	FUNDING SOURCE	PROPOSED CONSTRUCTION BUDGET	PROPOSED CONTINGENCY BUDGET	TARGET A/E FEE	A/E FEE EXPENDED TO DATE	PROPOSED A/E FEE ALLOCATION	TOTAL PROPOSED A/E FEE	NET DEFICIT FROM TARGET BUDGET	PROPOSED CONTINGENCY BUDGET
BID PACKAGE A: CENTRAL BAYSHORE									
BAYSHORE STREETSCAPE	G.O. BONDS	$2,180,241	$242,249	$252,915	$26,413	$295,655	$322,067	($69,152)	$173,097
MIDDLE BEACH IMPROVEMENTS PHASE II	STORMWATER 2000 BONDS	$3,419,709	$379,968	$247,111	$25,807	$463,734	$489,541	($242,430)	$137,538
FLAMINGO DRIVE WATER LINE IMPROVEMENTS	WATER & SEWER 2000 BONDS	$666,686	$74,076	$107,742	$11,252	$90,407	$101,659	$6,083	$80,159
FLAMINGO DRIVE DRAINAGE IMPROVEMENTS	STORMWATER 2000 BONDS	$845,862	$93,985	$61,123	$6,383	$114,704	$121,087	($59,965)	$34,020
40TH STREET STREETSCAPE (BAYSHORE PHASE V)	G.O. BONDS	$387,227	$43,025	$43,606	$4,554	$52,511	$57,064	($13,458)	$29,567
CITYWIDE ADJUSTMENTS TO WATER	WATER & SEWER 2000 BONDS	$1,660,048	$190,678	$196,460	$0	$225,873	$225,873	($29,413)	$161,265
CITYWIDE ADJUSTMENTS TO STORMWATER	STORMWATER 2000 BONDS	-$344,663	($38,306)	($78,300)	$0	($46,740)	($46,740)	($31,560)	($69,866)
BID PACKAGE B: LOWER BAY ROAD ROW IMPROVEMENTS									
LOWER NORTH BAY ROAD WATER UPGRADES	WATER & SEWER 2000 BONDS	$430,438	$47,826	$69,562	$7,265	$58,370	$65,635	$3,927	$51,754
LOWER NORTH BAY ROAD DRAINAGE UPGRADES	STORMWATER 2000 BONDS	$1,151,169	$127,908	$83,184	$8,687	$156,106	$164,793	($81,609)	$46,299
BAYSHORE STREETSCAPE	G.O. BONDS	$390,456	$43,384	$45,136	$4,714	$52,948	$57,662	($12,526)	$30,858
CITYWIDE ADJUSTMENTS TO STORMWATER	STORMWATER 2000 BONDS	-$27,636	($3,071)	($6,278)	$0	($3,748)	($3,748)	($2,530)	($5,602)
BID PACKAGE C: LAKE PANCOAST ROW IMPROVEMENTS									
LAKE PANCOAST STREETSCAPE (BAYSHORE PHASE IV)	G.O. BONDS	$699,784	$77,754	$81,132	$8,473	$94,895	$103,368	($22,236)	$55,518
CITYWIDE ADJUSTMENTS TO STORMWATER	STORMWATER 2000 BONDS	$500,000	$55,571	$113,590	$0	$67,805	$67,805	$45,785	$101,356
BID PACKAGE D: SUNSET ISLANDS ROW IMPROVEMENTS									
SUNSET ISLANDS ENHANCEMENTS	G.O. BONDS	$0	$0	$1,354	$141	$0	$141	$1,213	$1,213
SUNSET ISLANDS WATERLINE REPLACEMENT	WATER & SEWER 2000 BONDS	$1,698,131	$188,681	$246,840	$25,778	$230,277	$256,056	($9,216)	$179,466
SUNSET ISLANDS STORMWATER IMPROVEMENTS	STORMWATER 2000 BONDS	$453,017	$50,335	$32,735	$3,419	$61,432	$64,851	($32,115)	$18,220
CITYWIDE ADJUSTMENTS TO STORMWATER	STORMWATER 2000 BONDS	-$6,844	($761)	($1,555)	$0	($928)	($928)	($627)	($1,388)
TOTALS		$14,103,625	$1,573,302	$1,496,358	$132,885	$1,913,302	$2,046,187	($549,830)	$1,023,473

CH2M HILL
Hillsboro Executive Center North
800 Fairway Drive
Suite 350
Deerfield Beach, FL 33441-1831
Tel 954.426.4008
Fax 954.698.6010

November 25, 2003

Mr. George Chartrand, Assistant Director
Capital Improvement Projects Office
777 17th Street
Miami Beach, FL 33139

Subject: Neighborhood 8 - Bayshore Community and Sunset Islands

Dear George:

On Wednesday, November 19, 2003, we spoke regarding CH2M HILL's proposal to continue work for the Neighborhood 8 - Streetscape Beautification Project. We had previously submitted a proposal to extend our current activities through the design, bid, and construction phases (Tasks 2, 3, and 4). In our discussion last week, you informed me that the General Obligation Board Oversight Committee raised issues with our proposal and had requested that you contact us regarding our fee.

CH2M HILL has worked diligently in evaluating this scope of work for the past 12 months. We have met with the City on numerous occasions and have submitted three separate proposals to continue this project. We have also evaluated, reviewed and revised this scope and budget in many different ways and at various levels within our company.

The scope and fee submitted on October 13, 2003, is our best estimate of the tasks that need to be completed and the costs associated with the completion of those tasks. This scope and fee estimate is based on our experiences with Neighborhood 3 (Normandy Shores), the planning effort (Task 1) for this specific project, and over 10 years working for the City of Miami Beach. With this experience considered, our proposal submitted on October 13, 2003, remains as our best estimate to complete the work.

We value our relationship with the City of Miami Beach and look forward to working with you on the successful completion of this important project. If you have any questions please call me at (954) 426-4008.

Sincerely,

CH2M HILL

Rick Olson, P.E.
Client Service Manager

DFB310036961405.doc/033300015
c: Bryan McDonald/CH2M HILL
Grethe McLaughlin/CH2M HILL
Tim Sharp/CH2M HILL

EXHIBIT D

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing an agreement with Carrfour Supportive Housing providing $309,469 in HOME Program funds from fiscal year 2002/03, towards the cost of the rehabilitation of 530 Meridian Avenue.

Issue:

Shall the City provide Carrfour $309,469 in HOME Program funds from a HOME Program NOFA utilizing funds from fiscal year 2002/03, towards the cost of rehabilitation of a building located at 530 Meridian Avenue to make available fifty-five rental units for formerly Miami Beach homeless individuals in accordance with the HOME Program requirements.

Item Summary/Recommendation:

Execution of a HOME Investment Partnerships (HOME) Program Agreement between the City and Carrfour Supportive Housing, providing $309,469 in HOME Program funds from a HOME Program Notice of Funding Availability (NOFA) utilizing funds from fiscal year 2002/03, towards the cost of the rehabilitation of a building, located at 530 Meridian Avenue, making available 55 units of transitional housing for formerly Miami Beach homeless individuals participating in the Miami-Dade County Continuum of Care, with preference provided for formerly Miami Beach homeless individuals.

Advisory Board Recommendation:

On June 7, 2002, the Board of Adjustment granted a variance for room size at the facility and imposed several conditions. On May 30, 2003, the Loan Review Committed (LRC) recommended that the City approve $309,469 in HOME Program funds to Carrfour from the HOME Program NOFA from fiscal year 2002/03 for the rehabilitation of the building located at 530 Meridian Avenue. On November 24, 2003, the Neighborhoods Committee reviewed and forwarded to the City Commission for approval the request from Carrfour for funding in the amount of $309,469 in HOME Program funds towards the rehabilitation of the building located at 530 Meridian Avenue.

Financial Information:

Source of Funds:

HOME Program

Finance Dept.

	Amount	Account	Approved
1	$309,469	151.5231	
2			
3			
4			
Total	$309,469		

City Clerk's Office Legislative Tracking:

Vivian P. Guzman

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7C

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT BETWEEN THE CITY AND CARRFOUR SUPPORTIVE HOUSING, PROVIDING $309,469 IN HOME PROGRAM FUNDS FROM A HOME PROGRAM NOTICE OF FUNDING AVAILABILITY (NOFA) UTILIZING FUNDS FROM FISCAL YEAR 2002/03, TOWARDS THE COST OF THE REHABILITATION OF A BUILDING, LOCATED AT 530 MERIDIAN AVENUE, MIAMI BEACH, TO PROVIDE FIFTY-FIVE HOME PROGRAM RENTAL UNITS FOR INCOME-ELIGIBLE RESIDENTS IN ACCORDANCE WITH THE HOME PROGRAM REQUIREMENTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On February 3, 2003, the City issued a HOME Program Notice of Funding Availability (NOFA) in the amount of $673,800 from fiscal year 2002/03 for the acquisition and/or rehabilitation of multi-family rental buildings or scattered sites for the purpose of providing affordable rental housing. In response to the HOME Program NOFA, Carrfour Supportive Housing (Carrfour) submitted an application for $350,000 in HOME Program funds to be used toward the rehabilitation of the property located at 530 Meridian Avenue, Miami Beach. On June 2001, Carrfour acquired the property for $1,650,000 utilizing funds provided by the Federal Home Loan Bank and a purchase money mortgage. In addition, Carrfour has secured $1,000,000 from the Florida Housing Finance Corporation, $604,395 from the Miami-Dade County Documentary Surtax Program, and $395,605 in Miami-Dade HOME Investment Partnerships Program for the rehabilitation of the building. The total cost of the project is estimated to be $3,989,469, or $275 per square foot.

The property consists of a building containing seventy-six hotel rooms that will be reconfigured into seventy-one Single Room Occupancy (SRO) units. Of these units, fifty-five units will be provided as transitional housing for formerly Miami Beach homeless individuals participating in the Miami-Dade County Continuum of Care, fifteen units will be provided as rental units for income-eligible residents, and one unit will be provided as the building manager's unit. In accordance with HOME Program requirements, Carrfour will

provide the rental units for the formerly homeless for a minimum of five years after the rehabilitation is complete. Carrfour has indicated that no social services such as counseling, substance abuse and/or job placement assistance will be provided at 530 Meridian Avenue. In addition, the City has met with Carrfour and requested that a significant number of the units be set aside for formerly Miami Beach homeless individuals. Carrfour has agreed to set aside all 55 units for Miami Beach homeless.

The Continuum of Care consists of emergency, transitional and permanent housing. Transitional housing usually targets homeless individuals and families in emergency housing who have had their immediate needs met, and who require more intensive, specialized services to achieve residential and financial stability. This phase of the Continuum of Care prepares individuals for independent living.

The building has a total area of 14,531 square feet. The scope of the exterior rehabilitation will include: full exterior historic renovation including new roof, new windows and doors, accessibility improvements and patio rehabilitation. The interior improvements will consist of new plumbing and electrical systems, installation of central air-conditioning system, new doors, appliances, plumbing fixtures, floor finishes, installation of wheelchair lift, and historic restoration of the lobby.

On June 7, 2002, the City's Board of Adjustment granted Carrfour a variance (Order attached) for 530 Meridian Avenue (File No. 2872) to waive 159 sq. ft. of the minimum required hotel room size of 300 sq. ft. in order to substantially remodel an existing hotel with rooms ranging in size from 141 sq. ft. to 171 sq. ft. The Board of Adjustment discussed the variance request, and, because of the small size of the units, conditioned the variance upon the building being licensed as a hotel. One condition imposed was that guests shall not be permitted to stay on a permanent basis at this facility, but shall be permitted to enter into one six-month lease and no more than six one-month extensions thereafter. On July 25, 2003, the Board of Adjustment granted Carrfour a six-month extension of the variance to obtain permits. The deadline to obtain a building permit for the property is December 7, 2003. Carrfour has applied for the building permit and has indicated to the City that they expect to obtain the permit by the deadline or file for an extension.

On May 9, 2003, the City issued a thirty-day placard declaring the building unfit for human habitation. Subsequently, Carrfour vacated the building. In the process, Carrfour informed the City that up to eight of the residents of 530 Meridian Avenue may be eligible for relocation benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Carrfour has indicated that it intends to utilize a portion of the HOME Program funds previously provided to them by Miami-Dade County for the cost associated with relocation benefits. It is important to note that Carrfour was very cooperative with the City and provided daily status reports on the residents eligible for relocation benefits.

In accordance with the terms of the HOME Program NOFA, applications were reviewed by City staff for completeness and compliance with the terms of the HOME Program NOFA

and the HOME Program requirements. On May 30, 2003, the Loan Review Committee recommended $309,469 HOME Program funds from the HOME Program NOFA from fiscal year 2002/03 for the rehabilitation of the building at 530 Meridian Avenue (Loan Review Committee Minutes attached).

On November 24, 2003, the Neighborhoods Committee reviewed and forwarded to the City Commission for approval the request from Carrfour for funding in the amount of $309,469 in HOME Program funds towards the rehabilitation of the building located at 530 Meridian Avenue. During the meeting, Commissioners expressed a concern regarding security at the site. Carrfour agreed to lead a collaborative effort with the City to establish a crime watch in the vicinity of 530 Meridian Avenue. Also, Carrfour committed to develop and detail a procedure providing preference to formerly Miami Beach homeless individuals and to work with the Administration to ensure that the commitment is honored past the initial 55 referrals or placements for transitional housing. This procedure is incorporated in the HOME Program Agreement as Exhibit D.

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, authorize the Mayor and City Clerk to execute a HOME Investment Partnerships (HOME) Program Agreement between the City and Carrfour Supportive Housing, providing $309,469 in HOME Program funds from a HOME Program Notice of Funding Availability (NOFA) utilizing funds from fiscal year 2002/03, towards the cost of the rehabilitation of a building, located at 530 Meridian Avenue, Miami Beach, to provide fifty-five HOME Program rental units for income-eligible residents in accordance with the HOME Program requirements.

RCM/VPG/JR/MDC/SKC
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Attachments

RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT BETWEEN THE CITY AND CARRFOUR SUPPORTIVE HOUSING, PROVIDING $309,469 IN HOME PROGRAM FUNDS FROM A HOME PROGRAM NOTICE OF FUNDING AVAILABILITY (NOFA) UTILIZING FUNDS FROM FISCAL YEAR 2002/03, TOWARDS THE COST OF THE REHABILITATION OF A BUILDING, LOCATED AT 530 MERIDIAN AVENUE, MIAMI BEACH, TO PROVIDE FIFTY-FIVE HOME PROGRAM RENTAL UNITS FOR INCOME-ELIGIBLE RESIDENTS IN ACCORDANCE WITH THE HOME PROGRAM REQUIREMENTS.

WHEREAS, the City has established a HOME Investment Partnerships Program (HOME Program) under the rules of the U.S. Department of Housing and Urban Development (HUD), which provides financial assistance for the purpose of providing affordable housing within the City; and

WHEREAS, the City has determined the necessity for providing affordable housing in the City through its Consolidated Plan, adopted by Resolution No. 98-22814 on July 1, 1998, and its One-Year Action Plan for Federal Funds for Fiscal Year 2002/03, adopted by Resolution No. 2002-24948 on July 31, 2002, as amended; and

WHEREAS, on February 3, 2003, the City issued a HOME Program Notice of Funding Availability (NOFA) in the amount of $673,800 from fiscal year 2002/03 for the acquisition and/or rehabilitation of multi-family rental buildings or scattered sites for the purpose of providing affordable rental housing and Carrfour Supportive Housing submitted an application for HOME Program funds to be used towards the rehabilitation of the property located at 530 Meridian Avenue, Miami Beach; and

WHEREAS, on May 30, 2003, the Loan Review Committee recommended $309,469 HOME Program funds from the HOME Program NOFA for fiscal year 2002/03 for the rehabilitation of the building at 530 Meridian Avenue to provide fifty-five HOME Program rental units for income-eligible residents in accordance with the HOME Program requirements; and

WHEREAS, on November 25, 2003, during the meeting of the Neighborhoods Committee, Carrfour agreed to lead a collaborative effort with the City to establish a crime watch in the vicinity of 530 Meridian Avenue; and

WHEREAS, on November 25, 2003, during the meeting of the Neighborhoods Committee, Carrfour committed to develop and detail a procedure providing preference to formerly Miami Beach homeless individuals and families; and

WHEREAS, on November 25, 2003, the Neighborhoods Committee reviewed and forwarded to the City Commission for approval the request from Carrfour for funding in the amount of $309,469 in HOME Program funds towards the rehabilitation of the building located at 530 Meridian Avenue; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Clerk are hereby authorized to Execute a Home Investment Partnerships (HOME) Program Agreement between the City and Carrfour Supportive Housing, providing $309,469 in HOME Program funds from a HOME Program Notice Of Funding Availability (NOFA) utilizing funds from fiscal year 2002/03, towards the cost of the rehabilitation of a building, located at 530 Meridian Avenue, Miami Beach, to provide fifty-five HOME Program rental units for income-eligible residents in accordance with the HOME Program requirements.

PASSED AND ADOPTED THIS _____day of _____, 2003

ATTEST:

_____ _____

CITY CLERK MAYOR

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 12/3/03 Date

HOME PROGRAM AGREEMENT

THIS AGREEMENT, entered into this ___ day of _____, 2003, by and between the **CITY OF MIAMI BEACH**, a Florida municipal corporation, having its principal office at 1700 Convention Center Drive, Miami Beach, Florida, (City), and **CARRFOUR SUPPORTIVE HOUSING**, a Florida Not-for-Profit Corporation, with offices located at 155 South Miami Avenue, Suite 1150, Florida (hereinafter referred to as Owner).

WITNESSETH:

WHEREAS, on February 18, 1992, the City was designated by the U.S. Department of Housing and Urban Development (HUD) as a Participating Jurisdiction for the receipt of funds through the HOME Investment Partnerships (HOME) Program under 24 CFR 92; and

WHEREAS, the City has entered into an agreement with HUD for the purpose of conducting an affordable housing program with federal financial assistance under the HOME Program; and

WHEREAS, on February 3, 2003, the City issued a HOME Program Notice of Funding Availability (NOFA) in the amount of $673,800 from fiscal year 2002/03 for the acquisition and/or rehabilitation of multi-family rental buildings or scattered sites for the purpose of providing affordable rental housing and Carrfour Supportive Housing submitted an application for HOME Program funds to be used towards the rehabilitation of the property located at 530 Meridian Avenue, Miami Beach; and

WHEREAS, on May 30, 2003, the Loan Review Committee recommended $309,469 HOME Program funds from the HOME Program NOFA for fiscal year 2002/03 for the rehabilitation of the building at 530 Meridian Avenue to provide fifty-five HOME Program rental units for income-eligible residents in accordance with the HOME Program requirements; and

WHEREAS, on November 25, 2003, during the meeting of the Neighborhoods Committee, Carrfour agreed to lead a collaborative effort with the City to establish a crime watch in the vicinity of 530 Meridian Avenue; and

WHEREAS, on November 25, 2003, during the meeting of the Neighborhoods Committee, Carrfour committed to develop and detail a procedure providing preference to formerly Miami Beach homeless individuals and families; and

WHEREAS, on November 25, 2003, the Neighborhoods Committee reviewed and forwarded to the City Commission for approval the request from Carrfour for funding in the amount of $309,469 in HOME Program funds towards the rehabilitation of the building located at 530 Meridian Avenue; and

WHEREAS, Owner warrants and represents that it possesses the legal authority to enter into

this Agreement, by way of a resolution that has been duly adopted as an official act of the Board of Directors, authorizing the execution of this Agreement, including all understandings and assurances contained herein, and authorizing the person(s) identified as their official representative(s) to execute this Agreement and any other documents which may be necessary to implement this project; and

WHEREAS, Owner intends to create a not-for-profit entity which will assume all interest and title to the property located at 530 Meridian Avenue and be a successor in interest to Carrfour Supportive Housing pursuant to this Agreement; and

WHEREAS, accordingly, the City herein agrees and consents to a one-time only assignment of this Agreement to Sunsouth Place, Inc.; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

ARTICLE I
DEFINITIONS

As used in this Agreement the terms listed below shall have the following meanings:

(a) HOME Program: HOME Investment Partnerships Program, as set forth in 24 CFR Part 92, as amended.

(b) HUD: United States Department of Housing & Urban Development or any successor agency.

(c) Funds: HOME Program funds.

(d) CHDO: Community Housing Development Organization as defined in the HOME Investment Partnerships Program, 24 CFR, Part 92, as amended, and CPD Notice 94-02.

(e) Terms defined in the HOME Investment Partnerships Program Final Rule, 24 CFR Part 92, and any amendments thereto, not otherwise defined in this Agreement, shall have the meaning set forth in said Rule.

(e) HOME Assisted Units: A term that refers to the number of units in a project assisted with HOME Program funds for which rent, occupancy, and resale/recapture restrictions apply.

ARTICLE II
ALLOCATION OF HOME FUNDS

In consideration of the performance by Owner of its role and responsibilities set forth in this Agreement, the City agrees to provide a conditional grant of HOME Program funds to Owner in the amount of Three Hundred Nine Thousand Four Hundred Sixty-Nine Dollars ($309,469) (Funds)

from fiscal year fiscal year 2002/03.

The Funds will be utilized by Owner for rehabilitation of the building located at 530 Meridian Avenue, Miami Beach, that will provide 55 rental units as transitional housing for formerly homeless individual participating in the Miami-Dade County Continuum of Care. Owner will rehabilitate the building as more fully described in the Scope of Services (Exhibit A) and Budget (Exhibit B). Owner will maintain required HOME Program rent and occupancy limitations for a minimum period of 5 years (the Affordability Period) commencing with the issuance of the final approved Certificate of Completion by the City's Building Department following the planned rehabilitation.

ARTICLE III
SPECIAL PROVISIONS APPLICABLE TO FUNDS PROVIDED UNDER THE HOME PROGRAM

Owner expressly agrees to the following terms and conditions in conformity with the HOME Program Final Rule.

(a) **Repayment of Funds.** The Funds (which definition shall include the allocation of any additional funds that may be provided by the City in the future as a result of an amendment or modification of this Agreement) shall be repaid in their entirety if the HOME units do not meet the affordability requirements for the required time period in accordance with the terms of this Agreement and the HOME Program Regulations. Any violation of these requirements may, at the City's option, result in the entire amount of the Funds, as indicated in Article II or as subsequently amended or modified, being returned and/or otherwise repaid by Owner to the City, and same shall be considered and treated as an event of default resulting in the City's termination for cause of the Agreement, pursuant to Article XXVI herein. The City reserves the right to review the affordability requirements, as set forth herein. Concurrent with its execution of this Agreement and/or any projects pursuant to this Agreement, Owner shall execute a Mortgage and Note in the format provided by the City, incorporating the terms of this section, which shall be recorded in the Official Records of Miami-Dade County Florida. The affordability requirements apply without regard to the term of any loan or mortgage or the transfer of ownership. They must be imposed by deed restrictions, covenants running with the land, or other mechanisms approved by HUD, except that the affordability restrictions may terminate upon foreclosure or transfer in lieu of foreclosure.

(b) **Rent Limitation**. HOME assisted rental units will bear rents in accordance with 24 CFR 92.252, as published from time-to-time by HUD. The City shall provide a HOME Program rent schedule annually to Owner.

(c) **Rent schedule and utility allowances**. In accordance with 24 CFR 92.252(b)(c) and (d), the City must review and approve rents and the monthly utility allowances proposed by the owner prior to initial occupancy. Owner must re-examine and document the income of each tenant living in the HOME assisted units annually. The maximum monthly rent must be recalculated by Owner and

reviewed and approved by the City annually. Any increase in rents for HOME-assisted units is subject to the provisions of outstanding leases and, in any event, the owner must provide the tenant with not less than 30 days written notice before implementing any rent increase.

(d) Owner shall comply with all applicable federal regulations as they may apply to restrictions and limitations regarding real property under Owner's control acquired or improved in whole or in part with HOME funds.

(e) The Project must provide safe, sanitary, and decent residential housing for income eligible tenants (i.e., persons whose income is within specific income levels set forth by HUD).

(f) **Income Targeting**. Owner shall maintain written documentation that conclusively demonstrates that the project assisted in whole or in part with HOME funds provides benefit to very-low income households (annual income does not exceed 50 percent of the median family income for the area) and low-income households (annual income does not exceed 80 percent of the median income for the area) as required.

(g) **Records**: Owner shall maintain all records sufficient to meet the requirements of 24 CFR 92.508(a)(2) program records, 92.508(a)(3) project records, 92.508(a)(5) other Federal requirements records, 92.508(a)(6) program administration records. All records required herein shall be retained and made accessible as provided in 24 CFR 92.508 (c) and (d) and Florida Statutes Chapter 119.

(i) **Property Standards**. For the duration of this Agreement and any amendments hereto, housing that is assisted with HOME funds, must meet all applicable local codes, rehabilitation standards, ordinances and zoning ordinances at the time of project completion. The City shall conduct annual or bi-annual, as required, on-site inspections of the project to assure compliance with housing codes. The City may select a sample of the units in the project to satisfy the inspection requirements.

(j) **Environmental Review**. For the Project described in the Scope of Services (Exhibit A), attached hereto, Owner shall obtain a Phase I, Environmental Assessment, and agree to mitigate any hazardous conditions identified therein.

(k) **Affirmative Marketing.** In order to provide persons in the housing market area with a range of housing choice, regardless of race, color, religion, sex, handicap, familial status, or national origin, Owner agrees to administer the HOME Program in a manner that will affirmatively further the purposes of Title VI of the Civil Rights Act of 1964 at 24 CFR 1, the Fair Housing Act at 24 CFR 100 and Executive Order 11063 at 24 CFR 107. Owner will submit its written procedures that implement these requirements for review and approval by the City.

(l) **Tenant and Participant Protection**. Owner agrees that the lease to be executed with the tenants of rental housing will be in accordance with 24 CFR Part 92.253. Furthermore, if HOME

assistance is provided to a CHDO, the CHDO must adhere to a fair lease and grievance procedure approved by the City and provide a plan for and follow a program of tenant participation in management decisions (24 CFR Part 92.303).

(m) **Change in Status**. Owner agrees to advise the City in writing within thirty (30) days of any organizational, operational or legal status changes made by Owner that affect documents that were submitted by Owner.

ARTICLE IV
ELIGIBLE COSTS

Owner agrees that eligible costs for the Project under this Agreement are limited to those eligible costs as outlined in 24 CFR Part 92.206 of the HOME Program regulations.

ARTICLE V
DISBURSEMENT OF FUNDS

(1) The Funds shall be used by Owner for acquisition of real property.

(2) Any payment due under the terms of this Agreement may be withheld pending the receipt and approval by the City of all reports and documents which Owner is required to submit to the City pursuant to the terms of this Agreement or any amendments thereto.

(3) No payments will be made without evidence of appropriate insurance required by this Agreement. Such evidence must be on file with the City.

(4) Owner understands and agrees that disbursement requests for funds under this Agreement are only to be requested when the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed.

ARTICLE VI
SUBCONTRACTS

(a) Owner shall use its best efforts to include a statement in all subcontracts that it executes that the subcontractor shall hold the City harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement to the extent allowed by law.

(b) If Owner subcontracts, a copy of the executed subcontract must be forwarded to the City within ten (10) days after execution.

ARTICLE VII
CONDITIONS OF SERVICE

(a) As a condition of these services, Owner agrees to comply with the HOME Program Final Rule, 24 CFR Part 92, and any Amendments or Notices issued pursuant thereto.

(b) Owner agrees to comply with the requirements of Executive Orders 11625 and 12432 concerning **Minority Business Enterprise** and 12138 **Women's Business Enterprise** which encourage the use of minority and women's business enterprises, to the maximum extent possible, in connection with HOME-funded activities.

(c) Owner agrees to comply with the requirements of the **Uniform Relocation Assistance and Real Property Acquisition Policies Act** of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR Part 24. The Owner acknowledges having received the HUD Manual entitled "All the Right Moves: Relocation and Assistance In HUD Programs" and HUD Handbook 1378 and will comply with all requirements contained therein.

(d) Owner agrees to comply with all of the following federal laws, executive orders, and regulations pertaining to fair housing and equal opportunity.

(1) **Title VI of the Civil Rights Act of 1964, As Amended** (42 U.S.C. 2000d) -- pertaining to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin. Its implementing regulations may be found in 28 CFR Part 1.

(2) **Title VIII of the Civil Rights Act of 1968, As Amended the "Fair Housing Act"** (42 U.S.C. 3601) and its implementing regulations at 24 CFR Part 100-115 -- Prohibiting discrimination in the sale or rental of units in the private housing market.

(3) **Equal Opportunity in Housing** (Executive Order 11063, as amended by Executive Order 12259) and implementing regulations at 24 CFR Part 107 -- Prohibiting discrimination in housing or residential property financing related to any federally assisted activity.

(4) **Age Discrimination Act of 1975, As Amended** (42 U.S.C. 6101) and its implementing regulations at 24 CFR Part 146 -- Prohibiting age discrimination in programs receiving federal financial assistance.

(5) **Equal Employment Opportunity**, Executive Order 11246, As Amended and its implementing regulations at 41 CFR Part 60 -- Prohibiting discrimination against any employee or applicant for employment. Provisions to effectuate this prohibition must be included in all construction contracts exceeding $10,000.

(e) Owner agrees to comply with the requirements of **Section 3 of the Housing and Urban Development Act of 1968** (12 U.S.C. 1701u) -- Requires that, to the greatest extent feasible, opportunities for training and employment arising from HOME funded projects will be provided to low-income persons residing in the program service area; and, to the greatest extent feasible,

contracts for work to be performed in connection with HOME funded projects will be awarded to business concerns that are located in, or owned by persons residing in the program service area.

(f) Owner will ensure that all units in a project assisted with HOME funds comply with the **Lead Based Paint Poisoning Prevention Act** (42 U.S.C. 4821, et) and its implementing regulations at 24 CFR 35.

(g) Owner agrees to comply with the **Federal Labor Standards** Provisions, as described in HUD Handbook 1344-1 (Federal Labor Standards Compliance in Housing and Community Development Programs).

(h) Owner agrees to comply with the requirements of 24 CFR part 24 regarding **debarment and suspension.**

ARTICLE VIII
TERM OF AGREEMENT

This Agreement shall be effective upon execution by both parties and shall terminate at the conclusion of the 5 year period of affordability as specified in 24 CFR 92.252 (affordable rental housing).

ARTICLE IX
TERMINATION

The City and Owner agree that this Agreement may be terminated by the City, in whole or in part, for cause (as defined in Article XXVI herein and in accordance with the provisions of 24 CFR Part 85.43) or for convenience (as defined in Article XXVII and in accordance with the provisions of 24 CFR, Part 85.44). A written notification shall be required at least thirty (30) days prior to the effective date of such termination, and shall include the reason for the termination (if for cause), the effective date, and in the case of a partial termination, the actual portion(s) to be terminated.

ARTICLE X
AMENDMENTS

Any alterations, variations, modifications or waivers of any provisions of this Agreement, including an increased allocation of funds, shall only be valid when they have been reduced to writing and signed by the City and Owner.

ARTICLE XI
CONFLICT OF INTEREST

(a) Owner shall comply with the standards contained within 24 CFR Part 92.356 which states that no owner, developer or sponsor of a project assisted with HOME funds (or officer, employee, agent or consultant of the owner, developer or sponsor) whether private-for-profit or non-profit, may occupy a HOME-assisted affordable housing unit in a project. This provision does not apply to an employee or agent of the owner or developer of a rental housing project who occupies a HOME-assisted unit as the project manager or maintenance worker. Exceptions may be granted by the City in accordance with 24 CFR Part 92.356(f)(2).

(b) Owner shall disclose any possible conflicts of interest or apparent improprieties of any party that is covered by the above standards. Owner shall make such disclosure in writing to the City immediately upon Owner's discovery of such possible conflict. The City will then render an opinion which shall be binding on all parties.

(c) Related Parties. Owner shall report to the City the name, purpose, and any other relevant information in connection with any related-party transaction. This includes, but is not limited to, a for-profit subsidiary or affiliate organization, an organization with overlapping boards of directors, or an organization for which an officer of the Owner is responsible for appointing memberships. Owner shall report this information to the City upon forming the relationship or, if already formed, shall report it immediately. Any supplemental information shall be reported to the City in the required Annual Report.

ARTICLE XII
INDEMNIFICATION AND INSURANCE

Owner, through an insurance carrier, shall indemnify and hold harmless the City from any and all claims, liabilities, losses, and causes of action which may arise out of an act, omission, negligence or misconduct on the part of Owner or any of its agents, servants, employees, contractors, patrons, guests, clients, or invitees. Owner, through its insurance carrier, shall pay all claims and losses of any nature whatsoever in connection therewith and shall defend all suits in the name of the City, when applicable, and shall pay all costs and judgments which may issue thereon.

Owner shall maintain during the term of this Agreement, the insurance specified below.

(1) General Liability: $500,000 combined single limit for bodily injury and property damage, for each occurrence.

(2) Contractual Liability: the policy must include coverage to cover the above indemnification.

(3) Automobile and vehicle coverage in the amount of $500,000 per occurrence shall be required when the use of automobiles and other vehicles are involved in any way in the performance of the

Agreement, including non-owned automobile coverage.

(4) Workers' Compensation Coverage as per statutory limits of the State of Florida.

(5) Builders Risk/Comprehensive Fire and Hazard Insurance: Owner shall deliver to the City the original policy of Builder's Risk and Comprehensive Fire and Hazard Insurance in completed value form with extended coverage in the amount of the full insurable value of the Project upon completion of construction, issued by a company satisfactory to the City.

(6) Flood Insurance: If the floor grade of the first level of the building is determined to be below the base floodplain elevation required by the Federal Emergency Management Agency (FEMA) of 8 feet above NGVD, Owner shall deliver to the City evidence satisfactory to the City that the premises are covered by flood insurance supplied by the Federal Insurance Administration to the maximum amount available, all as provided in the Flood Disaster Protection Act of 1973, as amended, together with appropriate endorsement. Owner agrees that the City shall have the right to take any action necessary to continue said insurance in full force.

Owner shall submit to the City an ORIGINAL Certificate of Insurance for the above coverage with the City named as an additional insured, to the extent of its insurable interest on all policies required herein. All insurance coverage shall be approved by the City's Risk Manager **prior** to the release of any funds under this Agreement. Further, in the event evidence of such insurance is not forwarded to the City's Risk Manager within thirty (30) days after the execution of this Agreement, this Agreement shall become null and void, and the City shall have no obligation under the terms thereof unless a written extension of this thirty (30) day requirement is secured from the Risk Manager.

ARTICLE XIII
REPORTS

(1) Progress Reports. Owner agrees to submit monthly progress reports to the City, describing the status of the Project and achievement of objectives as provided herein and in the Scope of Services (Exhibit A) and Budget (Exhibit B), attached hereto. The progress reports shall be submitted no later than 10 days after the end of each month until such time as all funds are expended or, for rental projects, until the project is fully occupied.

It will be the responsibility of Owner to notify the City in writing, of any actions, law, or event, that will impede or hinder the completion projects and activities as provided in this Agreement. After such notification, the City will take whatever actions it deems appropriate to ensure the success of the program.

(2) Tenant and Rent Schedule Certification.

a. Owner shall submit to the City for approval the proposed rents for the HOME units and, if applicable, the monthly allowances for utilities and services to be paid by the tenant. The City

shall approve submitted rents if such rents comply with applicable Federal standards, or if HUD has approved same.

b. Owner shall provide the City with the initial tenant list, and any and all subsequent updates, amendments and modifications thereto, with documentation for all tenants in the HOME units confirming family size, income, financial classification, ethnicity, HOME rents charged and other information the City may require to fulfill its reporting requirements to HUD. This report will continue to be required for the full period of affordability hereunder beginning on the date of issuance of a Final Certification of Completion for the Project. The initial report shall be due within thirty (30) days of project lease-up.

c. Annually, Owner shall deliver to the City's Housing and Community Development Division, by October 10th of each calendar year, its signed report in form and substance acceptable to the City, to include names of tenants, unit type, family size and income, rents charged, and occupancy/vacancy factor of each unit for the prior fiscal year (October 1st through September 30th). The report will continued to be required for the full 5-year period of affordability hereunder beginning on the date of issuance of a Final Certificate of Completion for the project.

(3) Other reports as may be required by the City to demonstrate compliance with any of the terms of this Agreement.

If the required reports described above are not submitted to the City or are not completed in the manner acceptable to the City, the City may withhold further payments until they are completed or may take any other action as the City may deem appropriate.

ARTICLE XIV
AUDIT AND INSPECTIONS

At any time during normal business hours and as often as the City administration and/or the Comptroller of the Currency of the United States may deem necessary, there shall be made available to the City administration and/or representatives of the Comptroller to audit, examine and make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. If during the course of a monitoring visit, the City determines that any payments made to Owner do not constitute an allowable expenditure, the City will have the right to deduct those amounts from their related invoices. Owner must maintain records necessary to document compliance with the provisions of this Agreement.

ARTICLE XV
COMPLIANCE WITH LOCAL STATE AND FEDERAL REGULATIONS

Owner agrees to comply with all applicable Federal regulations as they may apply to program administration. Additionally, Owner will comply with all State and local laws and ordinances hereto applicable.

ARTICLE XVI
ADDITIONAL CONDITIONS

(a) Title and paragraph headings are for convenient reference and are not a part of this Agreement.

(b) In the event of conflict between the terms of this Agreement and any terms or conditions contained in any attached document, the terms in this Agreement shall rule.

(c) No waiver or breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing.

ARTICLE XVII
ACCESS TO RECORDS

Owner, agrees to allow access during normal business hours to all financial records to authorized Federal, State or City representatives and agrees to provide such assistance as may be necessary to facilitate financial audit by any of these representatives when deemed necessary to insure compliance with applicable accounting and financial standards. Owner shall allow access during normal business hours to all other records, forms, files, and documents which have been generated in performance of this Agreement and to those personnel as may be designated by the City.

ARTICLE XVIII
SEVERABILITY OF PROVISIONS

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

ARTICLE XIX
PROJECT PUBLICITY

Owner agrees that any news release or other type of publicity pertaining to the project as stated herein must recognize the City as the recipient funded by the United States Department of Housing and Urban Development, and that the Program is administered by the City's Housing and Community Development Division, which is the entity providing funds for the Project.

ARTICLE XX
DRUG-FREE WORKPLACE

Owner agrees to administer in good faith, a policy to ensure that it complies with the Drug-Free Workplace Act requirements under 24 CFR Part 24, Subpart F, and will ensure that the workplace is free from the unlawful manufacture, distribution, dispensing, possession or use of

drugs or alcohol.

ARTICLE XXI
NONDELEGABLE

Owner agrees that the obligations undertaken pursuant to this Agreement shall not be delegated or assigned to any other person or firm unless the City shall first consent in writing to the performance or assignment of such service or any part thereof by another person or firm.

ARTICLE XXII
SUCCESSORS AND ASSIGNS

Owner agrees that this Agreement shall be binding upon the parties herein, their heirs, executors, legal representatives, successors, and assigns.

ARTICLE XXIII
INDEPENDENT CONTRACTOR

Owner and its employees and agents shall be deemed to be independent contractors and not agents or employees of the City, and shall not attain any rights or benefits under the Civil Service or Pension Ordinances of the City, or any rights generally afforded classified or unclassified employees; further he/she shall not be deemed entitled to the Florida Workers' Compensation benefits as an employee of the City.

ARTICLE XXIV
ASSIGNMENT

This Agreement may not be assigned or transferred by Owner without the prior written consent of the City thereto, which consent shall not be unreasonably withheld. It shall be deemed a default of this Agreement in the event that Owner does not strictly comply with the procedures established herein for obtaining City consent to assignment or transfer as defined by this Paragraph. In the event such consent is not obtained, in the manner prescribed herein, the City shall be entitled to declare a default, cancel this Agreement, and resort to its rights and remedies against the defaulting party. In the event the Provider transfers an interest of more than one (1%) percent ownership in its stock by pledge, sale, or otherwise; or if Owner makes an assignment for the benefit of its creditors, or uses this Agreement as security or collateral for any loan; or if the Provider is involved in any bulk transfer of its business or assets, then in that event each of the foregoing actions shall also be deemed an assignment of this Agreement and shall require the City's prior written consent. A merger, dissolution, consolidation, conversion, liquidation or appointment of a receivership for Owner, shall be deemed an assignment of this Agreement and will require the prior written consent of the City thereto.

ARTICLE XXV
TERMINATION FOR CAUSE

The City may place Owner in default of this Agreement and may suspend or terminate this Agreement, in whole or in part, for cause, as prescribed in Article X herein. "Cause" shall include, but not be limited to, the following:

(a) Owner's failure to (i) diligently pursue additional Project financing and to close on the acquisition of the Project within 60 days from the date of execution of this Agreement; or (ii) commence work within thirty (30) days from the date of issuance of the Notice to Proceed; or (iii) diligently pursue construction and timely complete the project by securing a Final Certificate of Completion within twelve (12) months from the date of execution of this Agreement.

Work shall be considered to have commenced and be in active progress when, in the sole opinion of the City, a full complement of workers and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting.

(b) Owner's failure to comply with applicable building, fire, life safety, housing and zoning laws, rules, regulations and codes.

(c) Owner's default on any of the terms and conditions of the note, mortgage, or other loan document executed by Owner in favor of a Lender. The affordability requirements apply without regard to the term of any loan or mortgage or the transfer of ownership. They must be imposed by deed restrictions, covenants running with the land, or other mechanisms approved by HUD, except that the affordability restrictions may terminate upon foreclosure or transfer in lieu of foreclosure.

(d) Owner's failure to maintain the insurance required by the City and/or Lender.

(e) Failure to comply and/or perform in accordance with any of the terms and conditions of this Agreement, or any Federal, State or local regulation.

(f) Submitting any required report to the City which is late, incorrect, or incomplete in any material respect after notice and reasonable opportunity to cure, as set forth in subparagraph (h) hereof, has been given by the City to Owner.

(g) Implementation of this Agreement, for any reason is rendered impossible or infeasible.

(h) Failure to respond in writing within thirty (30) days of notice of same from City to any concerns raised by the City, including providing substantiating documentation when requested by the City.

(i) Any evidence of fraud, waste or mismanagement as determined by the City's monitoring of project(s) under this Agreement, or any violation of applicable HUD rules and regulations.

(j) Owner's insolvency or bankruptcy.

(k) An assignment or transfer of this Agreement or any interest therein which does not comply with the procedures set forth in Article XXV herein.

(l) Claims of lien not satisfied or bonded-off, in accordance with Florida Statutes, within 60 days from the date of filing of any such lien.

(m) Failure to comply and/or perform in accordance with the affordability requirements, and/or an unauthorized transfer of title of its HOME projects.

If the default complained of is not fully and satisfactorily cured within thirty (30) days of receipt of such notice of default to Owner, at the expiration of said thirty (30) day period (or such additional period of time, as permitted by the City, in its sole discretion, as required to cure such default, in the event Owner is diligently pursuing curative efforts) this Agreement may, at the City's sole option and discretion, be deemed automatically canceled and terminated, and the City fully discharged from any and all liabilities, duties and terms arising out of, or accruing by virtue of this Agreement. In the event of a default for cause, the City may, at its option, avail itself of any and all remedies pursuant to 24 CFR Part 85.43, as amended from time to time, including suspension, in whole or in part, of Owner's grant award(s); recapture of the Funds, as set forth herein; and any other remedies that may be legally available.

ARTICLE XXVI
TERMINATION FOR CONVENIENCE

Notwithstanding Article XXVI above, Owner herein consents that the City may terminate this Agreement, in whole or in part, for convenience, as set forth in 24 CFR Part 85.44.

ARTICLE XXVII
ADDITIONAL REMEDIES

In the event of a default and termination for cause, the City shall be entitled to bring any and all legal and/or equitable actions which it deems to be in its best interest, in Miami-Dade County, Florida, in order to enforce the City's rights and remedies against the defaulting party. The City shall be entitled to recover all costs of such actions, including reasonable attorney's fees. To the extent allowed by law, the defaulting party waives its right to jury trial and its right to bring permissive counterclaims against the City in any such action.

ARTICLE XXVIII
MAINTENANCE AND RETENTION OF RECORDS

Owner agrees that it will maintain all records required pursuant to 24 CFR Part 92.508, in an orderly fashion in a readily accessible, permanent and secure location, and that it will prepare and submit all reports necessary to assist the City in meeting record keeping and reporting requirements there under.

(1) Records shall be maintained for a period of **five years** after the closeout of funds under this Agreement except as provided herein (2), (3) and (4).

(2) If any litigation, claim, negotiation, audit or other action has been started before the regular expiration date, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular period specified in paragraph (1), whichever is later;

(3) **Records regarding project requirements that apply for the duration of the period of affordability, as well as the written agreement and inspection and monitoring reports must be retained for five years after the affordability period terminates;**

(4) Records covering displacements and acquisition must be retained for at least five years after the date by which the persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled in accordance with 24 CFR Part 92.353.

ARTICLE XXIX
LIMITATION OF LIABILITY

The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of $309,469. Owner hereby expresses its willingness to enter into this Agreement with Owner's recovery from the City for any damage action for breach of contract to be limited to a maximum amount of $309,469. Accordingly, and notwithstanding any other term or condition of this Agreement, Owner hereby agrees that the City shall not be liable to Owner for damages in an amount in excess of $309,469, for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon the City's liability as set forth in Florida Statutes, Section 768.28.

ARTICLE XXX
VENUE

This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any or all terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida.

ARTICLE XXXI
ADDITIONAL CONDITIONS AND COMPENSATION

It is expressly understood and agreed by the parties hereto that monies contemplated by this Agreement to be used for the Funds, originated from grants of federal HOME Investment Partnerships Program funds, and must be implemented with all of the applicable rules and regulation of the U.S. Department of Housing and Urban Development. It is expressly understood and agreed that in the event of curtailment or non-production of said Federal grant funds, that the financial

sources necessary to continue to pay the Owner the Funds will not be available and that this Agreement will thereby terminate effective as of the time it is determined that said funds are no longer available. In the event of such determination, Owner agrees that it will not look to, nor seek to hold liable, the City or any individual member of the City Commission thereof, personally for the performance of this Agreement and all parties hereto shall be released from further liability each to the other under the terms of this Agreement.

ARTICLE XXXII
ACCESSIBILITY LAWS COMPLIANCE

Owner agrees to adhere to and be governed by the following accessibility requirements:

(a) **Architectural Barriers Act of 1968**, As Amended (42 U.S.C. 4151) and its implementing regulations at 35 CFR Part 107 -- Public buildings and conveyances financed with federal funds must be designed, constructed, or altered to provide accessibility to the physically handicapped.

(b) **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8 -- Prohibits discrimination in federally assisted programs on the basis of handicap and imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive federal funds.

(c) **Title VIII of the Civil Rights Act of 1968, As Amended the "Fair Housing Act"** (42 U.S.C. 3601) and its implementing regulations at 24 CFR Part 100-115.

Owner must complete and submit the City's Disability Non-Discrimination Affidavit (Affidavit), a copy of which is attached hereto and incorporated herein as Exhibit C. In the event Owner fails to execute the City's Affidavit, or is found to be in non-compliance with the provisions of the Affidavit, the City may impose such sanctions as it may determine to be appropriate, including but not limited to, withholding of payments to Owner under the Agreement until compliance and/or cancellation, termination or suspension of the Agreement in whole or in part. In the event the City cancels or terminates the Agreement pursuant to this Article, Owner shall not be relieved of liability to the City for damages sustained by the City by virtue of Owner's breach of the Agreement.

ARTICLE XXXIII
NOTICES

All notices shall be sent to the parties at the following addresses:

If to the City: City of Miami Beach
1700 Convention Center Drive, 3rd Floor
Miami Beach, FL 33139
Attn: (1) City Attorney's Office
and (2) Housing and Community Development Division Director

If to Owner: Maria Pellerin Barcus

Carrfour Supportive Housing
155 South Miami Avenue
Miami, Florida 33130

or to such address and to the attention of such other person as the City or Owner may from time to time designate by written notice to the other.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized official(s) on the day and date first above indicated.

CARRFOUR SUPPORTIVE HOUSING
a Florida not-for-profit corporation

ATTEST:

_____
Authorized Signatory

_____
Secretary

_____
Printed Name and Title
of Authorized Signatory

ATTEST:

CITY OF MIAMI BEACH
a Florida Municipal corporation

_____
City Clerk

_____
Mayor

F:\NEIG\HSG-CD\STEVE\HOME\530 MERIDIAN AVENUE AGREEMENT - 12-1-03.DOC

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 12/3/03
Date

EXHIBIT A

SCOPE OF SERVICES

SCOPE OF SERVICES

1. Address of Project: 530 Meridian Avenue
Miami Beach, Fl 33139

2. Legal Description:

Lot 4, Block 74, Ocean Beach Addition No. Three, as recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

3. Building and Site Characteristics

Carrfour Supportive Housing (Carrfour) submitted an application for $350,000 in HOME Program funds to be used toward the rehabilitation the property located at 530 Meridian Avenue, Miami Beach. On June 2001, Carrfour acquired the property for $1,650,000 utilizing funds provided by the Federal Home Loan Bank and a purchase money mortgage. In addition, Carrfour has secured $1,000,000 from the Florida Housing Finance Corporation, $604,395 from the Miami-Dade County Documentary Surtax Program, and $395,605 in Miami-Dade HOME Investment Partnerships Program for the rehabilitation of the building. The total cost of the project is estimated to be $3,989,469, or $275 per square foot. This three-story building is located one-half block north of Fifth Street. The building has a total area of 14,531 square feet. The property consists of a 76-unit building that will be reconfigured into 71 Single Room Occupancy (SRO)-units. Of these units, 55 units will be provided as transitional housing for formerly homeless individuals participating in the Miami-Dade County Continuum of Care, 15 units will be provided as affordable rental units for income-eligible residents, and one unit will be provided as the building manager's unit.

On June 7, 2002, the City's Board of Adjustment granted Carrfour a one-year variance for 530 Meridian Avenue (File No. 2872) to waive 159 sq. ft. of the minimum required hotel room size of 300 sq. ft. in order to substantially remodel an existing hotel with rooms ranging in size from 141 sq. ft. to 171 sq. ft. On May 21, 2003, Carrfour requested a six-month extension of the variance. Carrfour's request is scheduled to be heard by the Board of Adjustment during the meeting of July 25, 2003.

A Phase 1 Environment Review was conducted to determine possible petroleum product contamination, and the presence of asbestos or lead paint. As a requirement of funding, the Owner will mitigate any hazardous conditions identified in the Phase 1 report. The Property has been appraised at $1,650,000.

4. Upon completion of the Project, 55 units will be HOME-assisted and carry restricted rent and tenant income restrictions for the duration of the 5-year affordability period.

5. Proposed Elements of Construction

The proposed scope of work, based on a preliminary evaluation, includes the following exterior rehabilitation: full exterior historic renovation including new roof, new windows and doors, accessibility improvements and patio rehabilitation. The interior improvements will consists of new plumbing and electrical systems, installation of central air-conditioning system, new doors, appliances, plumbing fixtures, floor finishes, installation of wheelchair lift, and historic restoration of the lobby.

On May 9, 2003, the City issued a 30-day placard declaring the building unfit for human habitation. Subsequently, Carrfour vacated the building. In the process, Carrfour informed the City that up to eight of the residents of 530 Meridian may be eligible for relocation benefits in accordance with the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 (URA). Carrfour has indicated that it intends to utilize a portion of the HOME Program funds previously provided to them by Miami-Dade County for the cost associated with relocation benefits.

6. The following procedures must be followed, prior to the commencement of work on the project:

(a) Each contractor and/or subcontractor must be found to be eligible to work on a federally funded project. The names submitted will be checked against the monthly listing "Consolidated List of Debarred, Suspended & Ineligible Contractors and Grantees" published by the Federal Government.

(b) Since the Building is more than 50 years old, Owner's Architect or Engineer (1) must obtain and submit to the City a letter indicating that the plans for the project have been reviewed by the State Historic Preservation Officer (SHPO) and that the proposed rehabilitation is acceptable to that office, and (2) must submit a copy of the 50 year re-certification for the building.

(c) A set of final approved plans and specifications for the project approved by the City's Building Department must be submitted to the Housing and Community Development Division of the City's Neighborhood Services Department.

(d) Building permits must be obtained as required by applicable City Ordinance. Also, any other necessary permits and applicable approvals from any other governmental authorities must be obtained, if required.

(e) A copy of the contract between Owner and a licensed General Contractor must be submitted to the City which includes commencement and completion dates, contract amount, scope of work, Federal Labor Standards Provisions (HUD Form 4010, if applicable), and applicable federal regulations and standards.

(f) The General Contractor selected must submit evidence prior to the commencement of work, satisfactory to the City's Insurance Manager, of the following insurance coverage: 1) Liability insurance against claims arising out of accident or occurrence on the property, in a minimum amount of $1,000,000. The City of Miami Beach must be named as additional insured in the policy; and 2) Proof of worker's compensation coverage; and such other forms of insurance as the City's Risk Manager may reasonably require.

(g) A revised cost breakdown, to include direct and indirect costs of the proposed work, based on the actual contract price.

When the above requirements have been met, the Housing and Community Development Division and the Building Department will jointly issue a "Notice to Proceed" on the project. If Owner or contractor does not fully comply, or if any work commences prior to the issuance of the Notice to Proceed, then such work may, at the discretion of the City, constitute a default under this Agreement.

Exception: Subject to the prior approval of the Housing and Community Development Division and the Building Department, emergency repairs can be undertaken on the Project.

7. Owner's General Contractor shall be responsible for compliance with all pollution and asbestos control standards of the concerned governmental agencies. It shall be the Contractor's responsibility to obtain required inspections from these agencies.

8. Federal regulations require that all tenants in housing rehabilitated with federal funds, be provided with information on the following: that the property may contain lead-based paint; of the hazards, symptoms and treatment for ingestion of lead-based paint; of the precautions to be taken; of the availability of blood level screening for children under seven years of age; and that in the event lead-based paint is found in the property, appropriate abatement procedures must be undertaken by Owner. Copies of a brochure will be provided to the Owner by the City. This information must be provided by Owner to each tenant, and Owner must retain evidence of having provided this notification to the tenant in a file for the life of this Agreement.

9. After the property has been rehabilitated, it must conform to the applicable codes, ordinances and statutes of the City and of Miami-Dade County, including, but not limited to, the South Florida Building Code, the Zoning Ordinance, and the Property Maintenance Standards.

10. Owner agrees that it will develop an affirmative marketing plan, with concurrence from the City, that will comply with the City's adopted affirmative marketing procedures and requirements for projects containing 5 or more HOME-assisted housing units. Owner shall implement an affirmative marketing program that provides information to, and attracts eligible persons in the housing market area to the available housing receiving assistance from HOME funds, without regard to race, color, national origin, religion, sex, sexual orientation, handicap, marital status, familial status, or age. The affirmative marketing requirements and procedures adopted by Owner shall include, but not necessarily be limited to, the following:

a. Methods to promote greater choice of housing opportunities;

b. Practices for marketing vacant units that will affirmatively further fair housing (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);

c. Special outreach efforts to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing without special outreach and advertising efforts (e.g., use of community organizations including, but not limited to: places of worship, employment centers, community centers, fair housing groups, housing counseling agencies, community development corporations, and the Housing Authority of the City of Miami Beach). The City shall provide a list of potential outreach sources to Owner;

d. Maintenance of records describing actions taken to affirmatively market units and records to assess the results of these actions, including newspaper clippings of all vacant units advertised, copies of brochures, pamphlets, and articles used in advertising units, lists of community organizations used in disseminating information, records of referrals and the results of these referrals, and documentation of any other special outreach activities conducted.

e. A certification that states that the Owner agrees to adhere to any corrective actions the City requires if affirmative marketing requirements are not met.

11. Project Development Schedule

Commence Construction	September 2003
Complete Construction	September 2004
Lease-up	October 2004

EXHIBIT B

BUDGET

SOURCES AND USES OF FUNDS

516 15th STREET

ESTIMATED SOURCES OF FUNDS

Purchase Money Mortgage	$1,180,000
Federal Home Loan Bank	500,000
Florida Housing Finance Corporation	1,000,000
Miami-Dade County Documentary Surtax Program	604,395
Miami-Dade HOME Investment Partnerships Program	395,605
City of Miami Beach HOME Program	309,469
	$3,989,469

USES OF FUNDS

ACQUISITION OF PROPERTY	$1,650,000
REHABILITATION	1,662,000
PRE-DEVELOPMENT COSTS	343,594
FINANCIAL COST	74,406
DEVELOPER'S FEE	259,469
	$3,989,469

EXHIBIT C

DISABILITY DISCRIMINATION AFFIDAVIT

DISABILITY DISCRIMINATION AFFIDAVIT

CONTRACT REFERENCE: _____
Name of firm, corporation, or organization

AUTHORIZED AGENT COMPLETING AFFIDAVIT: _____

POSITION: _____ PHONE NUMBER: _____

I, _____, being duly first sworn state: _____

That the above named firm, corporation or organization is in compliance with and agrees to continue to comply with, and assure that any subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

The Americans with Disabilities Act of 1990 (ADA): Pub. L. 101-336, 104 Stat 327, 42 U.S.C. 12101-12213 and 547 U.S.C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

The Rehabilitation Act of 1973: 29 U.S.C. Section 794.

The Federal Transit Act, as amended: 49 U.S.C. Section 1612.

The Fair Housing Act as amended: 42 U.S.C. Section 3601-3631.

_____ _____
Signature (Date)

SUBSCRIBED AND SWORN TO (or affirmed) before me _____
(Date)

by _____.
(Affiant)

He/She is personally known to me or has presented _____ as identification.
(Type of identification)

_____
(Signature of Notary) (Serial Number)

_____
(Print or Stamp Name of Notary) (Expiration Date)

Notary Public _____ (State) Notary Seal

The City of Miami Beach will not award a contract to any firm, corporation or organization that fails to complete and submit this Affidavit with the firm, corporation or organization's bid or proposal or fails to have this Affidavit on file with the City of Miami Beach.

EXHIBIT D

PREFERENCE PROCEDURE

Exhibit D

Sunsouth Intake Plan

Carrfour Supportive Housing ("Carrfour") will target Miami Beach's chronically homeless population for residency at Sunsouth. Carrfour will work closely with the City of Miami Beach's Office of Homeless Coordination to identify this population.

Carrfour will begin the intake process by opening the waiting list six months prior to occupancy. During this initial period, the waiting list will only be open to homeless adults that have been certified as being homeless on Miami Beach by the City of Miami Beach's Office of Homeless Coordination.

Carrfour anticipates that many of these individuals will need to undergo substance abuse, mental health and medical treatment prior to occupancy at Sunsouth. Therefore, once placed on the waiting list, staff from Carrfour and the Office of Homeless Coordination will refer these individuals to an appropriate service provider. Carrfour's experience has been that individuals are more receptive to treatment if they know that a housing unit is being reserved for them once they successfully complete treatment. This process will give individuals six months to receive the treatment they need in order to be able to live independently in a clean and sober environment.

Once Sunsouth is ready for occupancy, Carrfour will move-in the first 55 adults from the waiting list that have met the program requirements. Then, as individuals move out of Sunsouth, Carrfour will call the next person on the waiting list.

After the initial six month period, Carrfour will open the waiting list to other Homeless Trust service providers. At this time, the City of Miami Beach has approximately 300 adults that have been certified as homeless. Carrfour anticipates that once the waiting list is open, all of these 300 individuals that are still homeless will be placed on the waiting list. Therefore, all of Miami Beach's current homeless population will be offered services first.

Also, in order to give Miami Beach's homeless population ongoing preference, Carrfour will not take the name of any Miami Beach homeless adult off of the waiting list until they are no longer homeless. When a unit becomes available in any other Carrfour project, Carrfour calls the next person on the waiting list. If staff is unable to locate the person or if the person is not ready to move into the unit, he/she is taken off of the waiting list. At Sunsouth, Carrfour will keep the person on the waiting list until they are served. Therefore, until all 300 homeless adults are served, the first person to be called on the waiting list will always be from Miami Beach.

BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

MEETING DATE: JUNE 7, 2002
FILE NO. 2872

IN RE: The application of
SUN SOUTH PLACE
530 MERIDIAN AVENUE
LOT 4; BLOCK 74
OCEAN BEACH ADDITION NO. 3
PB 2-81; MIAMI-DADE COUNTY, FLORIDA

ORDER

The applicant, Sun South Place , filed an application with the Planning Department for a variance in order to substantially remodel an existing hotel building, as follows:

1. A variance to waive 159 sq. ft. of the minimum required hotel room size of 300 sq. ft. in order to substantially remodel an existing hotel with rooms ranging in size from 141 sq. ft. to 171 sq. ft.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the C-PS2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

File No. 2872
Sun South Place
530 Meridian Avenue

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS THEREFORE ORDERED, by the Board, that the variance as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. This variance is for Sun South Place Inc. only. If the building is ever sold, the variance shall become null and void. The new owner shall either comply with the minimum unit size required by the Code at that time or apply for a new variance.

2. The building shall be licensed as a hotel and must comply with all applicable regulations including the payment of resort taxes.

3. Guests shall not be permitted to stay on a permanent basis at this facility. Guests shall be permitted to enter into one six-month lease and no more than six one-month lease extensions thereafter.

4. There shall be no cooking facilities in the individual hotel rooms.

5. The proposed handicap ramp requires staff Historic Preservation Board approval. Staff has indicated that the ramp cannot be approved as shown in the front porch and must be moved to the side of the building.

6. The existing entrance canopy shall be removed and if desired may be replaced with a design to be approved by staff.

7. The proposed new layout of the four hotel units at the rear of each floor shall not be permitted. These units must remain as they currently exist. If the applicant wishes to remove the existing walls and bathroom facilities for these units, then the resulting hotel units shall be required to meet the minimum unit size of 300 sq. ft.

8. The building shall undergo a complete renovation including all items shown on the plans submitted for this application. This includes new windows and doors, central air-conditioning, plumbing and electrical upgrades, fire sprinkler and alarm upgrades, new floor finishes, painting and necessary accessibility improvements.

9. The applicant shall present a Progress Report to the Board six (6) months after the issuance of a Certificate of Occupancy or a Certificate of Completion, whichever occurs first. Further reports shall be at the Board's discretion.

10. The applicant shall comply with the following conditions, if required, by the Public Works Department:

    a. Remove and replace sidewalk/cub gutter along Meridian Avenue.
    b. Remove and resurface asphalt in rear alley of property.
    c. Provide underground utility service connections.
    d. Provide backflow prevention devices on all water services.
    e. Provide proper garbage disposal facilities.
    f. Payment of utility impact fees.
    g. Meet federal flood hazard ordinance requirements
    h. Provide on-site self-contained drainage for the proposed improvement areas.

11. The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If the building permit is not obtained or construction is not completed within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this condition shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.

12. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before June 7, 2003 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

File No. 2872
Sun South Place
530 Meridian Avenue

Board of Adjustment of
The City of Miami Beach, Florida

By: _____
Jorge G. Gomez, AICP
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name:
Notary Public, State of Florida

[NOTARIAL SEAL]
My Commission Expires:

Approved As To Form:
Legal Department ( )

Filed with the Clerk of the Board of Adjustment on _____ ( )

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Recording Office Use Only

BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

IN RE: The application of
SUN SOUTH PLACE
530 MERIDIAN AVENUE
LOT 4; BLOCK 74
OCEAN BEACH ADDITION NO. 3
PB 2-81; MIAMI-DADE COUNTY, FLORIDA

FILE NO. 2872
MEETING DATE: JULY 25, 2003

EXTENSION OF TIME ORDER

The applicant, Sun South Place, filed an application with the Director of the Planning Department in order to obtain a building permit to substantially remodel an existing hotel building. The variance was granted on June 7, 2002. The extension, if granted, will give the applicant until December 7, 2003 to obtain a building permit.

Notice of the request for extension of time was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that good cause exists to grant the requested extension.

IT IS THEREFORE ORDERED, by the Board, that the extension of time as described above be APPROVED, and that all conditions as imposed by the Board of Adjustment and contained within the Order issued for this project on June 7, 2002 shall remain in full force and effect, except as modified herein:

1. The applicant shall obtain a building permit by December 7, 2003.
2. The project shall be completed by December 7, 2004.
3. The building shall remain closed and not be used until the renovations as shown on the variance are completed and a new certificate of completion or occupancy is obtained.

File No. 2872
Sun South Place
530 Meridian Avenue

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any and all applicable modifications. The applicant shall have a building permit issued by the Building Department on or before December 7, 2003, otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be approved (subject to compliance with the conditions of the Order of the June 7, 2002 meeting and the conditions hereof) and processed in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By: _____
Jorge G. Gomez, AICP
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:
Legal Department ( )

Filed with the Clerk of the Board of Adjustment on _____. ( )

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Minutes of the Loan Review Committee
Meeting of May 30, 2003

Meeting held in the Mayor's Conference Room

Members in Attendance:

Regina Berman
Phillip Brazlavsky
Hope Fuller
James Gleason
Joshua M. Levy
Maria Paulsen

Staff in Attendance:

Miguell Del Campillo, Housing Manager
Steven K. Cumbo, Senior Housing Specialist
Susan Lichtstein, Housing Specialist

Guests and Observers in the Audience:

Arthur Marcus
Roberto Datorre, MBCDC, President
Manuel Forero, MBCDC, Project Manager
Michael Cox, Carrfour, Dir. of Housing Dev.

1. Call to Order:

A quorum being present, the meeting was called to order at 3:45 p.m. by James Gleason, Chairperson.

2. Old Business:

a. Review of Minutes:

Joshua M. Levy moved:

The minutes of the meeting of January 17, 2003, be approved.

The motion was seconded by Regina Berman.

Upon a voice vote, the minutes were approved unanimously.

b. Status Report - Financial and Project:

Mr. Cumbo reported the following financial information:

The Multi-Family Housing Rehabilitation Program currently has three (3) projects underway: 7331-33 Gary Avenue, 259 Washington Avenue, and 1945 Calais Drive. A total of $295,600 has been obligated for these projects making available $547,886 for other new projects. In addition, the Revised Guidelines for the Multi-Family Housing Rehabilitation Program went to Commission on April 30, 2003, and was referred to the Neighborhoods Committee for review.

c. Other Old Business:

3. New Business:

a. Application number 04-03, from the Miami Beach Community Development Corporation (MBCDC), submitted in response to the Owner Occupied Housing Rehabilitation Program N.O.F.A. of March 10, 2003, by the Miami Beach Community Development Corp. (MBCDC). One response to the NOFA was received.

Steven K. Cumbo, Senior Housing Specialist, described the proposed application as follows:

On February 21, 2001, reallocated $300,000 of Community Development Block Grant (CDBG) Program funds to the Miami Beach Community Development Corporation (MBCDC) for an Owner Occupied Housing Rehabilitation Program. MBCDC received a development fee of 12 percent of the rehabilitation cost up to $15,000. MBCDC agreed to assist 17 homeowners to rehabilitate their homes. At present, MBCDC has completed the rehabilitation of 18 homes and is the process of rehabilitating a 19th home. MBCDC has currently utilized the funding originally allocated for the Program

On March 10, 2003, the City of Miami Beach (City) announced that it would accept applications under a Notice of Funding Availability (NOFA) from qualified entities to operate a scattered-site Owner Occupied Housing Rehabilitation Program. This NOFA was funded with $300,000 of CDBG Program funds for an owner occupied housing rehabilitation program funded under this NOFA to assist a minimum of 17 income-eligible homeowners to rehabilitate their homes.

One response to the NOFA was received from MBCDC. The application was reviewed by the Staff for completeness and compliance with the terms of the NOFA and the Owner Occupied Housing Rehabilitation Program requirements. Based upon the evaluation, Staff recommends that the proposal submitted by Miami Beach Community Development Corporation (MBCDC) be funded for the full amount of $300,000.

Roberto Datorre, President of MBCDC, responded to questions of the board.

A discussion of the project followed.

Phillip Brazlavsky moved:

The Loan Review Committee recommends that the Mayor and City Commission approve that the Miami Beach Community Development Corporation be funded in the amount of $300,000 for the operation of an Owner Occupied Housing Rehabilitation Program, this recommendation is subject to the following conditions:

> **That MBCDC enter into an agreement with the City outlining the terms and conditions for the provision of funds in accordance with the requirement of the Owner Occupied Housing Rehabilitation Program Guidelines, satisfactory to the Office of the City Attorney.**

The motion was seconded by Maria Paulsen.

Upon a roll-call vote, **the motion passed 5-0-0**. [See attached motion form.]

Regina Berman removed herself from the table at this time and she abstained from all discussion of and voting on the following item due to a conflict of interest.

b. Application number 05-03, a Notice of Funding Availability (NOFA) was made available by the City starting February 3, 2003, for $673,800 of HOME Program funds. Beginning March 3, 2003, three responses to the NOFA were received.

Susan Lichtstein, Housing Specialist, described the proposed applications as follows:

The City issued a Notice of Funding Availability (NOFA) in the amount of $673,800 on February 3, 2003 for affordable rental housing development. The funding consists of fiscal year 2002 funds in the amount of $673,800. Under the terms of the NOFA, applications were accepted starting March 3, 2003. Applications are being accepted on a continuous basis as long as funds are available. All of the applications received that meet standards for completeness and compliance with the terms of the NOFA and the HOME Program requirements are being forwarded to the Loan Review Committee (LRC) for review and funding recommendation.

05-03 A. MBCDC has submitted an application for $512,471 in HOME Program funds to be used toward the acquisition and rehabilitation of an apartment building that will contains of 18 one-bedroom units after reconfiguration is completed. This two-story building is located one-half block north of Fifth Street and was acquired by MBCDC on August 23, 2001. The building has a total area of 9,961 square feet.

The $512,471 of HOME funds requested with this application would be combined with the $1,152,677 previously awarded HOME Program funds to MBCDC for this project. In addition to

HOME Program funds, MBCDC has been approved to receive $500,000 in Miami-Dade County Surtax funds and a private first mortgage bank loan of $100,000 and owner equity of $52,409.

Roberto Datorre, President of MBCDC, responded to questions of the board.

A discussion of the project followed.

Phillip Brazlavsky moved:

The Loan Review Committee recommends that the Mayor and City Commission fund the Miami Beach Community Development Corporation in the amount of $364,331 for the rehabilitation of 532 Michigan Avenue. This recommendation is contingent on the following:

> **That the Miami Beach Community Development Corporation enter into a HOME Program Agreement with the City outlining the terms and conditions for the provision of funds in accordance with the requirements of the HOME Program and these recommendations, satisfactory to the Office of the City Attorney.**

The motion was seconded by Maria Paulsen.

Upon a roll-call vote, **the motion passed 5-0-1**. [See attached motion form.] Regina Berman abstained due to a conflict of interest.

05-03 B. Ivan A. & Yolanda M. Casas have submitted an application for $670,886 in HOME Program funds to be used toward the acquisition and rehabilitation of an eight-unit apartment building that contains eight two-bedroom units.

This application was withdrawn at the request of the applicant.

Susan Lichtstein, Housing Specialist, described the proposed application as follows:

05-03 C. Carrfour Supportive Housing (Carrfour) has submitted an application for $350,000 in HOME Program funds to be used toward the rehabilitation of a 76-unit apartment building that will be reconfigured to provide 71 SRO-units, 55 units for formerly homeless individuals, 15 affordable units, and 1 manager's unit. Fifty-eight units will share 29 bathroom facilities and the remaining 13 units will have private facilities. This three-story building is located one-half block north of Fifth Street and was acquired by Carrfour in June 2001. The building has a total area of 14,531 square feet.

In addition to HOME Program funds, Carrfour has been approved to receive $1,000,000 from the Florida Housing Finance Corporation, and a total of $1,000,000 from Miami-Dade County HOME and Surtax funds. Carrfour has also secured private financing for $1,680,000 from the Federal Home Loan Bank of Atlanta and a Purchase Money Mortgage.

Michael Cox, Director of Housing Development for Carrfour Supportive Housing, responded to questions of the board.

A discussion of the project followed.

Phillip Brazlavsky moved:

The Loan Review Committee recommends that the Mayor and City Commission approve the funding of Carrfour Supportive Housing in the amount of $309,469 for the rehabilitation of 530 Meridian Avenue. This recommendation is contingent on the following:

> **That Carrfour Supportive Housing resolve the outstanding issues with the pertaining to the property with the City's Building, Code Compliance, Fire, and other Department of the City; and**
>
> **That Carrfour Supportive Housing enter into a HOME Program Agreement with the City outlining the terms and conditions for the provision of funds in accordance with the requirements of the HOME Program and these recommendations, satisfactory to the Office of the City Attorney.**

The motion was seconded by Hope Fuller.

Upon a roll-call vote, **the motion passed 5-0-1**. [See attached motion form.] Regina Berman abstained due to a conflict of interest.

Regina Berman returned to the table at this time, after the completion of all discussion and all voting related to this issue was completed.

c. Application number 06-03, from the Miami Beach Community Development Corporation (MBCDC) requesting HOME Program funds to acquire and rehabilitate the Westchester Apartments, 516 15th Street, Miami Beach.

Susan Lichtstein, Housing Specialist, described the proposed application as follows:

The City of Miami Beach One-Year Action Plan for Federal Funds Fiscal Year 2001/02 earmarked $800,000 of City HOME Program funds to Miami Beach Community Development Corporation (MBCDC), of which $207,473 remains available for project. The City of Miami Beach One-Year Action Plan for Federal Funds Fiscal Year 2002/03 earmarks $800,000 City HOME Program funds to MBCDC. These funds were allocated to MBCDC as the City's designated Community Housing Development Organization (CHDO) to be utilized for eligible projects.

MBCDC has entered into a contract in the amount of $1,212,000 to purchase the Westchester Apartments located at 516 15th Street, Miami Beach. On May 1, 2003, MBCDC submitted a request

to the City to utilize the combined remaining $207,473 from FY 01/02 and the $800,000 from FY 02/03 HOME CHDO allocations to acquire and rehabilitate the Westchester Apartments. In addition, MBCDC is currently being recommended to receive $800,000 from the City's HOME CHDO set-aside allocation from FY 03/04 of which MBCDC plans to use $400,000 for the property. MBCDC, also, plans to apply for Miami-Dade County Documentary Surtax Program funding in the amount of $500,000, and MBCDC is applying to the City of Miami HOPWA Program funds in the amount of $600.

The property contains a three-story Mediterranean revival structure built in 1926 consisting of approximately 10,420 square feet. The building currently is configured into 30 apartments of which 6 are one-bedroom units and 24 are efficiency units. The 24 efficiency units are to be reconfigured into 18 larger efficiency units. The resulting reconfiguration will be six (6) one-bedroom apartment units and 18 efficiency units. The units will be rented to income-eligible participants qualifying under the HOME Program rules. The building is currently vacant and no tenants will be relocated.

In order to comply with ADA requirements, MBCDC is planning to request a waiver for the accessibility ramps because of insufficient space. However, MBCDC will comply with all other ADA requirements.

MBCDC now requests that the Loan Review Committee recommend approval of the site and transaction so that the project can be submitted to the Miami Beach City Commission.

Roberto Datorre, President of MBCDC, responded to questions of the board.

A discussion of the project followed.

Phillip Brazlavsky moved:

The Loan Review Committee recommend approval of the site and transaction for the acquisition, rehabilitation and operation of the proposed project, an existing Westchester Apartment building located at 516 15th Street, Miami Beach, for the purpose of providing rental housing for income-eligible participants, and that the proposed infusion of $1,007,473 of HOME Program funds into this project be approved, subject to the following conditions:

MBCDC will obtain and submit a "letter of no objection" to the proposed project from the State Historic Preservation Officer; and,

MBCDC will provide formal confirmation of having received the other grant funds described herein, or adequate funding from another source acceptable to the City, sufficient to complete the property acquisition and rehabilitation; and,

MBCDC must enter into a HOME Program Agreement with the City outlining the terms and conditions for the provision of the funds in accordance with the requirements of the HOME

Investment Partnerships Program and these recommendations, satisfactory to the Office of the City Attorney.

The motion was seconded by Regina Berman.

Upon a roll-call vote, **the motion passed 5-0-0**. [See attached motion form.]

d. Other new business

There was no other new business.

4. Adjournment:

The Chair asked if there was further business to come before the Committee. Hearing none, he adjourned the meeting.

The meeting was declared adjourned.

Respectfully Submitted by:

Steven K. Cumbo
Senior Housing Specialist

Miguell Del Campillo
Miguell Del Campillo
Housing Manager

CITY OF MIAMI BEACH
LOAN REVIEW COMMITTEE

MEETING OF: May 30, 2003

MOTION #: 1

MOTION MADE BY: Joshua M. Levy **MOTION 2ND BY:** Regina Berman

MOTION TEXT:

The minutes of the meeting of January 17, 2003, be approved.

ROLL CALL VOTE:

LRC MEMBERS	YES	NO	ABSENT	ABSTAIN	CONFLICT
REGINA BERMAN	X				
PHILLIP BRAZLAVSKY	X				
HOPE FULLER			X		
JAMES GLEASON	X				
JOSHUA M. LEVY	X				
MARI PAULSEN	X				
JORGE GOMEZ					
PATRICIA WALKER [R.D.]					
TOTAL	**5**		**1**		
MOTION CARRIED / FAILED	**C**				

CITY OF MIAMI BEACH
LOAN REVIEW COMMITTEE

MEETING OF: May 30, 2003

MOTION #: 2

MOTION MADE BY: Phillip Brazlavsky **MOTION 2ND BY:** Maria Paulsen

MOTION TEXT:

The Loan Review Committee recommends that the Mayor and City Commission approve that the Miami Beach Community Development Corporation be funded in the amount of $300,000 for the operation of an Owner Occupied Housing Rehabilitation Program, this recommendation is subject to the following conditions:

> **That MBCDC enter into an agreement with the City outlining the terms and conditions for the provision of funds in accordance with the requirement of the Owner Occupied Housing Rehabilitation Program Guidelines, satisfactory to the Office of the City Attorney.**

ROLL CALL VOTE:

LRC MEMBERS	YES	NO	ABSENT	ABSTAIN	CONFLICT
REGINA BERMAN	X				
PHILLIP BRAZLAVSKY	X				
HOPE FULLER			X		
JAMES GLEASON	X				
JOSHUA M. LEVY	X				
MARI PAULSEN	X				
JORGE GOMEZ					
PATRICIA WALKER [R.D.]					
TOTAL	5		1		
MOTION CARRIED / FAILED	C				

CITY OF MIAMI BEACH
LOAN REVIEW COMMITTEE

MEETING OF: May 30, 2003

MOTION #: 3

MOTION MADE BY: Phillip Brazlavsky **MOTION 2ND BY:** Maria Paulsen

MOTION TEXT:

The Loan Review Committee recommends that the Mayor and City Commission fund the Miami Beach Community Development Corporation in the amount of $364,331 for the rehabilitation of 532 Michigan Avenue. This recommendation is contingent on the following:

> **That the Miami Beach Community Development Corporation enter into a HOME Program Agreement with the City outlining the terms and conditions for the provision of funds in accordance with the requirements of the HOME Program and these recommendations, satisfactory to the Office of the City Attorney.**

ROLL CALL VOTE:

LRC MEMBERS	YES	NO	ABSENT	ABSTAIN	CONFLICT
REGINA BERMAN				X	
PHILLIP BRAZLAVSKY	X				
HOPE FULLER	X				
JAMES GLEASON	X				
JOSHUA M. LEVY	X				
MARI PAULSEN	X				
JORGE GOMEZ					
PATRICIA WALKER [R.D.]					
TOTAL	5			1	
MOTION CARRIED / FAILED	C				

CITY OF MIAMI BEACH
LOAN REVIEW COMMITTEE

MEETING OF: May 30, 2003

MOTION #: 4

MOTION MADE BY: Phillip Brazlavsky **MOTION 2ND BY:** Hope Fuller

MOTION TEXT:

The Loan Review Committee recommends that the Mayor and City Commission approve the funding of Carrfour Supportive Housing in the amount of $309,469 for the rehabilitation of 530 Meridian Avenue. This recommendation is contingent on the following:

That Carrfour Supportive Housing resolve the outstanding issues with the pertaining to the property with the City's Building, Code Compliance, Fire, and other Department of the City; and

That Carrfour Supportive Housing enter into a HOME Program Agreement with the City outlining the terms and conditions for the provision of funds in accordance with the requirements of the HOME Program and these recommendations, satisfactory to the Office of the City Attorney.

ROLL CALL VOTE:

LRC MEMBERS	YES	NO	ABSENT	ABSTAIN	CONFLICT
REGINA BERMAN				X	
PHILLIP BRAZLAVSKY	X				
HOPE FULLER	X				
JAMES GLEASON	X				
JOSHUA M. LEVY	X				
MARI PAULSEN	X				
JORGE GOMEZ					
PATRICIA WALKER [R.D.]					
TOTAL	5			1	
MOTION CARRIED / FAILED	C				

CITY OF MIAMI BEACH
LOAN REVIEW COMMITTEE

MEETING OF: May 30, 2003

MOTION #: 5

MOTION MADE BY: Phillip Brazlavsky **MOTION 2ND BY:** Regina Berman

MOTION TEXT:

The Loan Review Committee recommend approval of the site and transaction for the acquisition, rehabilitation and operation of the proposed project, an existing Westchester Apartment building located at 516 15th Street, Miami Beach, for the purpose of providing rental housing for income-eligible participants, and that the proposed infusion of $1,007,473 of HOME Program funds into this project be approved, subject to the following conditions:

MBCDC will obtain and submit a "letter of no objection" to the proposed project from the State Historic Preservation Officer; and,

MBCDC will provide formal confirmation of having received the other grant funds described herein, or adequate funding from another source acceptable to the City, sufficient to complete the property acquisition and rehabilitation; and,

MBCDC must enter into a HOME Program Agreement with the City outlining the terms and conditions for the provision of the funds in accordance with the requirements of the HOME Investment Partnerships Program and these recommendations, satisfactory to the Office of the City Attorney.

ROLL CALL VOTE:

LRC MEMBERS	YES	NO	ABSENT	ABSTAIN	CONFLICT
REGINA BERMAN	X				
PHILLIP BRAZLAVSKY	X				
HOPE FULLER			X		
JAMES GLEASON	X				
JOSHUA M. LEVY	X				
MARI PAULSEN	X				
JORGE GOMEZ					
PATRICIA WALKER [R.D.]					
TOTAL	5		1		
MOTION CARRIED / FAILED	C				

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Approval of the 2004 State Legislative Priorities.

Issue:

Approval by the Mayor and City Commission of the Legislative, Administrative, Funding and Educational priorities that the City will pursue as part of its Legislative Agenda in Tallahassee during the upcoming year.

Item Summary/Recommendation:

Approve the Resolution.

Advisory Board Recommendation:

Quality Education Committee – December 2, 2003

Financial Information:

Amount to be expended: N/A

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Kevin Crowder – Economic Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2003\dec1003\regular\State Legislative Prioritiesr-ITEM SUMMARY.doc

AGENDA ITEM R7D

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, APPROVING THE CITY'S STATE LEGISLATIVE AGENDA FOR THE 2004 SESSION OF THE FLORIDA LEGISLATURE.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

Each year, the Mayor and City Commission adopt the City's legislative priorities that will be pursued by the City's representatives in Tallahassee during the regular session of the Florida Legislature. The attached list of priorities was developed by the Administration in consultation with the City's lobbyists, and by meetings held on December 4, 2003 between the City's lobbyists and the Mayor and each Commissioner.

Historically, the City's priorities fell into three categories: Legislative, Administrative, and Funding. For the 2004 Session of the Florida Legislature, an additional category has been added, to allow the City to better focus on Educational issues.

The legislative agenda includes issues that have appeared on prior agendas, specifically the Bert J. Harris Act, the Consultants Competitive Negotiation Act, and the Convention Center Sales Tax Refund. New issues include Record Retention Timeframes, Executive Session, and the Convention Development Tax, and exploring the implementation of red light photo enforcement. More information on each issue is included in the attached Legislative Agenda. Additionally, the City will monitor issues such as community redevelopment, windstorm insurance, outdoor advertising, public notices, and other issues that impact local authority.

Issues on the Administrative Agenda include working with the Florida Department of Environmental Protection for approval of the Beachfront Rules and Regulations, and discussions with the Florida Department of Transportation regarding sidewalk cafes on State roads.

The Funding Agenda includes funding for local water projects, as well as funding of the Entertainment Industry Incentive program that the Legislature passed during the 2003

session.

The City is also submitting a Community Budget Issue Request for $100,000 for a feasibility study for the creation of a National Heritage Area in Miami Beach. A National Heritage Area is a region in which residents, businesses, and local governments have joined together to conserve and celebrate heritage and special landscapes. It is an area where culture and history shape the landscape, where the land and the local environment, over time, have shaped traditions and cultural values in the people who live there, and where the residents' use of the land has, in turn, created and sustained a landscape that reflects their cultures.

At the December 2, 2003 meeting of the Quality Education Committee, the Committee approved two motions recommending issues for inclusion in the Education Agenda. The first motion was that the Legislature appropriately fund universal pre-K to ensure the ability to hire quality certified teachers. The Committee further requested that this priority be submitted to the Children's Trust for inclusion in their 2004 Legislative Priorities. The second motion was to place the following issues on the Education Agenda:

1. District Cost Differential
2. Unify State and Federal Accountability Systems
3. Workforce Development Funding
4. Operational and Capital Funding
5. Graduation Requirements

Further information on each of these items is included in the attachment, which is included for Commission review, comment and approval.

The Administration recommends that the Mayor and City Commission review the proposed legislative package, establish the priorities and adopt the attached Resolution.

JMG:CMC:kc

Attachment

T:\AGENDA\2003\dec1003\regular\State Legislative Priorities 2004.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, APPROVING THE CITY'S STATE LEGISLATIVE AGENDA FOR THE 2004 SESSION OF THE FLORIDA LEGISLATURE.

WHEREAS, the City must avail itself of all potential sources of funds; and

WHEREAS, State legislation may need to be enacted to protect and enhance the City's interests; and

WHEREAS, it is imperative that the City's legislative consultant is aware of, and has a list of, City priorities; and

WHEREAS, the City's State legislative team has met with the Mayor, City Commissioners, and the Administration relative to the City's needs and priorities with regard to the 2004 Session of the Florida Legislature; and

WHEREAS, the City's numerous State-level needs have been assessed and prioritized to produce the most effective use of its legislative team.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the recommended State Legislative Agenda for the 2004 Session of the Florida Legislature be approved, as more specifically set forth in the attached Exhibit A.

PASSED and **ADOPTED** this _____ day of _____, 2003.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 12-2-03

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CITY OF MIAMI BEACH

Priorities for the State of Florida 2004 Legislative Session

LEGISLATIVE AGENDA

- **Bert J. Harris Act**
- **Consultants' Competitive Negotiation Act**
- **Convention Center Sales Tax Refund**
- **Record Retention Timeframes / Digital Imaging**
- **Executive Session**
- **Convention Development Tax**
- **Article V Implementation**
- **Monitor**
  - Community Redevelopment
  - Windstorm Insurance
  - Outdoor Advertising
  - Red Light Photo Enforcement
  - Public Notices
  - Cell Phone Tower Siting
  - Retain/Increase Local Authority

ADMINISTRATIVE AGENDA

- **Department of Environmental Protection**
  - Beachfront Rules and Regulations
  - Beach Renourishment
- **Department of Transportation**
  - Sidewalk Cafes
  - Julia Tuttle Lighting Project

FUNDING AGENDA

- **Community Budget Requests**
  - Funding National Heritage Area Feasibility Study
- **Statewide Issues**
  - Funding for Local Water Projects
  - Funding for Entertainment Industry Incentives
  - Funding for Historic Preservation and Cultural Programs
  - Funding for Beach Renourishment
- **Grant Support**

EDUCATION AGENDA

- **Universal Pre-K**
- **Operating and Capital Needs**
- **District Cost Differential**
- **Unify State and Federal Accountability systems**
- **Workforce Development Funding**
- **Graduation Requirements**
- **Local Control / Municipal Charters**

Legislative Agenda

Bert J. Harris Act

The City opposes legislation that weakens or removes the sovereign immunity provision in the Bert Harris Act, and further will work to support legislation that not only maintains, but strengthens the sovereign immunity provision.

Consultant's Competitive Negotiation Act – Amend Section 287.055, Florida Statutes

The selection criteria as outlined in Section 287.055(4)(b) states that "in determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current and projected workloads of the firms, and the volume of work previously awarded to each firm by the agency, 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 firms."

The required criteria results in confusion and/or feedback from both committee members and participating Architectural and Engineering (A/E) firms as to the applicability or validity of the following factors:

1. Willingness to meet time and budget requirements. When A/Es find themselves in a competitive process, they all state on the record without any hesitation, that they are willing to meet time and budget requirements. It is recommended that this criterion be deleted. The true test should be the A/Es past performance in meeting time and budget requirements.
2. Recent, current and projected workloads of the firms. This very subjective criterion has resulted in confusion by the various evaluation committee members. If a firm has been successful, and as a result of said success has a long list of recent, current, and projected projects, should that be used to penalize the firm? Should committee members judge an A/E firm's ability to take on additional work? A firm's workload should not have any impact on whether the firm is capable of performing on the project. The firm's capabilities should be based on their experience, qualifications, knowledge, skills, abilities, and the knowledge, skills and abilities of their project team
3. Location. Most evaluation committees have agreed that this criterion should be allocated a low weight. On at least one occasion, there existed a very contentious protest by a local A/E firm who was a close second to an out-of-state A/E. Whether a firm receives points on their location should be a local policy decision made by the City Commission.

The proposed change significantly reduces the City's exposure to lawsuits and/or protests. It provides local governments the authority to determine its best interest, and which factors should be considered in the selection of A/E firms.

Convention Center Sales Tax Refund – Amend Sections 212.20 and 288.1171, F.S.

This program will return 50% of the revenues remitted to the State from taxes on sales and use at the Convention Center to the City for business recruitment and retention purposes. The prior proposal was for the recruitment of high-tech, research and development, manufacturing and tourism industries. The City of Miami Beach desires that this program be eligible for the recruitment of all industries listed on the targeted industry list of the State's QTI Tax Refund Program.

This legislation was introduced during the 2002 and 2003 Legislative Sessions. Approval of this program will generate approximately $250,000 annually for the business recruitment and retention efforts of the City. The City of Miami Beach supports the introduction and passage of this legislation during the 2004 Florida Legislative Session.

Record Retention Timeframes / Digital Imaging

Currently, State statute establishes mandatory retention periods for various types of records that are kept by municipalities. Some types of personnel records must be maintained for 50 years after employment. The retention of these and other types of records require that sometimes significant costs be borne by the City. The City of Miami Beach supports

legislation that reduces the time periods that records must be retained or enhances the digital imaging option for the City's record keeping.

Executive Session – Amend Section 286.011, Florida Statutes

Currently, Florida Statute that governs Executive Session limits the persons that are authorized to attend. The City supports legislation that will allow the appropriate Assistant City Manager and/or Department Director to attend when their attendance is deemed necessary. The following amendment language is proposed:

286.011
(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, and the assistant manager and department director responsible for the matter, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met...

Convention Development Tax – Amend Section 212.0305, Florida Statutes

Currently, Florida Statutes define the types of projects that the Convention Development Tax may be utilized for. The Statute further provides a separation of the collections into 1/3 and 2/3 amounts. The City supports a conforming amendment to the Convention Development Tax Act that expands the eligible uses of the 2/3 portion of the revenues, to include the project types that are currently authorized for the 1/3 portion.

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—
(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—
(b) Charter county levy for convention development.—
2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, ~~or~~ auditoriums, golf courses, or related buildings and parking facilities and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used, as determined by the county, to operate an authority created pursuant to subparagraph 4. or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county.

Article V Implementation

The City will monitor and evaluate the impact of Article V on the City, and will support legislation that significantly reduces or eliminates the fee schedules for the enforcement of municipal code or ordinance violations

Monitor Legislation of Importance

Every Legislative Session, issues arise that are of importance to the City. The Administration and its representatives monitor these issues as they develop in order to respond in the best interest of the City. For the 2004 Florida Legislative Session, issues that the Administration has identified are Convention Development Tax, Community Redevelopment, Windstorm Insurance, Outdoor Advertising, Cell Phone Tower Siting, Red Light Photo Enforcement, and Public Notice requirements. The Administration and its representatives will also work with the Florida League of Cities to monitor issues of local authority as they develop in order to respond in the best interest of the City.

Administrative Agenda

Department of Environmental Protection

The City's Beachfront Management Plan expired on February 5, 2003. The Plan renewal has

been approved by the Department of Environmental Protection with certain conditions. The Administration is in the process of incorporating those conditions into the plan, which will be submitted to DEP for final approval. The City's lobbyists will continue to work with the City and DEP on this item through its completion.

Florida Department of Transportations

Work with the Florida Department of Transportation to develop a mechanism whereby the State will authorize the creation and regulation of sidewalk cafés on the State right-of-way. The City will also work with the Department to further the Julia Tuttle Lighting Project.

Funding Agenda

Community Budget Request

National Heritage Area

The City is currently exploring application to the National Park Service to create a National Heritage Area in Miami Beach. Currently, there are 23 designated areas nationwide, but none exist in Florida. A National Heritage Area is a region in which residents, businesses, and local governments have joined together to conserve and celebrate heritage and special landscapes. It is an area where culture and history shape the landscape, where the land and the local environment, over time, have shaped traditions and cultural values in the people who live there, and where the residents' use of the land has, in turn, created and sustained a landscape that reflects their cultures. The first step in the process is a feasibility study. Since the designation requires significant local, regional, and statewide support, the City is seeking funding for the study from the State of Florida in the 2004-2005 Budget.

Statewide Issues

Funding for Local Water Projects

Twenty-five million dollars that was previously allocated to the South Florida Water Management District from Florida Forever is now going to Everglades Forever to help the State meet their commitment. Additionally, the Governor's budget has been as low as $18 million for water projects, while the Legislature used to appropriate approximately $100 million. No local water projects were funded during the 2003 Legislative Session, and it is imperative that local water projects be budgeted for through the South Florida Water Management District and awarded during the 2004 Legislative Session.

Funding for Entertainment Industry Incentives

During the 2003 Legislative Session, the Legislature passed HB 1149, which is an incentive program for television/film/commercial/music video production in Florida. Unfortunately, although the structure of the program was approved, no funding was allocated to support it. The high level of production in South Florida in the past two years, combined with the fiscal crisis in California, make now the most opportune time to fund this program and begin an aggressive marketing campaign to attract production to Florida. The City of Miami Beach supports full funding of the Office of the State Film Commissioner, and a $50 million appropriation to fund the new incentive program.

Funding for Historic Preservation and Cultural Programs

The City seeks reinstatement of the trust fund and full funding for Historic Preservation and Cultural Programs.

Funding for Beach Renourishment

The City supports restoration of the amount in the trust fund for beach renourishment to $30 million during the 2004 Session.

Grant Support

The City's representatives in Tallahassee will continue to assist the City in the identification, pursuit, and acquisition of grants that are submitted for State funds for City projects and

priorities.

Education Agenda

Universal Pre-K

Apropriately fund Universal Pre-K to ensure the ability to hire quality certified teachers.

Operating and Capital Needs

Appropriately fund operating and capital needs of school districts to ensure the delivery of quality educational programs.

District Cost Differential

The City supports the continuation of the District Cost Differential in order to compensate for a higher district cost of living and will oppose any legislative to reduce or eliminate the formula.

Unify State and Federal Accountability Systems

If the State has an accountability plan that is approved by the United States Department of Education as meeting the intent of NCLB, then that state plan determines whether a school is meeting annual yearly progress. The City urges the State to pursue acceptance of the State program as an alternative to the federal accountability requirements.

Workforce Development Funding

Increase workforce development funding, ensure it remains a separate funding category, and support continuation funding for adults with disabilities. Provide increased funding weights and mandate industry certification for secondary technical education programs.

Graduation Requirements

The City supports the reinstatement of the number of credits required for graduation from 18 to 24.

Municipal Charter

The City will monitor activities regarding Municipal Charter Schools.

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution approving the issuance and sale of not to exceed $115,000,000 principal amount of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida), by the City of Miami Beach Health Facilities Authority, including the approval required by section 147 of the Internal Revenue Code of 1986, as amended; providing that said bonds shall not constitute a debt, liability or obligation of the City or the State of Florida or any political subdivision thereof but shall be payable solely from the revenues provided therefore; and providing an effective date.

Issue:

Should the City Commission approve the issuance and sale of not to exceed $115,000,000 principal amount of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida), by the City of Miami Beach Health Facilities Authority, including the approval required by section 147of the Internal Revenue Code of 1986, as amended?

Item Summary/Recommendation:

The proposed Revenue Refunding Bonds, Series 2004, will refinance the City of Miami Beach Health Facilities Authority (the "CMBHFA") Hospital Revenue Bonds, Series 2001 B and 2001 C, issued on behalf of Mount Sinai Medical Center of Florida (the "Medical Center"). The proposed refunding will achieve interest savings, as interest rates have significantly improved in the capital market since these bonds were originally issued. The refinancing will allow for the conversion of the 2001 C Bonds from taxable to tax-exempt debt. The refinancing will also address the potential liquidity issues created by the structure of the Series 2001 B and 2001 C Bonds, which offer bondholders a put provision.

The Administration recommends that the City Commission adopt the Resolution.

Advisory Board Recommendation:

On December 3, 2003 the Health Facilities Authority voted unanimously in favor of approving the proposed bond issue and further recommended that the City Commission approve the issuance and sale of the not to exceed $115,000,000 principal amount of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Patricia D. Walker, Chief Financial Officer

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7E

DATE 12-10-03

CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE, MIAMI BEACH FL 33139-1824
http:\\ci.miami-beach.fl.us

COMMISSION MEMORANDUM

TO: **Mayor David Dermer**
Members of the City Commission

DATE: December 10, 2003

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

SUBJECT: **A RESOLUTION APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED $115,000,000 PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH HEALTH FACILITIES AUTHORITY HOSPITAL REVENUE REFUNDING BONDS, SERIES 2004 (MOUNT SINAI MEDICAL CENTER OF FLORIDA), BY THE CITY OF MIAMI BEACH HEALTH FACILITIES AUTHORITY, INCLUDING THE APPROVAL REQUIRED BY SECTION 147 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING THAT SAID BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY OR THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION THEREOF BUT SHALL BE PAYABLE SOLELY FROM THE REVENUES PROVIDED THEREFORE; AND PROVIDING AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

By approving this Resolution, the City Commission is authorizing the following action:

- issuance and sale of not to exceed $115,000,000 principal amount of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida), by the City of Miami Beach Health Facilities Authority, including the approval required by section 147of the Internal Revenue Code of 1986, as amended.

These Bonds and the interest thereon, shall not be deemed to constitute a debt, liability or obligation of the City of Miami Beach or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues referred to in the Bond Resolution and neither the faith and credit nor any taxing power of the City of Miami Beach is pledged

to the payment of principal, a redemption premium or interest on the Bonds.

The proposed Revenue Refunding Bonds, Series 2004, will refinance the City of Miami Beach Health Facilities Authority (the "CMBHFA") Hospital Revenue Bonds, Series 2001 B and 2001 C, issued on behalf of Mount Sinai Medical Center of Florida (the "Medical Center"). The proposed refunding will achieve interest savings, as interest rates have significantly improved in the capital market since these bonds were originally issued. The refinancing will allow for the conversion of the 2001 C Bonds from taxable to tax-exempt debt. The refinancing will also address the potential liquidity issues created by the structure of the Series 2001 B and 2001 C Bonds, which offer bondholders a put provision.

NOTICE OF EVENTS OF DEFAULT

The CMBHFA, on November 18, 2003, heard a discussion regarding the proposed refunding and restructuring of the Medical Center's outstanding Series 2001 B and 2001 C Revenue Bonds. The CMBHFA, at this meeting, scheduled a December 3, 2003 public hearing to consider the Mt. Sinai bonds for approval.

Subsequent to the November 18, 2003 meeting, the CMBHFA and City have been notified by the Medical Center that they are in receipt of a Notice of Events of Default from SunTrust Bank. SunTrust Bank is the registered trustee for the Medical Center's Series 1998 and Series 2001 Bonds. The Medical Center and their counsel have stated that it is their position that the technical defaults noted in the Notice of Events of Default do not and did not exist.

The trustee claims that the following three defaults of the Master Trust Indenture (MTI) with the Medical Center Revenue Bonds have occurred:

- Revenues were required by the MTI to be not less than the amount required in cash to pay the total operating expenses of the Medical Center and to pay the debt service on all indebtedness for the fiscal year (FY) ended December 31, 2002. According to the Medical Center's independent auditors, Deloitte & Touch, the revenues of the Medical Center did not meet this requirement.
- The Medical Center has not delivered, as required by the MTI, a certificate from their consultant, Cap Gemini Ernst & Young, stating that the Medical Center has followed their consultant's recommendations.
- The Medical Center has not delivered, as required by the MTI, a report of an independent certified public accountant (CPA) stating whether any member of the Medical Center is in default in the performance of any covenant contained in the MTI. The Medical Center has submitted a report from an independent CPA firm, but said report does not contain a definitive statement of compliance with the above requirement.

The Medical Center has stated that the claimed defaults are based on technical defaults, all which arise as a consequence of the application of a test contained in the MTI. The Medical Center has also stated that the event that formed the basis of the claimed technical defaults did not exist, and their counsel and accountants are working together to resolve this matter. The Medical Center has further stated that the claimed defaults are not based on the Medical Center's current financial condition or because of any missed

payments.

Furthermore, the Medical Center auditors have agreed to restate the Medical Center's FY 2002 financial statements and have sent a draft copy to the trustee. The Medical Center has stated that they expect the trustee to withdraw the default notice as a result of the restatement of the coverage test by the auditors.

BACKGROUND

The City Commission of the City of Miami Beach adopted Ordinance No. 90-2701 on July 25, 1990, creating the CMBHFA to assist health facilities in the acquisition, construction, financing, and refinancing of health facility related projects in the City.

The Ordinance, as amended, provides that the CMBHFA can issue bonds and notes for the purpose of providing funds to pay all or any part of the cost of any project or any other lawful purpose and to issue refunding bonds. Further, it provides that the City Commission must approve any bonds issued by the CMBHFA as the final step in the approval process.

On December 3, 2003, the CMBHFA adopted a Resolution authorizing the issuance of the CMBHFA Series 2004 Bonds, the proceeds of which will be used by the Medical Center to: (i) refund and defease the currently outstanding CMBHFA Hospital Revenue Bonds, Series 2001 B and 2001 C Bonds; (ii) fund certain debt service reserves for the Bonds; and (iii) pay certain expenses in connection with the issuance of the Bonds.

At this December 3, 2003 meeting, the CMBHFA granted a waiver to the Medical Center regarding a requirement for a traveling Sophisticated Investor Letter, and certain other requirements under the Authority's Administrative Procedures. This waiver has been reviewed and approved by CMBHFA Counsel, Squire, Sanders, & Dempsey, and CMBHFA Financial Advisor, William R. Hough & Co as reasonable and necessary in order to make the bonds saleable. The Medical Center has also agreed to: increase the minimum denomination of any of the bonds from the required $50,000 to no less than $100,000; and have the bonds rated by the three major rating agencies. The waiver will improve the marketability of the Series 2004 Bonds while continuing to enforce the CMBHFA's objective of protecting unsophisticated Investors from investing in high-risk securities.

The CMBHFA also held a public hearing on December 3, 2003, as required by Section 147(f) of the Internal Revenue Code of 1986, for the purpose of giving all interested persons an opportunity to express their views in connection with the CMBHFA's proposed issuance of the Series 2004 Bonds.

CONCLUSION

The Commission should adopt this Resolution to approve the issuance of the Bonds for the purpose detailed above, including the approval required under Section 147(f) of the Internal Revenue Code of 1986, as amended.

JMG/PDW/mim

F:\FINA\$CIP\MANUEL\HFA\HFA Memo 2004 Bonds 12-10-2003

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED $115,000,000 PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH HEALTH FACILITIES AUTHORITY HOSPITAL REVENUE REFUNDING BONDS, SERIES 2004 (MOUNT SINAI MEDICAL CENTER OF FLORIDA), BY THE CITY OF MIAMI BEACH HEALTH FACILITIES AUTHORITY, INCLUDING THE APPROVAL REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING THAT SAID BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY OR THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION THEREOF BUT SHALL BE PAYABLE SOLELY FROM THE REVENUES PROVIDED THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Health Facilities Authority (the "Authority") was created by Ordinance No. 90-2701 adopted on July 25, 1990 (the "Ordinance") by the Mayor and City Commission of the City of Miami Beach, Florida (collectively, the "Commission") pursuant to the Health Facilities Authorities Law, Chapter 154, Part III, Florida Statutes, as amended (the "Act"); and

WHEREAS, the Ordinance was amended by Ordinance No. 91-2738 adopted on April 10, 1991 by the Commission, Ordinance No. 92-2776 adopted on March 4, 1992 by the Commission and Ordinance No. 97-3086 adopted on July 2, 1997 by the Commission and taking effect on January 1, 1998; and

WHEREAS, on December 3, 2003, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Authority held a public hearing, for which there was reasonable public notice published on November 16, 2003 in The Miami Herald (a copy of which notice is attached hereto as Exhibit I and made a part hereof), for the purpose of giving all interested persons an opportunity to express their views in connection with the Authority's proposed issuance of its not to exceed

$115,000,000 principal amount of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida) (the "Bonds"); and

WHEREAS, on December 3, 2003, the Authority adopted a resolution, a copy of which is attached hereto as Exhibit II and made a part hereof (the "Bond Resolution"), authorizing, under the provisions of the Act and the Florida Industrial Development Financing Act, Chapter 159, Part II, Florida Statutes, as amended, the issuance of the Bonds, the proceeds of which will be loaned to Mount Sinai Medical Center of Florida, Inc., a not-for-profit corporation organized under the laws of the State of Florida (the "Medical Center"), and used, together with any other available moneys, if any, to (a) refund and defease all of the currently outstanding City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Series 2001B (Mount Sinai Medical Center of Florida Project), and City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Taxable Series 2001C (Mount Sinai Medical Center of Florida Project) (collectively, the "Prior Bonds"), previously issued for the benefit of the Medical Center, (b) fund a deposit to a debt service reserve and (c) pay expenses in connection with the issuance of the Bonds and the refunding and defeasance of the Prior Bonds; and

WHEREAS, the Ordinance, as amended, requires the approval by the Commission of sales of bond issues of the Authority and Section 147(f) of the Code requires the approval by the Commission of the issuance of the Bonds; and

WHEREAS, this Commission desires to approve the Bond Resolution and the issuance and sale of the Bonds pursuant thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. The Bond Resolution adopted by the Authority on December 3, 2003 and the issuance and sale of the Bonds pursuant thereto are hereby in all respects approved, including approval of the issuance of the Bonds in a principal amount not to exceed $115,000,000 in accordance with Section 147(f) of the Code.

Section 2. The Bonds and interest thereon shall not be deemed to constitute a debt, liability or obligation of the City of Miami Beach, Florida or of the State of Florida or of any political subdivision thereof, but shall be payable solely from the revenues referred to in the Bond Resolution, and neither the faith and credit nor any taxing power of the City of Miami Beach, Florida or of the State of Florida or of any political subdivision thereof is pledged to the payment of the principal of, redemption premium, if any, or interest on the Bonds.

Section 3. This resolution shall take effect immediately upon its adoption.

ADOPTED this ____ day of _____, 2003.

(SEAL)

_____
Mayor

Attest:

_____
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 12/4/03
Date

Miami/13280.2

The Miami Herald
The Herald BROWARD

el Nuevo Herald

PUBLISHED DAILY

MIAMI, FLORIDA

STATE OF FLORIDA
COUNTY OF DADE

Before the undersigned authority personally appeared:

Sonia Correa

who on oath says that she is an

Account Executive

of The Miami Herald, a daily newspaper published at Miami in Dade County, Florida; that the advertisements for **City of Miami Beach** appeared in said newspaper in the issues of:

Beach Neighbors, November 16th, 2003, Pg. 34MB

Affidavit further says that the said Miami Herald is a newspaper published at Miami, in the said Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida, each day and has been entered as second class mail matter at the post office in Miami, in said Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement.

Sworn to and subscribed before me

This 2nd day of December, 2003

NOTARY PUBLIC STATE OF FLORIDA
Carolyn Mason
MY COMMISSION # DD148187 EXPIRES
September 6, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

PUBLIC HEARING

NOTICE OF PUBLIC HEARING REGARDING THE PROPOSED ISSUANCE BY THE CITY OF MIAMI BEACH HEALTH FACILITIES AUTHORITY OF UP TO $115,000,000 HOSPITAL REVENUE REFUNDING BONDS (MOUNT SINAI MEDICAL CENTER OF FLORIDA)

Notice is hereby given that a public hearing will be held by the City of Miami Beach Health Facilities Authority (the "Authority") on December 3, 2003, commencing at 4:00 p.m., or shortly thereafter, in the City Manager's Large Conference Room, City Hall, City of Miami Beach, Florida, 1700 Convention Center Drive, 4th Floor, Miami Beach, Florida 33139, for the purpose of providing a reasonable opportunity for interested persons to express their views, both orally and in writing (which must be received by the Authority before the hearing date in an appropriately marked envelope), on the proposed issuance by the Authority of its City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds (Mount Sinai Medical Center of Florida), in an aggregate principal amount not to exceed $115,000,000 (the "Bonds").

The proceeds of the Bonds will be loaned to Mount Sinai Medical Center of Florida, Inc. (the "Medical Center"), a not-for-profit corporation organized under the laws of the State of Florida, and will be used, together with other available monies, if any, to: (i) refund all or a portion of the then outstanding $25,000,000 original principal amount City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Series 2001B (Mount Sinai Medical Center of Florida Project), and $70,340,000 original principal amount City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Taxable Series 2001C (Mount Sinai Medical Center of Florida Project) (collectively, the "Prior Bonds"), (ii) fund capitalized interest for the Bonds, (iii) fund a debt service reserve for the Bonds and (iv) pay certain expenses in connection with the issuance of the Bonds and the refunding of the Prior Bonds.

The Prior Bonds were issued to refinance certain health care facilities, including land, buildings, fixtures, furnishings, equipment, leasehold interests and other tangible and intangible property, which are owned by the Medical Center and are part of the Medical Center's facilities located at 4300 Alton Road, Miami Beach, Florida, 4701 Meridian Avenue, Miami Beach, Florida, 400 Arthur Godfrey Road, Miami Beach, Florida, 1680 Meridian Avenue, Miami Beach, Florida, and 250 63rd Street, Miami Beach, Florida.

The Bonds and the interest thereon shall not constitute a debt, liability or obligation of the City of Miami Beach, Florida, or of the State of Florida or of any political subdivision thereof, but shall be payable solely from the revenues and loan payments payable under a loan agreement to be entered into by and between the Authority and the Medical Center.

Pursuant to Section 286.0105, Fla. Stat., the Authority hereby advises the public that: if a person decides to appeal any decision made by the Authority with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Authority for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City of Miami Beach City Clerk's office at (305) 673_7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955_8771 (TTY) or (800) 955_8770 (VOICE).

This notice is published pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended.

November 16, 2003

Miami Beach 2003

CITY OF MIAMI BEACH
HEALTH FACILITIES AUTHORITY

(Ad #222)

EXHIBIT II

BOND RESOLUTION

RESOLUTION

A RESOLUTION (i) authorizing the issuance of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida) (the "Bonds") of the City of Miami Beach Health Facilities Authority (the "Authority") in an aggregate principal amount not to exceed $115,000,000, for the purpose of providing funds to be used, together with other available moneys, if any, to: (a) refund and defease all of the currently outstanding City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Series 2001B (Mount Sinai Medical Center of Florida Project), and City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Taxable Series 2001C (Mount Sinai Medical Center of Florida Project) (collectively, the "Prior Bonds"), previously issued for the benefit of Mount Sinai Medical Center of Florida, Inc., (b) fund a deposit to a debt service reserve and (c) pay expenses in connection with the issuance of the Bonds and the refunding and defeasance of the Prior Bonds, to be issued under the provisions of a Trust Indenture and a Loan Agreement, and to be further secured by an Amended and Restated Master Trust Indenture, a Supplemental Master Trust Indenture for Obligation No. 8, an Obligation No. 8, a Fee and Leasehold Mortgage, Assignment and Security Agreement and an Amended and Restated Guaranty and Security Agreement; (ii) providing that the Bonds shall not constitute a debt, liability or obligation of the City of Miami Beach, Florida or of the State of Florida or of any political subdivision thereof but shall be payable solely from the sources provided therefor under the Trust Indenture; (iii) delegating to the Chairman, or in his absence, the Vice-Chairman, the fixing of the terms of the Bonds and other details within the parameters set forth herein; (iv) authorizing the execution and delivery by the Authority of the Trust Indenture and the Loan Agreement; (v) approving the forms of Supplemental Master Trust Indenture for Obligation No. 8, Obligation No. 8, and Amended and Restated Guaranty and Security Agreement; (vi) authorizing the execution and delivery by the Authority of Escrow Deposit Agreements, the redemption of the Prior Bonds and the purchase of Escrow Securities; (vii) authorizing the sale of the Bonds through a negotiated private placement and waiving certain provisions of the Authority's Administrative Procedures; (viii) authorizing the execution and delivery by the Authority of a Bond Placement Agreement and Subscription Agreements; (ix) appointing a Bond Trustee and Bond Registrar under the Trust Indenture; (x) approving the use of a Preliminary Private Placement Memorandum and a Private Placement Memorandum; (xi) authorizing the execution and delivery of

additional documents required; (xii) recommending approval of the Bonds by the Mayor and City Commission of the City of Miami Beach, Florida; and (xiii) providing for other related matters.

WHEREAS, the City of Miami Beach Health Facilities Authority (the "Authority") has been created pursuant to the Health Facilities Authorities Law, being Chapter 74-323, Laws of Florida, and Part III of Chapter 154 of the Florida Statutes, as amended (the "Health Act"), and has been determined to be needed by the Mayor and City Commission (collectively, the "Commission") of the City of Miami Beach, Florida (the "City") under Section 4 of the Health Act; and

WHEREAS, the Authority is also a "local agency" as defined in Section 3 of the Florida Industrial Development Financing Act, being Chapter 69-104, Laws of Florida, and Part II of Chapter 159 of the Florida Statutes, as amended (the "Industrial Act" and, together with the Health Act, the "Act"); and

WHEREAS, the Authority is authorized pursuant to the Act to issue its refunding bonds and to loan the proceeds thereof to "health facilities" (as defined in the Health Act) located in the City to refund revenue bonds issued by the Authority for the benefit of health facilities; and

WHEREAS, Mount Sinai Medical Center of Florida, Inc., a Florida not-for-profit corporation (the "Medical Center") is requesting the Authority to assist the Medical Center in providing funds to be used, together with other available moneys, if any, to (i) refund and defease all of the currently outstanding City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Series 2001B (Mount Sinai Medical Center of Florida Project) (the "Series 2001B Bonds"), and City of Miami Beach Health Facilities Authority Hospital Revenue Bonds, Taxable Series 2001C (Mount Sinai Medical Center of Florida Project) (the "Series 2001C Bonds" and, together with the Series 2001B Bonds, the "Prior Bonds"), previously issued for the

benefit of the Medical Center, (ii) fund a deposit to a debt service reserve and (iii) pay expenses in connection with the issuance of the Bonds (hereinafter defined) and the refunding and defeasance of the Prior Bonds, through the issuance by the Authority of not to exceed $115,000,000 principal amount of City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida) (the "Bonds"); and

WHEREAS, the Bonds will be issued under the provisions of a Trust Indenture (the "Trust Indenture") to be entered into between the Authority and SunTrust Bank, a Georgia banking corporation, as trustee (the "Bond Trustee"), and the proceeds thereof will be loaned to the Medical Center and their repayment secured by a Loan Agreement (the "Loan Agreement") to be entered into between the Authority and the Medical Center; and

WHEREAS, the Medical Center has previously entered into an Amended and Restated Master Trust Indenture (the "Master Indenture") with SunTrust Bank, Central Florida, National Association, now SunTrust Bank, a Georgia banking corporation, successor by merger, as master trustee (the "Master Trustee"), under which the Medical Center and certain other affiliated entities which may be included therein in the future are jointly and severally liable for the payment of obligations outstanding thereunder; and

WHEREAS, in connection with the issuance of the Bonds by the Authority and the loan of the proceeds thereof to the Medical Center, the Medical Center will enter into a Supplemental Master Trust Indenture for Obligation No. 8 ("Supplemental Indenture No. 9") with the Master Trustee, supplementing the Master Indenture, pursuant to which Obligation No. 8 ("Obligation No. 8") will be issued securing the obligation of the Medical Center to make payments under the Loan Agreement in respect of the Bonds; and

WHEREAS, Mount Sinai Medical Center Foundation, Inc., a Florida not-for-profit corporation (the "Foundation"), will guarantee to the Bond Trustee the payment of the principal of, redemption premium, if any, and interest on the Bonds, all as more specifically set forth in an Amended and Restated Guaranty and Security Agreement (the "Restated Guaranty Agreement") to be entered into between the Foundation and the Bond Trustee; and

WHEREAS, as security for Obligation No. 8 and any other obligations outstanding under the Master Indenture from time to time, but subject to release in accordance with its terms, the Medical Center has previously delivered to the Master Trustee, a Fee and Leasehold Mortgage, Assignment and Security Agreement, which will be modified in connection with the issuance of Obligation No. 8; and

WHEREAS, on this date, the Authority held a public hearing in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, for which there was reasonable public notice published on November 16, 2003 in The Miami Herald, for the purpose of giving all interested persons an opportunity to express their views on the proposed issuance of the Bonds; and

WHEREAS, the Authority desires to authorize the issuance of the Bonds for the above described purposes and to recommend for approval to the Commission the issuance of the Bonds; and

WHEREAS, the Authority further desires to authorize the sale of the Bonds through a negotiated private placement by Merrill Lynch, Pierce, Fenner & Smith Incorporated, as placement agent (the "Placement Agent"), for the reasons hereinafter set forth.

NOW THEREFORE, Be It Resolved by the City of Miami Beach Health Facilities Authority as follows:

Section 1. Findings. The Authority hereby finds and determines that:

(1) The Medical Center is a "health facility" within the meaning of Section 154.205(8) of the Health Act and a "health care facility" within the meaning of section 159.27(16) of the Industrial Act.

(2) Pursuant to Sections 154.209(10) and 154.235 of the Health Act and Sections 159.28(7) and 159.41 of the Industrial Act, the Authority is authorized and empowered to issue the Bonds for the purposes described herein.

(3) The issuance of the Bonds by the Authority for the purposes described herein will serve a valid public purpose by advancing the commerce, welfare and prosperity of the City and its people.

(4) The Authority and the City are each a "local agency" as defined in Section 159.27(4) of the Industrial Act.

(5) Review and comment from the Health Council of South Florida, Inc. (the "Health Council") as to the issuance of the Bonds was requested and the Health Council has advised that it has no material concerns.

(6) Pursuant to Section 218.385 of the Florida Statutes, as amended, the sale of the Bonds through a negotiated private placement by the Placement Agent rather than a public sale by competitive bid is necessary and in the best interest of the Authority and the Medical Center, and the Authority hereby further finds and determines that the following reasons necessitate the private placement of the Bonds by the Placement Agent:

(a) The Bonds will not be rated in one of the four (4) highest rating categories by a nationally recognized rating service and in accordance with Section 189.4085 of the Florida Statutes, as amended, and the Authority's Administrative Procedures (the

"Administrative Procedures") must be privately placed with and sold to "accredited investors" (as defined in Rule 501(a) of the Securities Act of 1933, as amended, and the Rules of the Florida Department of Financial Services).

(b) Bonds issued by public bodies for the benefit of not-for-profit hospitals such as the Medical Center ("health care bonds") generally involve specialized situations and transactions which need detailed analysis, structuring and explanation throughout the course of the issue by sophisticated financial advisors, investment bankers and similar parties, such as the Placement Agent, experienced in the structuring of issues of health care bonds ("health care investment bankers"), much of which would not generally be available on a timely basis in the case of health care bonds issued pursuant to a public competitive sale.

(c) Health care bond issues generally involve a rather detailed and often complicated explanation to potential investors of the structure of the issue, the nature of the underlying obligor and the impact upon each of the foregoing of Federal and state health care regulations, including Medicare and Medicaid practices and procedures, and the assistance of a health care investment banker in preparing necessary offering memoranda and related information is extremely desirable in ensuring full and accurate disclosure of all relevant information.

(d) For the reasons described in (b) and (c) above and other related reasons, most of the health care bonds heretofore issued throughout the United States have involved participation throughout the structuring and offering process of health care investment bankers who have purchased or arranged for the purchase of the health care bonds through a negotiated sale or private placement rather than through a public sale by

competitive bid; accordingly, the market may well be more receptive to an issue of health care bonds placed and sold on a negotiated basis than to one sold by competitive public sale.

(e) Finally, the market for health care bonds such as the Bonds is volatile, making the presence of the Placement Agent, who has participated and will participate in the structuring of the Bond issue, desirable in attempting to obtain the most attractive financing for the Authority and the Medical Center.

Section 2. Authorization of the Bonds. There is hereby authorized the issuance, under and pursuant to the Trust Indenture, of the Bonds, to be designated as "City of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center of Florida)", in an aggregate principal amount not exceeding $115,000,000, and the loan of the proceeds thereof to the Medical Center to (i) refund and defease the Prior Bonds, (ii) fund a deposit to a debt service reserve and (iii) pay expenses in connection with the issuance of the Bonds and the refunding and defeasance of the Prior Bonds.

The principal of, premium, if any, and interest on the Bonds shall not be deemed to constitute a debt, liability or obligation of the City or of the State of Florida or of any political subdivision thereof, but shall be payable solely from the sources pledged therefor under the Trust Indenture and neither the faith and credit nor any taxing power of the City or of the State of Florida or of any political subdivision thereof is pledged to the payment of the principal of, premium, if any, or interest on the Bonds.

Section 3. Terms of the Bonds. The Bonds shall be payable as to principal and interest in lawful money of the United States of America in accordance with the provisions of the Trust Indenture, and shall be issued only as fully registered bonds without coupons in denominations

of $100,000 and integral multiples of $5,000 in excess thereof. The Bonds shall be initially issued in book-entry-only form through The Depository Trust Company, New York, New York ("DTC") and shall be registered in the name of Cede & Co. The Chairman of the Authority or, in his absence, the Vice Chairman of the Authority is hereby authorized on behalf of the Authority to approve, subject to the limitations contained herein, the final terms of the Bonds, which approval will be evidenced by the execution of the Bond Placement Agreement (hereinafter defined) on behalf of the Authority as provided herein.

The aggregate principal amount of the Bonds shall not exceed $115,000,000; the interest rate on the Bonds shall not exceed the maximum rate permitted by law; the term of the Bonds shall not exceed thirty-five (35) years; and the Bonds may be issued as serial and/or term bonds and may be subject to optional and mandatory redemptions as shall be provided in the Trust Indenture. The Bonds shall be initially dated such date as shall be approved by the Chairman, or in his absence, the Vice Chairman, and shall be executed on behalf of the Authority with the official manual or facsimile signature of its Chairman or, in his absence, its Vice Chairman and attested with the official manual or facsimile signature of a Designated Member (hereinafter defined).

Section 4. Designation of Attesting Members. The members of the Authority, other than the Chairman or Vice Chairman to the extent the Chairman or Vice Chairman execute the documents described herein, (individually a "Designated Member"), are each hereby designated and authorized on behalf of the Authority to attest to the seal of the Authority and to the signature of the Chairman or Vice Chairman of the Authority as they appear on the Bonds, the Trust Indenture, the Loan Agreement, the Escrow Deposit Agreements (hereinafter defined) and any other documents which may be necessary or helpful in connection with the issuance and

delivery of the Bonds, the application of the proceeds thereof and the refunding and defeasance of the Prior Bonds.

Section 5. Authorization of Execution and Delivery of Trust Indenture. The Authority does hereby authorize and approve the execution by the Chairman or Vice Chairman and a Designated Member of the Authority and the delivery of the Trust Indenture. The Trust Indenture shall be in substantially the form thereof attached hereto and marked Exhibit A and hereby approved, with such changes therein as shall be approved by the Chairman or Vice Chairman executing the same, with such execution to constitute conclusive evidence of such officer's approval and the Authority's approval of any changes therein from the form of Trust Indenture attached hereto.

Section 6. Authorization of Execution and Delivery of Loan Agreement. The Authority does hereby authorize and approve the execution by the Chairman or Vice Chairman and a Designated Member of the Authority and the delivery of the Loan Agreement. The Loan Agreement shall be in substantially the form thereof attached hereto and marked Exhibit B and hereby approved, with such changes therein as shall be approved by the Chairman or Vice Chairman executing the same, with such execution to constitute conclusive evidence of such officer's approval and the Authority's approval of any changes therein from the form of Loan Agreement attached hereto.

Section 7. Approval of Other Documents. The Authority does hereby approve the forms of Supplemental Indenture No. 9, Obligation No. 8 and Restated Guaranty Agreement. The Authority hereby consents to and approves the Guaranty Amendment (as defined in the Preliminary Private Placement Memorandum hereinafter described). Supplemental Indenture No. 9, Obligation No. 8 and the Restated Guaranty Agreement shall be in substantially the forms

attached hereto and marked Exhibits C, D and E, respectively, and hereby approved, with such changes therein as shall be approved by the Chairman or Vice Chairman, with the execution of the Trust Indenture by such officer to constitute conclusive evidence of such officer's approval and the Authority's approval of any changes therein.

Section 8. Authorization of Execution and Delivery of Escrow Deposit Agreements. The Authority does hereby authorize and approve the execution by the Chairman or Vice Chairman and a Designated Member of the Authority and the delivery of (i) an Escrow Deposit Agreement with respect to the Series 2001B Bonds (the "Series 2001B Escrow Deposit Agreement") to be entered into among the Authority, the Medical Center and the trustee for the Series 2001B Bonds and (ii) an Escrow Deposit Agreement with respect to the Series 2001C Bonds (together with the Series 2001B Escrow Deposit Agreement, the "Escrow Deposit Agreements") to be entered into among the Authority, the Medical Center and the trustee for the Series 2001C Bonds. The Escrow Deposit Agreements provide for the defeasance and redemption of the Prior Bonds and shall be in substantially the forms attached hereto and marked Exhibit F and hereby approved, with such changes therein as shall be approved by the Chairman or Vice Chairman executing the same, with such execution to constitute conclusive evidence of such officer's approval and the Authority's approval of any changes therein from the forms of the Escrow Deposit Agreements attached hereto.

Section 9. Redemption of Prior Bonds; Purchase of Escrow Securities. The Prior Bonds shall be called for optional redemption prior to maturity as shall be provided in the Escrow Deposit Agreements. In order to provide for the defeasance and redemption of the Prior Bonds, there is hereby authorized the purchase of Escrow Securities (as defined in the Escrow Deposit Agreements) as shall be provided in the Escrow Deposit Agreements and the Chairman

or Vice Chairman is hereby authorized to execute any necessary subscription forms for the purchase of such Escrow Securities.

Section 10. Application of Bond Proceeds. The proceeds of the Bonds shall be applied, together with certain other available moneys, if any, as provided in the Trust Indenture, the Loan Agreement and the Escrow Deposit Agreements.

Section 11. Authorization of Negotiated Private Placement. Pursuant to the findings in Section 1 hereof, the Authority does hereby authorize and approve the sale of the Bonds to "accredited investors" through a negotiated private placement by the Placement Agent rather than a public sale by competitive bid.

Section 12. Waiver of Administrative Procedures. Based on the provisions for the private placement and sale of the bonds contained in the Bond Placement Agreement, the Subscription Agreements (hereinafter defined), the Preliminary Private Placement Memorandum and this resolution, the Authority hereby waives compliance with the provisions of Chapter 2, Section 7 of the Administrative Procedures not otherwise contained in said documents.

Section 13. Authorization of Execution and Delivery of Bond Placement Agreement and Subscription Agreements. The sale of the Bonds in an aggregate principal amount not to exceed $115,000,000 through the negotiated private placement by the Placement Agent, in accordance with a Bond Placement Agreement (the "Bond Placement Agreement") to be entered into among the Authority, the Medical Center, the Foundation and the Placement Agent and Subscription Agreements (the "Subscription Agreements") to be entered into between each purchaser of the Bonds and the Authority, is hereby in all respects authorized and approved and there shall be executed on behalf of the Authority in furtherance thereof the Bond Placement Agreement and the Subscription Agreements. The Authority does hereby authorize and approve the execution

and delivery of the Bond Placement Agreement and the Subscription Agreements on behalf of the Authority by its Chairman or Vice Chairman and such Bond Placement Agreement and Subscription Agreements shall be in substantially the forms thereof attached hereto and marked Exhibits G and H, respectively, and hereby approved, with such changes as shall be necessary and appropriate to reflect the final terms of the sale of the Bonds by the Authority and such further changes therein as shall be approved by the Chairman or Vice Chairman executing the same, with such execution to constitute conclusive evidence of the award of the Bonds to the purchasers thereof and of such officer's approval and the Authority's approval of any changes therein from the forms of Bond Placement Agreement and Subscription Agreements attached hereto; provided that the Bond Placement Agreement and Subscription Agreements shall comply with the provisions of this resolution and that the final terms of the Bonds contained in the Bond Placement Agreement and Subscription Agreements shall be within the parameters established in this resolution. Prior to the execution of the Bond Placement Agreement by the Authority, the Authority must be presented with a disclosure statement prepared by the Placement Agent in compliance with Section 218.385, Florida Statutes, which disclosure statement shall be filed in the records of the Authority.

Section 14. Appointment of Bond Trustee and Bond Registrar. SunTrust Bank, a Georgia banking corporation, is hereby appointed the Bond Trustee and bond registrar (the "Bond Registrar") under the Trust Indenture.

Section 15. Approval of Preliminary Private Placement Memorandum. The Authority hereby approves the use and distribution of the Preliminary Private Placement Memorandum relating to the Bonds (the "Preliminary Private Placement Memorandum") by the Placement Agent in connection with the offer and sale of the Bonds, in substantially the form attached

hereto and marked Exhibit I, with such changes as shall be necessary and appropriate to reflect the expected terms of the Bonds and to ensure accurate disclosure of all relevant information; provided, however, that except as specifically set forth in the Preliminary Private Placement Memorandum, the Authority makes no representations with respect to the information contained in the Preliminary Private Placement Memorandum

Section 16. Approval of Private Placement Memorandum. The Authority hereby approves the use and distribution of the Private Placement Memorandum relating to the Bonds (the "Private Placement Memorandum") by the Placement Agent in connection with the offer and sale of the Bonds in substantially the form of the Preliminary Private Placement Memorandum attached hereto and marked Exhibit I, with such changes as shall be necessary and appropriate to reflect the final terms of the Bonds and to ensure accurate disclosure of all relevant information; provided, however, that except as specifically set forth in the Private Placement Memorandum, the Authority makes no representations with respect to the information contained in the Private Placement Memorandum.

Section 17. Delivery of the Bonds. Upon the execution of the Bonds in accordance with the provisions of the Trust Indenture, the Chairman or the Vice Chairman shall deposit the same with the Bond Registrar for authentication and delivery upon the order of the purchasers thereof. The Bond Registrar is hereby requested to authenticate and deliver the Bonds in accordance with the Trust Indenture.

Section 18. Authorization of Execution and Delivery of Certain Additional Documents. The Authority does hereby authorize the subsequent execution and delivery of such additional documents as may be required in connection with the issuance and sale of the Bonds, the application of the proceeds thereof and the refunding and defeasance of the Prior Bonds, in such

form or forms and with such party or parties as shall be approved by the Chairman or Vice Chairman, including, without limitation, a letter of representations from the Authority to DTC.

Section 19. Authorization and Ratification of Acts. The members, officers, agents and employees of the Authority are hereby authorized and directed to do all such acts and things and to execute all such documents, including, without limitation, the execution and delivery of any closing documents, as may be necessary to carry out and comply with the provisions of this resolution, the documents attached hereto as Exhibits A through I, respectively, and any documents executed and delivered pursuant to Section 18 hereof, and all of the acts and doings of such members, officers, agents and employees of the Authority which are in conformity with the intent and purposes of this resolution, whether heretofore or hereafter taken or done, shall be and are hereby ratified, confirmed and approved.

Section 20. Recommendation to the City of Miami Beach, Florida. Having conducted a public hearing on this date pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, for the purpose of giving all interested persons an opportunity to express their views on the proposed issuance of the Bonds, for which hearing reasonable public notice was given, the Authority hereby recommends that the Commission approve the issuance of the Bonds.

Section 21. Severability. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or ineffective for any reason, the remainder of this resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

Section 22. Effective Date. This resolution shall take effect immediately upon its adoption, and any provisions of any previous resolutions in conflict with the provisions herein are hereby superseded.

Adopted this 3rd day of December, 2003.

(SEAL)

ATTEST:

Member

Chairman

Miami/13256.2

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

We, the undersigned, do hereby certify that we are duly qualified and acting Members of the City of Miami Beach Health Facilities Authority (the "Authority").

We further certify that we were present at the meeting of the Authority held on December 3, 2003 and according to the official records of the Authority in our possession the above and foregoing constitutes a true and correct copy of a resolution adopted at said meeting of the Authority.

We further certify that at such meeting said resolution was introduced in written form by Arthur S. Unger, Chairman of the Authority, and pursuant to motion made by Laurence A. Herrup and seconded by Lawrence A. Fuller, adopted by the following vote:

Aye: Arthur S. Unger

Michael Baum

Lawrence A. Fuller

Laurence A. Herrup

Nay: None

We further certify that provision has been made for the preservation and indexing of said resolution, which is open for inspection by the public at all reasonable times at the office of the Chief Financial Officer of the City of Miami Beach, Florida, in the City of Miami Beach, Florida.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the Authority this 3rd day of December, 2003.

Chairman

Vice Chairman

Member

Member

[SEAL]

SUBSCRIBED AND SWORN to before me, a Notary Public in the State and County aforesaid, this 3rd day of December, 2003.

Notary Public

O. PINDER
Notary Public - State of Florida
My Commission Expires Jul 22, 2005
Commission # DD043614

My Commission expires:

[Notarial Seal]

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: Mayor David Dermer
Members of the City Commission
Jorge M. Gonzalez, City Manager

Date: December 10, 2003

FROM: Murray H. Dubbin, City Attorney

SUBJECT: **RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT BETWEEN LA GORCE COUNTRY CLUB, INC., AND THE CITY OF MIAMI BEACH, AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE SUCH ACTIONS AS MAY BE NECESSARY TO CARRY OUT THE INTENT HEREOF.**

RECOMMENDATION

Adopt the resolution approving the referenced Settlement Agreement between La Gorce Country Club, Inc. and the City of Miami Beach, Florida.

ANALYSIS

La Gorce Country Club challenged the City's fence and landscaping provisions in Ordinance 2002-3367, first by Petition for Writ of Certiorari, to the Appellate Division of Circuit Court, then by Complaint in the General Jurisdiction Division of Miami-Dade County Circuit Court. The Appellate Division denied La Gorce's Petition, which decision has recently been upheld by the Third District Court of Appeal, however, the trial court in the General Jurisdiction Division after a two-day trial declared the fence and landscaping provisions of Ordinance 2002-3367 unconstitutional, based on the Florida and U.S. constitutions. The trial court also ruled that La Gorce is entitled to an award of attorney's fees and costs, in an amount to be determined, under 42 U.S.C. section 1988, which awards attorneys' fees to successful plaintiffs under 42 U.S.C. section 1983, which was included among the claims filed by La Gorce.

La Gorce has offered, among other things, to seek a permit for a four foot high fence, and when installing and maintaining hedges and other landscaping, excluding trees, provide a view of the golf course from abutting residential properties.

If the fence permit is granted La Gorce agrees to waive its claim for attorney's fees and costs, and any other damages arising out of this matter.

Since the primary purposes of the challenged fence and landscaping provisions in the ordinance were to protect the views of the homeowners surrounding the golf course, as well as protect property values and the character of the neighborhood, this settlement agreement, if fully performed, seeks to accomplish the purposes initially sought, while protecting the City from present economic claims and further possible adverse decisions in this matter.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED SETTLEMENT AGREEMENT BETWEEN LA GORCE COUNTRY CLUB, INC., AND THE CITY OF MIAMI BEACH, AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE SUCH ACTIONS AS MAY BE NECESSARY TO CARRY OUT THE INTENT HEREOF.

WHEREAS, on May 8, 2002 the City Commission adopted Ordinance 2002-3367 amending the land development regulations in the GC Golf Course District, affecting privately-owned golf courses in the City, including La Gorce Country Club, Inc., ("La Gorce) and its golf course; and

WHEREAS, La Gorce challenged the fence and landscaping provisions in Ordinance 2002-3367, first by Petition for Writ of Certiorari, to the Appellate Division of the Circuit Court, and then by Complaint in the General Jurisdiction Division of Miami-Dade County Circuit Court; and

WHEREAS, the Appellate Division denied La Gorce's Petition, which decision has recently been upheld by the Third District Court of Appeal, however, the trial court in the General Jurisdiction Division after a two-day trial declared the fence and landscaping provisions of Ordinance 2002-3367 unconstitutional, based on the Florida and U.S. constitutions; and

WHEREAS, the trial court also ruled that La Gorce is entitled to an award of attorney's fees and costs, in an amount to be determined, under 42 U.S.C. section 1988, which awards attorneys' fees to successful plaintiffs under 42 U.S.C. section 1983, which was included among the claims filed by La Gorce; and

WHEREAS, while the City Attorney has appealed the trial court's declaration of unconstitutionality, and is confident that such decision, along with the award of attorneys' fees may be overturned, the result of continued litigation and appeals is never certain, and settlement will hopefully put to rest this acrimonious dispute in a more favorable way; and

WHEREAS, La Gorce has agreed to seek a permit for a four foot high fence, and when installing and maintaining hedges and other landscaping, excluding trees, provide a view of the golf course from abutting residential properties, and has further agreed that upon issuance of such permit to waive its claims for attorneys' fees and costs, and any other damages arising out of this matter; and

WHEREAS, since the primary purposes of the challenged fence and landscaping provisions in the ordinance were to protect the views of the homeowners surrounding the golf course, as well as protect property values and the character of the neighborhood, this settlement agreement seeks to accomplish the purposes initially sought, while protecting the City from current claims of liability and further possible adverse decisions in this matter.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Clerk are hereby authorized to execute the attached settlement agreement with La Gorce Country Club, Inc and the City Manager and City Attorney are authorized to take such further actions as may be necessary to accomplish the intent hereof.

PASSED and **ADOPTED** this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 12-4-03
City Attorney Date

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SETTLEMENT AGREEMENT
BETWEEN
LA GORCE COUNTRY CLUB, INC.
AND
THE CITY OF MIAMI BEACH

This Agreement is entered into by and between La Gorce Country Club, Inc. ("La Gorce") and the City of Miami Beach, Florida ("City"), this ___ day of December, 2003.

WHEREAS, La Gorce has instituted a lawsuit against the City styled *La Gorce Country Club, Inc. v. City of Miami Beach, Florida*, Case No. 03-12377 CA 30 ("Lawsuit"), in which La Gorce alleges that the fencing and landscaping restrictions contained in City Ordinance No. 2002-3367, now codified at section 142-395(3) of the City Code ("Restrictions"), are unconstitutional; and

WHEREAS, the trial court on September 10, 2003, entered final judgment in favor of La Gorce and against the City in connection with the Lawsuit, finding the Restrictions to be unconstitutional ("Final Judgment"); and

WHEREAS, the trial court has also entered an order awarding entitlement to attorney's fees and costs to La Gorce in an amount to be determined at a subsequent evidentiary hearing ("Fee Order"); and

WHEREAS, La Gorce has petitioned the trial court for an award of attorney's fees totaling $123,906.50 and costs totaling $4,395.19; and

WHEREAS, the City has appealed the Final Judgment to the Third District Court of Appeal in *City of Miami Beach, Florida v. La Gorce Country Club, Inc.*, Case No. 3D03-2442 ("Appeal"); and

WHEREAS, La Gorce has also filed two Petitions for Writs of Certiorari from the Restrictions, in *La Gorce Country Club, Inc., v. City of Miami Beach, Florida*, Case No. 02-210 AP, Appellate Division of the Circuit Court, and Case No. 3D03-1314, Third District Court of Appeal ("Certiorari cases"); and

WHEREAS, in both Certiorari cases, the Courts have denied La Gorce's Petitions; and

WHEREAS, both parties desire to resolve both the Lawsuit and the Appeal without the need for incurring additional liability and/or litigation expense;

NOW, THEREFORE, in consideration of the promises exchanged herein and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitations are incorporated herein by reference and are acknowledged to be true and correct.

2. The parties will submit a joint motion to stay the Appeal, to relinquish jurisdiction to the trial court, and to temporarily suspend the automatic stay imposed as a result of the Appeal, in order for the parties to implement this settlement agreement. Moreover, the parties will submit a joint motion to the trial court to stay the determination of the amount of fees and costs to be awarded to La Gorce.

3. La Gorce will submit an application for a permit to construct a four-foot high, metal picket or similar type fence ("Fence") on, along or within its property line bordering the La Gorce golf course ("Permit Application"), which application the City will expeditiously and in good faith process and evaluate under the City Code provisions as they existed immediately preceding the enactment of the Restrictions (attached hereto as Exhibit "A"), as if the Restrictions had never been enacted. The City will grant or deny the Permit Application no later than thirty (30) days from submittal of a complete application. If the parties are unable to reach an agreement as to the design of the Fence, the parties agree that the design of the fence currently in place along the southern boundary of the La Gorce golf course (along 51st Terrace) is acceptable. La Gorce and the City may modify the nature of the Fence to the extent such modification is consistent with applicable City regulations. La Gorce will prospectively when installing and maintaining hedges and other landscaping, excluding trees, provide a view of the golf course from abutting residential properties.

4. The City will evaluate the Permit Application solely under the criteria as described in paragraph 3, above, and other applicable review criteria, but will be under no obligation to approve the Permit Application if the criteria have not been met. In the event the City denies the Permit Application for any reason, La Gorce retains the right, in its sole discretion, to withdraw the Permit Application, in which case this Agreement terminates immediately and neither party shall have further obligations to the other hereunder.

5. If, and only if, the Permit Application is granted by the City, then the parties further agree as follows:

a. La Gorce will waive any entitlement to attorney's fees and costs, and any other damages or claims, in connection with the Lawsuit, including, but not limited to, any claims as to the validity or constitutionality of this Agreement, and will release the City from any such obligation and claims.

b. The City will dismiss the Appeal with prejudice and refrain from further challenging the efficacy of the Final Judgment. The parties will bear their own costs and attorney's fees incurred in connection with the Lawsuit and the Appeal.

c. La Gorce will have a continuing vested right to construct and relocate the Fence within its property, and a responsibility to maintain, repair or replace the Fence as the need arises, subject solely to compliance with the City Code provisions under which the Permit Application was originally evaluated and approved and this Agreement.

d. In the event the issuance of the Permit is challenged or appealed, the City agrees to defend in good faith the propriety of the issuance of the Permit, and La Gorce agrees to join in such defense.

e. The City acknowledges that La Gorce has expended and will continue to expend considerable financial resources in constructing, maintaining, repairing and possibly replacing the Fence, as well as making improvements based upon the existence of the Fence. As a result, the City recognizes that La Gorce could not recoup its investment associated with the Fence in less than 25 years from the date of this Agreement. In the event any provision of this subparagraph should be determined to be unenforceable by a court of competent jurisdiction, such provision shall be severed from the Agreement and all remaining provisions shall remain in effect and enforceable as between the parties.

f. Notwithstanding any other provision of this Agreement, nothing herein shall be construed as intending to confer any rights or benefits on third parties.

6. The parties will submit a joint motion asking the trial court to retain jurisdiction over the Lawsuit for purposes of enforcing the terms of this Agreement.

7. In the event it becomes necessary for either party to seek enforcement of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs incurred in connection with the enforcement efforts.

8. The parties acknowledge that they have both actively and equally participated in the drafting and execution of this Agreement, and have had ample opportunity to discuss and evaluate the same with legal counsel.

9. This Agreement constitutes the entirety of the understanding between the parties with respect to the matters referenced herein and supersedes any prior understanding or agreement which may have existed, whether verbal or in writing. The Agreement may not be amended except upon the written consent and agreement of both parties.

10. Each party represents that the persons signing this Agreement on its behalf are duly authorized to enter into this Agreement.

CITY OF MIAMI BEACH, FLORIDA

By:_____
Mayor David Dermer

Attest: _____
City Clerk

Dated: _____

LA GORCE COUNTRY CLUB, INC.

By:_____
Roberto Sanchez, President

Dated: _____

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION:

_____
City Attorney

_____
Counsel for La Gorce Country Club, Inc.

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing the City Manager to decline in writing the Right of First Offer transaction as required pursuant to the terms of Section 36.2 of the Agreement of Lease ("Lease") between City of Miami Beach, Florida ("Owner") and Pelican Development, LLC ("Tenant") dated as of December 1, 1999; further authorizing the City Manager and City Attorney to approve/disapprove the transfer of Tenant's leasehold interest in the project as required under the terms of Section 10.5 of the Agreement of Lease upon completion of the City's evaluation of information in connection with the proposed transfer of the project and the proposed purchaser.

Issue:

Shall the City Commission authorize the City Manager to decline the Right of First Offer Transaction and authorize the City Manager and City Attorney to approve/disapprove the transfer of the project and the proposed purchaser?

Item Summary/Recommendation:

Approve the Resolution.

Advisory Board Recommendation:

Finance and City Wide Projects Committee – December 5, 2003

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Christina M. Cuervo

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7G

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND MEMBERS OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE CITY MANAGER TO DECLINE IN WRITING THE RIGHT OF FIRST OFFER TRANSACTION AS REQUIRED PURSUANT TO THE TERMS OF SECTION 36.2 OF THE AGREEMENT OF LEASE ("LEASE") BETWEEN CITY OF MIAMI BEACH, FLORIDA ("OWNER") AND PELICAN DEVELOPMENT, LLC ("TENANT") DATED AS OF DECEMBER 1, 1999; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO APPROVE/DISAPPROVE THE TRANSFER OF TENANT'S LEASEHOLD INTEREST IN THE PROJECT AS REQUIRED UNDER THE TERMS OF SECTION 10.5 OF THE AGREEMENT OF LEASE UPON COMPLETION OF THE CITY'S EVALUATION OF INFORMATION IN CONNECTION WITH THE PROPOSED TRANSFER OF THE PROJECT AND THE PROPOSED PURCHASER.**

ADMINISTRATION RECOMMENDATION:

Approve the attached Resolution.

ANALYSIS:

On December 30, 1997, the City of Miami Beach issued RFP 20-97/98, seeking proposals for the development of Public-Private Parking facilities. On April 6, 1998, proposals from five (5) different development teams were submitted and evaluated by an Evaluation Committee and on July 15, 1998, the City Commission authorized negotiations with four (4) of the proposed development projects.

As a result of said negotiations, on October 20, 1999, the Mayor and City Commission adopted Resolution No. 99-23372 approving the Agreement of Lease and the Development Agreement between the City of Miami Beach and Pelican Development LLC, for Development of the site located at 10th Street and Collins Avenue.

In accordance with Article 10 of the Lease, Sale of the Project, Transfer and Subletting, Pelican Development LLC is requesting the City's approval of the proposed sale and assignment of Pelican Development LLC's 100% interest in the leasehold to Ocean Blvd II LLC, an Indiana limited liability company and/or its permitted assigns. In accordance with the Lease, Section 10.5 required notices, Pelican Development LLC has provided the City, as owner, with notice of the proposed sale. This section of the Lease further provides that the City, as part of its approval process may within 10 business days, request additional

information in connection with the proposed transfer of the project and to evaluate the proposed purchaser of the project. Attached is a draft of the letter requesting information.

Since the Offer Notice was received on November 25, 2003, the Agreement provides that the City must approve or disapprove of the proposed transfer within 45 days, or by January 9, 2004, which is prior to the next City Commission meeting date, scheduled for January 14, 2004. **In order to comply with the contractual deadlines in a timely manner, the subject resolution delegates authority to approve/disapprove the transfer** of Tenant's leasehold interest in the project as required under the terms of Section 10.5 of the Agreement of Lease upon completion of the City's evaluation of information in connection with the proposed transfer of the project and the proposed purchaser.

Additionally, in accordance with Section 36.2 of the Agreement of Lease, Owner's Reciprocal Right of First Refusal, Owner has the right to elect in writing within 45 days after Owner's receipt of the Offer Notice, to consummate the Right of First Offer Transaction at the same price and upon such other material terms set forth in the Offer Notice.
The Offer Notice is summarized as follows:

Owner:	City of Miami Beach
Tenant:	Pelican Development LLC
Proposed Transferee:	Ocean Blvd II LLC (Mark A. Siffin, Managing Member)
Purchase Price:	$12,000,000
Management Agreement:	Park One will operate and manage garage for an initial five year term, subject to subsequent one year renewals.

The Pelican Development LLC project consists of total building area of 129,661 s.f. with 344 parking spaces and 6,740 s.f. of retail space sub-leased to E. Levy Corporation Inc., a surf and bathing suit apparel retail store.

Based upon the purchase price of $12,000,000, equating to approximately $34,884/space, which exceeds recent comparable sales (i.e., the New World Symphony terms include that the City will fund a maximum of $12,250/per space plus 12.5% for soft costs) and therefore, the Administration is not prepared to recommend that the City exercise the Reciprocal Right of First Offer Transaction.

According to the Purchase and Sale Agreement, the Buyer is not permitted to meet with the City of Miami Beach without Seller's prior consent. It is purported that the Purchaser, who also owns 1036-1052 Ocean Drive (the former Ocean Promenade and Adrian Hotel), is purchasing the subject project, at the proposed purchase price, to provide parking mitigation for the proposed Ocean Drive Project. However, in the City's request for information we have advised Seller that any parking mitigation achieved through Section 130-36 "Off-site Facilities" requires a unity of title or restrictive covenant in lieu of unity of title, which can only be granted by the Property Owner, i.e. the City of Miami Beach, which is not addressed in this transaction.

It is recommended that the Mayor and City Commission adopt the attached Resolution declining in writing the Right of First Offer Transaction and further authorize the City

Manager and City Attorney to approve/disapprove the transfer of tenant's leasehold interest in the project as required under the terms of section 10.5 of the agreement of lease upon completion of the city's evaluation of information in connection with the proposed transfer of the Project and the proposed Purchaser.

JMG/CMC/rar
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CITY OF MIAMI BEACH

1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139
http:\\ci.miami-beach.fl.us

Office of the City Manager

Telephone (305) 673-7010
Facsimile (305) 673-7782

December 5, 2003

DRAFT

Pelican Development, L.L.C.
c/o Gravier Development, L.L.C.
Suite 2009
601 Poydras Street
New Orleans, Louisiana 70130

Attention: Wayne C. Ducote, Managing Member

Re: Proposed Purchase and Sale Agreement of leasehold interest of Agreement of Lease between the City of Miami Beach and Pelican Development, LLC, dated December 1, 1999

Dear Mr. Ducote:

We are in receipt of the written request for approval of the transfer of Tenant's leasehold interest in the referenced Agreement. Pursuant to Section 10.5 Required Notices of the Agreement, **please provide us with information regarding the proposed transferee, Ocean Blvd II LLC,** (hereinafter referred to as "Ocean Blvd") as follows:

1. **Definition of Ocean Blvd II LLC "and / or its permitted assigns".** Does Ocean Blvd intend to assign its interests in the leasehold interest in the future? If so, please detail the circumstances.

2. **Ocean Blvd's experience in the ownership, management, and operation, of parking facilities.** Identify names of principals, general partners, etc., contact information (address, telephone, fax, etc.) of the entities, location of facilities, number of parking spaces and stories, any ancillary uses, estimated project costs and financing structure.

3. **Qualifications of Ocean Blvd's management team.** Include identification of all individuals and entities, including the jurisdictions under which the entities are organized. Provide current resumes of principal representatives involved.

4. **Financial disclosure attesting to the ability of Ocean Blvd as transferee.** This disclosure must include but not be limited to, current financial statements and recent banking or financing references. Specific references and at least two preferred banking references for each member of Ocean Blvd, along with express written permission to contact these references, are required.

5. **Financing plans.** Describe how proposed transfer will be financed, including the source of capital, amount and source of permanent financing, amount and source of operating capital. Provide a financial plan which includes a ten-year pro forma for the facility, reflecting revenues and expenses including real estate taxes and debt service, including lease payments. Include letters of

commitment from financial institutions rated AA or better, documenting Ocean Blvd's ability to secure the necessary funds to operate the facility. Additionally, include letters of commitment from bonding and insurance firms rated AA or better, demonstrating Ocean Blvd's ability to obtain the required bonds and insurance.

6. Please inform us of the relevance of Article 4.6 (b) of the Purchase and Sale Agreement. As you are aware, all communications between the public and governmental agencies are public information. Therefore, please explain this section of the transaction between the Buyer and the Seller.

Furthermore, in regard to the existing operations, please provide us with the following information regarding Pelican Development LLC:

7. Status of any and all sublease operations, including reported revenues.

8. A copy of the Enterprise Zone Program application for real property tax abatements, as per the Purchase and Sale Agreement, Article 8.7 (b).

Additionally, we wish to inform you that any Buyer or transferee should not rely on the purchase of the leasehold interest in order to comply with regulatory parking requirements or as parking mitigation for another project. Therefore, we call your attention to the provisions of City Code Sec. 130-36 Off-site facilities, cited below, which requires property owner's approval of a unity of title or restrictive covenant, which must be separately granted/approved by the City of Miami Beach, as owner.

> Sec. 130-36. Off-site facilities.
> (a) All parking spaces required in this article shall be located on the same lot with the building or use served, or within a distance not to exceed 500 feet from such lot, or 1,200 feet (i) if located in the architectural district or a local historic district, or (ii) the parking lot is operated on a valet basis as per section 130-35. The distance separation shall be measured by following a straight line from the lot on which the main permitted use is located to the lot where the parking lot or garage is located.
> (b) Where the required parking spaces are not located on the same lot with the building or use served and used as allowed in section 130-32, a unity of title or for nonadjacent lots, either a unity of title or a restrictive covenant in lieu of unity of title for parking unification shall be prepared for the purpose of insuring that the required parking is provided. Such unity of title or restrictive covenant shall be executed by owners of the properties concerned, approved as to form by the city attorney, recorded in the public records of the county as a covenant running with the land and shall be filed with the application for a building permit.
> (c) Temporary parking lot facilities shall be pursuant to section 130-68.
> (Ord. No. 89-2665, § 7-3, eff. 10-1-89; Ord. No. 98-3108, §§ 5(D), 6, 1-21-98; Ord. No. 2002-3346, § 1, 1-30-02)

Finally, there are two outstanding issues which we would like to address before a sale or transfer of any leasehold interest is considered.

First, there is an outstanding $31.30 due for Florida sales tax on the leased premises. You will recall that it was determined that only $21.88 per month is due for sales tax on the retail portion (five percent) of the leased premises. However, because you had a credit for sales tax previously paid which extended through a portion of October, there was $9.42 due for October 2003, and $21.88 for November 2003. Please remit the $31.30 at your convenience and remember to include $21.88 sales tax with future lease payments.

Second, there is the issue of the Replacement Reserve Account outlined in Section 16.5 (a) of the Lease Agreement. Please provide evidence of the interest bearing reserve account for 122,921 square feet of parking garage space (including common areas). This account should include a

monthly deposit, beginning in December, 2002 for the month of November, 2002, in the amount of $2,560.85.

If you require additional information from us, please let us know.

Sincerely,

Jorge M. Gonzalez
City Manager

JMG/CMC/AP
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cc: Murray Dubbin, City Attorney

Bloom & Minsker
Suite 700
1401 Brickell Avenue
Miami, Florida 33131
Attn: Joel Minsker, Esq.

Greenberg, Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131
Attn: Richard J. Giusto, Esq.

Ocean Blvd. II LLC
328 S. Walnut Street, Suite 2
Bloomington, IN 47401
Attn: Mark A. Siffin

Bose McKinney & Evans LLP
600 E. 96th Street, Suite 500
Indianapolis, IN 46240
Attn: Philip A. Nicely, Esq.

Dwyer & Cambre
Suite 707
3421 North Causeway Blvd.
Metairie, Louisiana 70002
Attn: Stephen I. Dwyer, Esq.

RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND MEMBERS OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE CITY MANAGER TO DECLINE IN WRITING THE RIGHT OF FIRST OFFER TRANSACTION AS REQUIRED PURSUANT TO THE TERMS OF SECTION 36.2 OF THE AGREEMENT OF LEASE ("LEASE") BETWEEN CITY OF MIAMI BEACH, FLORIDA ("OWNER") AND PELICAN DEVELOPMENT, LLC ("TENANT") DATED AS OF DECEMBER 1, 1999; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO APPROVE/DISAPPROVE THE TRANSFER OF TENANT'S LEASEHOLD INTEREST IN THE PROJECT AS REQUIRED UNDER THE TERMS OF SECTION 10.5 OF THE AGREEMENT OF LEASE UPON COMPLETION OF THE CITY'S EVALUATION OF INFORMATION IN CONNECTION WITH THE PROPOSED TRANSFER OF THE PROJECT AND THE PROPOSED PURCHASER.

WHEREAS, on December 30, 1997, the City of Miami Beach issued RFP 20-97/98, seeking proposals for the development of Public-Private Parking facilities; on April 6, 1998, proposals from five (5) different development teams were submitted and evaluated by an Evaluation Committee; and on July 15, 1998, the City Commission authorized negotiations with four (4) of the proposed development projects; and

WHEREAS, as a result of said negotiations, on October 20, 1999, the Mayor and City Commission adopted Resolution No. 99-23372 approving the Agreement of Lease and the Development Agreement between the City of Miami Beach and Pelican Development LLC, for Development of the site located at 10th Street and Collins Avenue; and

WHEREAS, in accordance with Article 10 of the Lease, Sale of the Project, Transfer and Subletting, Pelican Development LLC is requesting the City's approval of the proposed sale and assignment of Pelican Development LLC's 100% interest in the leasehold to Ocean Blvd II LLC, an Indiana limited liability company and/or its permitted assigns; and

WHEREAS, in accordance with the Lease, Section 10.5 required notices, Pelican Development LLC has provided the City, as owner, with notice of the proposed sale; and

WHEREAS, this section of the Lease further provides that the City, as part of its approval process may within 10 business days, request additional information in connection with the proposed transfer of the project and to evaluate the proposed purchaser of the project; and

WHEREAS, the Offer Notice was received on November 25, 2003, giving the City until January 9, 2004, to approve or disapprove the proposed transfer; and

WHEREAS, the next City Commission meeting is scheduled for January 14, 2004; which is beyond the compliance date for the City to approve/disapprove the transfer of Tenant's leasehold interest in the project as required under the terms of the Lease Agreement; therefore it is necessary to delegate authority to approve/disapprove the

transfer of the Tenant's leasehold interest upon completion of the City's evaluation of information in connection with the proposed transfer, to the City Manager and the City Attorney; and

WHEREAS, in accordance with Section 36.2 of the Agreement of Lease, Owner's Reciprocal Right of First Refusal, Owner has the right to elect in writing within 45 days, to consummate the Right of First Offer Transaction at the same price and upon such other material terms set forth in the Offer Notice; and

WHEREAS, the Offer Notice is summarized as follows:

Owner:	City of Miami Beach
Tenant:	Pelican Development LLC
Proposed Transferee:	Ocean Blvd II LLC (Mark A. Siffin, Managing Member)
Purchase Price:	$12,000,000
Management Agreement:	Park One will operate and manage garage for an initial five year term, subject to subsequent one year renewals.

WHEREAS, the Pelican Development LLC project consists of total building area of 129,661 s.f. with 344 parking spaces and 6,740 s.f. of retail space sub-leased to E. Levy Corporation Inc., a surf and bathing suit apparel retail store; and

WHEREAS, based upon the purchase price of $12,000,000, equating to approximately $34,884/space, which exceeds recent comparable sales (i.e., the New World Symphony terms include that the City will fund a maximum of $12,250/per space plus 12.5% for soft costs), the Administration is not prepared to recommend that the City exercise the Reciprocal Right of First Offer Transaction; and

WHEREAS, according to the Purchase and Sale Agreement, the Buyer is not permitted to meet with the City of Miami Beach without Seller's prior consent. It is purported that the Purchaser, who also owns 1036-1052 Ocean Drive (the former Ocean Promenade and Adrian Hotel), is purchasing the subject project, at the proposed purchase price, to provide parking mitigation for the proposed Ocean Drive Project; and

WHEREAS, in the City's request for information we have advised Seller that any parking mitigation achieved through Section 130-36 "Off-site Facilities" requires a unity of title or restrictive covenant in lieu of unity of title, which can only be granted by the Property Owner, i.e. the City of Miami Beach, which is not addressed in this transaction.

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 decline in writing the Right of First Offer transaction as required pursuant to the terms of Section 36.2 of the Agreement of Lease ("Lease") between City of Miami Beach, Florida ("Owner") and Pelican Development, LLC ("Tenant") dated as of December 1, 1999; further authorizing the City Manager and City Attorney to approve/disapprove the transfer of Tenant's leasehold interest in the project as required under the terms of Section 10.5 of the Agreement of Lease upon completion of the City's evaluation of information in connection with the proposed transfer of the project and the proposed purchaser.

PASSED and **ADOPTED** this _____ day of December 2003.

_____
MAYOR

ATTEST:

_____
CITY CLERK

JMG/CMC/rar
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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

12-5-03
City Attorney Date

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR AND COMMISSION

TO: **City Manager Jorge M. Gonzalez**

FROM: **Mayor David Dermer**

DATE: **December 1, 2003**

SUBJECT: **City Attorney's Annual Evaluation**

On October 16, 2003, Murray H. Dubbin completed his eighth year of service as City Attorney. Pursuant to the terms of his employment, the City shall annually review and evaluate the performance of the City Attorney and "upon satisfactory performance review, the City shall award the City Attorney deferred compensation approved as such by Federal Law under the Internal Revenue Code . . . up to the maximum allowable amount . . ."

The City Attorney has heretofore provided the Mayor and Commission with a comprehensive report setting forth significant accomplishments of the City Attorney's Office over the past year. Further, the Mayor and Members of the City Commission have had the opportunity to work with the City Attorney and the City's legal staff and have had the opportunity to evaluate the performance of the City Attorney and the City Attorney's Office.

The Proposed Resolution of Engagement reflects proposed modifications of previous provisions. Entitlement to cost of living adjustment is terminated. The Internal Revenue Code regarding Deferred Income under Sec. 457 has been changed. The City Attorney has requested additional annual leave time. The Resolution containing such changes will become the City's contract with the City Attorney for the forthcoming year and until changed.

Accordingly, I am transmitting the accompanying Resolution declaring the City Attorney's performance to meet the terms of his engagement and amending the terms of his engagement, for Commission consideration at its meeting on December 10, 2003.

Encl.

cc: Members of the City Commission

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Agenda Item R7H
Date 12-10-03

CITY OF MIAMI BEACH
CITY ATTORNEY'S OFFICE

TO: **Honorable David Dermer**
Vice Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul K. Gross
Commissioner Richard L. Steinberg

FROM: **Murray H. Dubbin**
City Attorney

DATE: **December 1, 2003**

SUBJECT: **Annual Review and Evaluation of the Performance of the City Attorney**

My service as City Attorney on a full time basis commenced October 16, 1995 pursuant to a Memorandum of Engagement which on October 9, 1996 was incorporated in Resolution #96-22164, which then became my Contract of Employment.

That Memorandum of Engagement provided in part that prior to the end of each calendar year of service, my performance would be evaluated and if my evaluation was satisfactory, I would be awarded deferred compensation in the maximum amount allowable under Section 457 of the Internal Revenue Code (at the time $7,500).

A revised and updated Compensation Plan was adopted on November 29, 2000 and incorporated into Resolution No. 2000-24194, a copy being attached to and made a part of this memo. This plan has been followed for the past two years. When COLA was provided to unclassified employees, I received COLA adjustments.

As a policy matter, COLA adjustments for employees in my category are terminated. Due to financial concerns, at the adoption of the Department Budget I recommended and was budgeted a nominal base salary increase ($600).

Since the adoption of Resolution No. 2000-24194, the IRS has allowed an increase in maximum deferred compensation under Section 457.

For the current calendar year, I request your approval of the maximum deferred compensation under the IRC, and that for the forthcoming year my annual leave time be increased by five hours per year for each year of creditable service (eight years).

2002-2003 Evaluation. If you consider my performance for the above period to have been satisfactory, I request that you adopt the proposed Resolution which declares such satisfactory evaluation and approves award of the maximum deferred compensation approved by the Internal Revenue Service and an increase in accrual of annual leave time.

The proposed Resolution also terminates cost of living adjustments.

To assist in evaluating this request, I have submitted separately my Annual Report of performance by the City Attorney's Office of significant matters, in the multiplicity of disciplines it has handled this past year.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE CITY ATTORNEY; UPDATING AND REVISING HIS TERMS OF ENGAGEMENT; RECEIVING THE CITY ATTORNEY'S ANNUAL REPORT; FINDING HIS PERFORMANCE TO BE SATISFACTORY AND APPROVING THE AWARD OF DEFERRED COMPENSATION PURSUANT TO THE INTERNAL REVENUE CODE, AND SETTING AN EFFECTIVE DATE.

WHEREAS, Murray H. Dubbin was appointed City Attorney on September 27, 1995, effective October 16, 1995, pursuant to a Memorandum of Engagement, which on October 9, 1996 was incorporated in Resolution No. 96-2216 4; and

WHEREAS, the City Attorney's terms of engagement have been modified from time to time, the latest being Resolution No. 2000-24194, adopted November 29, 2000, and followed for the years 2001and 2002; and

WHEREAS, facts have changed, including an increase in allowable deferred income under Section 457 of the Internal Revenue Code, whereby it is appropriate that the terms of the City Attorney's engagement be updated and revised to conform to said factual changes; and

WHEREAS, the Mayor and Members of the Commission have reviewed the Attorney's Report and have personally related with and observed the City Attorney during the preceding year and upon such review and observation find and determine that his performance has been satisfactory and that he should be awarded the deferred compensation in the maximum amount allowed by the Internal Revenue Code and additional annual leave time as set forth hereafter; and

WHEREAS, it is the desire of the Mayor and Commission to continue Mr. Dubbin's engagement under the terms and conditions hereafter set forth.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. The findings set forth are true and correct and adopted as part of this Resolution.

Section 2. The City Attorney's Memorandum of Engagement is hereby revised and updated to be as follows:

1. Base Salary

   The City Attorney's base salary shall be annually set and budgeted by the City Commission. He shall not be considered for annual cost of living adjustments (COLA).

2. Annual Performance Review

   Upon satisfactory performance review the City shall award the City Attorney deferred compensation approved as such by Federal Law under the Internal Revenue Code, or such other Federal or State laws which are applicable, up to the maximum allowable amount for an employee in his category.

3. Annual Leave

   The City Attorney shall be entitled to the accrual of annual leave in accordance with his status as prescribed by the regulations governing unclassified employees, plus an additional five hours for each year of creditable service.

4. Health and Life Insurance

   City will provide and pay for coverage for City Attorney and dependant for Hospital Major Medical and Surgical in form similar to the present Humana PPO Plan and term life and disability as therein provided and to be provided by any future plans adopted by the City.

5. Retirement

   City Attorney will participate in the City defined Contribution Plan 401 (A).

6. Outside Activity

   City Attorney will devote full working time to City. He may continue to occasionally serve as Circuit Court and U.S. District Court Mediator for which he is certified. He may serve in a Director's capacity to corporate entities, provided there is no conflict with the interests of the City, nor detract from his full time obligation to the City.

7. Service to Other Local Government Entities

The City may through the City Attorney provide legal counsel to other governments through an appropriate interlocal agreement. Compensation for such service shall be paid or credited to Miami Beach.

8. Professional Memberships and Continuing Education

City will pay for memberships required for or supportive of service to City, such as dues to Florida Bar, including the local government and other City related sections plus the Professional Ethics Committee; American Bar Association; Dade County Bar; International Municipal Legal Association (IMLA); State and Local League of Cities and municipal attorneys organizations. City will pay costs of attendance at seminars and CLE programs needed to maintain membership in Bar or programs designed to maintain and enhance skills used in representing the City.

9. Civic and Charitable Organizations

City Attorney will continue at his own expense membership and active participation in charitable organizations, such as the Anti Defamation League, the Jewish Museum of Florida and the Theodore Gibson Memorial Society. The City will pay for memberships in civic organizations, such as the Chambers of Commerce, which are particularly relevant to city interests.

10. Automobile

City Attorney will be provided with an appropriate motor vehicle for unrestricted use together with insurance for liability, property damage, comprehensive insurance and operation, fueling, maintenance and repair, as normally provided for City operated vehicles.

Section 3. The City Attorney is awarded deferred compensation for the year 2003 in the maximum amount allowed by IRS.

Section 4. Mr. Dubbin's engagement as City Attorney shall continue under and pursuant to the terms of this Resolution until the same are modified, amended or terminated by action of the Mayor and Commission.

Section 5. This Resolution shall become effective upon adoption.

PASSED and **ADOPTED** this _____ day of November, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

MHD:lm

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 12/1/03 Date

R7 - Resolutions

R7I A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report; Adjusting His Salary And Benefits Accordingly; Granting A Performance Bonus And Deferred Compensation; Adjusting His Employment Contract Accordingly; And Setting An Effective Date.

(City Manager's Office)

(Memorandum And Resolution To Be Submitted In Supplemental)

AGENDA ITEM R7I
DATE 12-10-03

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION ACCEPTING A RECOMMENDATION TO AWARD THE FIRE STATION NO. 2 PROPOSAL FROM JASCO CONSTRUCTION, CO., IN THE AMOUNT OF $8,096,580, AND APPRORPIATING FUNDING, IN THE AMOUNT OF $4,453,396, WHICH INCLUDES A CONTINGENCY AMOUNT OF $416,875, AN FF&E AMOUNT OF $240,930 AND ADDITIONAL A/E FEES UP TO $190,000. THIS WILL BRING THE TOTAL PROJECT ALLOCATION REQUESTED TO $8,944,385.

Issue:

Should the City Commission approve proposal and appropriate funding?

Item Summary/Recommendation:

In February, 2003, due to performance concerns, a recommendation to sever the contract relationship with Jasco on the combined water tank and Fire station 2 project was sent to Commission. The Commission accepted Jasco's proposed Gross Maximum Price (GMP) for the Water Tanks/Pump Station portion of the project and directed the City staff to evaluate Jasco's performance during the tank construction, to negotiate a GMP on the fire station phase, and to make a recommendation to the City Commission in time to award a bid for the project, in the event that the Commission should reject Jasco's GMP.

The water tank project is at 46% completion, on schedule and in budget. This project is scheduled to be substantially completed on May 2, 2004, with final completion anticipated 30 days later. Jasco has performed very well in the project and has used subcontractors of very good quality on project.

On November 25, 2003, Jasco presented to the City the final GMP in an amount of $8,096,580 that includes the renovation of the existing building, the construction of a new fire station including the EOC, and the necessary modifications to the site. The independent estimate solicited by the City has confirmed that the Jasco price is within reason. In light of performance to date, the likely savings of time and the advantageous contract conditions available to the City, the Administration recommends that Jasco's proposed GMP, in the amount of $8,096,580, be accepted, and that a contract be entered into with Jasco Construction Company, Inc. for the new Fire Station building, including the EOC, the renovation of the historic Fire Station #2 building and completing the site storm drainage system, and that the required funding, as described above, including a contingency amount of $416,875, and additional services fees for STA, in the amount of $190,000, and an FF&E amount of $240,930 be approved and appropriated.

The recommended funding sources will allow the contract decision to be made by the City Commission and proceed in a timely fashion. The funding sources will continue to be evaluated and with added information not currently available, other sources may be recommended to the City Commission in the future as substitutes.

Advisory Board Recommendation:

The GO Bond Oversight Committee recommended approval at the December 1, 2003 meeting. The Finance and City Wide Committee recommended the item at their meeting on December 4, 2003.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	To be submitted		
	2			
	3			
Finance Dept.	Total	4,453,396		

City Clerk's Office Legislative Tracking:

Jorge E. Chartrand

Sign-Offs:

Department Director	Assistant City Manager	City Manager
TH	RCM	

AGENDA ITEM R7J

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE PROPOSED GUARANTEED MAXIMUM PRICE OF $8,096,580, SUBMITTED PURSUANT TO THE AGREEMENT FOR PRE-CONSTRUCTION SERVICES BETWEEN THE CITY OF MIAMI BEACH, FLORIDA, AND JASCO CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES PURSUANT TO RFQ. NO. 117-99/00, ENTITLED CONSTRUCTION MANAGEMENT AT RISK FOR THE FIRE STATION NO. 2 RENOVATION AND EXPANSION, AS PREVIOUSLY AMENDED, AND AMENDING THE AGREEMENT TO INCLUDE CONSTRUCTION OF A FIRE DEPARTMENT DORMITORY BUILDING, RENOVATE THE EXISTING HISTORIC FIRE STATION #2 FOR USE AS A FIRE DEPARTMENT ADMINISTRATION BUILDING, AND COMPLETE CONSTRUCTION OF THE SITE DRAINAGE SYSTEM SERVING THE FIRE STATION SITE AND PUBLIC WORKS YARD; FURTHER, APPROVING AND APPROPRIATING $4,453,396, WHICH INCLUDES A CONTINGENCY AMOUNT OF $416,875, AND FIXTURES, FURNITURE& EQUIPMENT, IN THE AMOUNT OF $240,930, AND ADDITIONAL SERVICES FOR STA, IN THE AMOUNT OF $190,000, TO COMPLETE THIS WORK.**

FUNDING:

Funding Source	Amount
To be submitted as supplement	
Total	4,453,396

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Attachment A of this memorandum provides a brief overall history of this Project and of the different developments which have occurred since it was first conceived in 1995. The analysis

presented refers to the submittal by Jasco of the Guaranteed Maximum Price (GMP) for the Fire Station portion of the Project as was directed by the City Commission in February 2003. At that time, the City Commission approved the GMP for the Water Tanks and Pump Station portion of the Project and directed the Administration and Jasco to work together to develop a final and accurate GMP proposal for the Fire Station portion.

At the same time that the City considered the submittal of Jasco's proposed GMP for the Water Tanks and Pump Station, the City also considered Jasco's submittal of a "draft" GMP on the new Fire Station Building and the restoration of the existing historic facility. The City interpreted that submittal, delivered in September 2002, as a proposed GMP pursuant to the Construction Manager (CM) at Risk Agreement for preconstruction services and evaluated it on that basis. The Contractor stated at the time that the document was a "draft" intended to provide the City with an indication of where the project was from a cost perspective.

Of particular note was that the estimate included in the "draft" document exceeded previous Jasco estimates, as well as the STA estimates from 1996 and the established budget, by over two million dollars. This was particularly troublesome as it was the first indication by the CM at Risk that the project had a funding shortfall. Based on the nature of the CM at Risk process, these cost issues should have arisen in previous Jasco cost estimate submittals since one of the purposes of including the Construction Manager early in the design process to work in conjunction with the consultant is to provide the owner the option of adjusting the scope of the project early on in order to avoid redesign costs or identify additional funds to pay for the project.

Additionally, the Administration was provided documents from Miami-Dade County indicating that Jasco had been under investigation for certain document discrepancies regarding the ownership of the company at the time that Jasco submitted its RFQ response for CM at Risk services. The Administration, with support from the City Attorney's Office, investigated whether the County issues had any adverse impact to Jasco's standing with City. The outcome of the investigation determined that it did not.

Due to Jasco's deficiencies during the preconstruction services portion of their agreement, City staff recommended to the City Commission, in February 2003, that Jasco's CM at Risk contract be terminated by rejecting the proposed GMP for the two phases of the fire station project within their Agreement. However, the City Commission, as noted above, and after careful and lengthy debate and consideration, accepted Jasco's proposed GMP for the Water Tanks/Pump Station portion. The City Commission also directed City staff to evaluate Jasco's performance during the tank construction, to secure a third party estimate of the STA construction documents, to negotiate a GMP on the fire station phase, and to make a recommendation to the City Commission in time to award a bid for the project in the event that the Commission should reject Jasco's GMP.

As of December 1, 2003, Jasco is approximately 46% complete with the first portion of the Project approved by the City Commission, which includes the two Water Tanks and Pumping Station, additional site work in the Public Works Yard, and the demolition of the existing water tank. Jasco is currently on-schedule for the May 2, 2004 date initially established for

Substantial Completion when their GMP for this portion of the work was granted. To date, Jasco has managed the project with professionalism and has communicated effectively with the City throughout the construction period.

As required of the GMP process, Jasco has addressed issues raised in the field as well as changes resulting from Requests for Information and required additional work at their own costs and have not generated any Change Orders other than those related to new scope requested by the City. Their proposals for the additional costs have been reasonable and within industry standards. Their field personnel are very competent and have supervised the progress of the work and the quality control of the installations by their sub-contractors effectively. Some conflicts and errors in installations have been corrected by Jasco efficiently and promptly and no delays have occurred on the progress of the Project other than those caused by rain.

As noted above, Jasco's performance on the construction of Phase I of the project has been excellent. Jasco, so far, has met the requirements and expectations of their CM at Risk agreement for the Construction Services portion for this phase. Additionally, Jasco has now finalized and submitted their GMP proposal for the construction of the new Fire Station and the renovation of the historic existing building, as well as completing the site storm drainage system. The proposed GMP submitted by Jasco for this work is $8,096,580.

In order to give the City Administration objective information on the cost of construction of the Fire Station project, and in accordance with the City Commission's direction of February 2003, an estimate of the cost of construction was obtained from an estimating firm, Cumming, McGillivray LLC, of Orlando, FL in March 2003. The cost estimate prepared by this firm substantially exceeds the City's prior construction budget, developed in 1996, for the project. However the hard construction costs for the Project in the McGillivray estimate are within the range of the Jasco hard construction costs. The overhead, general conditions, insurance, and contractor's fees on the Jasco proposal are higher than those estimated by McGillivray.

The initial budget, established in 1996 on the basis of the approved STA Master Plan, was simply not accurate and was not based on a CM at Risk process. It also did not contain items which were later added to the scope but were not added to the budget or the funding. These items included the EOC, the additional site work, the Category 5 upgrade to the Fire Station Building, and others.

It should be noted that the estimate prepared by McGillivray considers a Traditional Process of bidding the STA documents and of awarding the project to the lowest and best bidder. As the construction documents are already complete; it is not practical to issue a new competitive bid for CM at Risk services, since only Jasco is familiar enough with the project to accurately estimate its risk for this type of contract. Since the CM at Risk process includes substantial risk to the Construction Manager over and above the risk incurred by a Contractor in a Traditional Invitation to Bid Process, the initial costs for a CM at Risk contract are typically higher than those received through a traditional low bid.

In the traditional process, which is normally utilized by the City, the City incurs the risk of

unforeseen conditions and construction document issues that typically increase the initial cost, or bid price, of the project by 5% to 15% as an industry average, or $325,000 to $975,000 in this case. These percentages would include the addition of a higher contingency necessary in the traditional process to account for unforeseen conditions and document inconsistencies. The McGillivray estimate also did not include the cost of FF&E, the phasing of the project, the additional site work and the higher cost of better quality sub-contractors which also add to the differences in cost with the Jasco proposal of September 2002 as well as the final proposal. In theory, the final value of both processes should be similar, although the initial bid prices may differ substantially with the CM at Risk pricing being higher.

The CM at Risk process offers the advantage of a known contract cost upfront. Additionally, the CM at Risk contractor usually uses high quality sub-contractors because they are incurring the risk. This can result in better quality control and improved performance over a traditional process with a low bidder that uses lesser quality subcontractors in order to compete for the lowest bid. This fact is already evident in Jasco's performance on the water tanks and pump station project where the subcontractors have performed excellently and have dealt with construction issues effectively without any additional costs to the City. Many of these contractors will be involved with Jasco in the Fire Station portion of the project.

The City met with Jasco on November 13, 2003 in order to complete the review and evaluation process for all the costs and scope of the Project and to determine the value of a final GMP from Jasco. This GMP would include all items included in the STA contract documents and would be clearly separated according to the different portions of the Project. These portions are the new Fire Station, the historic building renovation, the EOC, and the necessary site work.

On November 25, 2003, Jasco presented to the City the final proposal for GMP in an amount of $8,096,580 that includes the renovation of the existing building, the construction of a new fire station including the EOC, and the necessary modifications to the site as planned.

Staff has completed the evaluation of the Jasco proposal for the Fire Station portion of the Project and has compared it with the March 2003 independent estimate taking into consideration the differences in approach between the CM at Risk and traditional bid processes. In addition, the City met with the Project's consultant, STA Architectural Group (STA) in order to obtain their comments on the proposal and the estimate as well. Their evaluation and review included the suggested value engineering items proposed by Jasco as well as other possible value engineering items. CIP and STA also examined those items that Jasco stated were additional to the original scope of the Project at the time it was awarded to them. The review has determined which items are valid and have included those agreed upon in the Project. Some of these items have to do with finishes and furniture, fixture and equipment, but the more important one is the construction of the EOC and the additional site work that were originally not budgeted. Finally, the City has compared the September 2002 "draft" cost proposal with the November 2003 final proposal.

The administration also proposes to establish a project contingency account, in the amount of $416,875 (based on 5% of the contract amount), to be used for any possible changes in

scope requested by the City during the project construction and for a furniture, fixture & equipment budget, in the amount of $240,930, and additional services fees to STA, in the amount of $190,000. This will bring the total project allocation requested to $8,944,385.

The recommended funding sources will allow the contract decision to be made by the City Commission and proceed in a timely fashion. The funding sources will continue to be evaluated and with added information not currently available, other sources may be recommended to the City Commission in the future as substitutes.

Jasco's current construction schedule indicates that they should achieve Substantial Completion of the Water Tanks portion of the project in early May 2004. If the Jasco proposed GMP is accepted, then Jasco can begin construction of the Fire Station portions as soon as the existing water tank is demolished in late April or early May. If the proposed GMP is rejected, then staff will proceed to bid the STA documents in January. Under this approach, meaning that a contractor other than Jasco performs the work, it is expected that construction could commence as soon as Jasco demobilizes from the Water Tank construction, which is estimated to occur in June 2004. In order to maintain this schedule, in the event that the Commission rejects Jasco's proposed GMP, this decision should be made at the December 10, 2003 Commission meeting. The Project duration has been estimated by Jasco to be twenty four months after start of construction placing completion in mid May 2006.

CONCLUSION

The Administration recommends that Jasco's proposed Guaranteed Maximum Price (GMP) in the amount of $8,096,580, be accepted, and that a contract be entered with Jasco Construction Company, Inc. for the construction of the Fire Dormitory building, including the EOC, the renovation of the historic Fire Station #2 building and completing the site storm drainage system for this amount. Further, that the required funding, in the amount of, $4,453, 396, including a contingency amount of $416,875, additional services fees to STA, in the amount of $190,000, and an FF&E amount of $240,930, be approved and appropriated.

Due to its substantial involvement with the project, STA has also been requested to provide a recommendation to the City regarding Jasco's proposed GMP, which is attached as Attachment B.

HISTORY (ATTACHMENT A):

On July 17, 1996, the Mayor and City Commission adopted a resolution authorizing the Mayor and City Clerk to execute an Agreement with the firm of STA Architectural Group (STA), pursuant to RFLI No. 133-94/95 for architectural and engineering services for the renovation and expansion of Fire Station No. 2 and to develop a Master Plan for the site at 451 Dade Boulevard.

On March 9, 1998, the final scheme developed by STA was presented for approval and recommendation. This proposal called for the addition of a new, three apparatus bay fire station, restoration of the existing historic fire station building, as well as a reconfiguration of the Public Works Yard. This new recommendation represented a departure from the original scope of work initially defined in RFLI No. 133-94/95.

At the October 17, 2001 Commission meeting, the Commission approved an amendment to the contract with STA in the amount of $117,000. This amendment was for the addition of an Emergency Operations Center (EOC) to the Fire Station No. 2 project, the design of a Storm Water drainage system serving both the Fire Station and Public Works Yard properties, and the design of a common entrance to both sites to improve traffic flow. Although the designs of these additional improvements were added, associated construction funding for the added scope was not identified or appropriated.

An Agreement with Jasco Construction Co. (Jasco) was executed on April 18, 2001. Jasco was retained by the City to act as Construction Manager at Risk on the Project and to provide both preconstruction services consisting generally of constructability review of STA's design submittals and associated cost estimates and a Guaranteed Maximum Price (GMP) for the construction of the entire project based on the final construction documents prepared by STA.

Early in 2002, it was decided to divide the scope of the project and to construct two new water storage tanks and demolish the existing water tank located within the Public Works Yard before beginning construction on the Fire Station. Camp Dresser & McKee, Inc. (CDM) was asked to provide a schematic design of two new water tanks and a new water pumping station within the Public Works Yard site. Construction of the water tanks and related pump station were added to the Jasco's Construction Manager at Risk Agreement. CDM was given Notice to Proceed with the completion of the project design on May 20, 2002. STA and CDM were directed to provide sufficient information to Jasco to permit them to establish the Guaranteed Maximum Price (GMP) as requested for this segment of the total project.

The City approved the design submitted by CDM and the location and size of the two water storage tanks. The Administration requested that Jasco provide a separate GMP for the Water Tanks and Pump Station, and for the Fire Station project and the EOC, in order to facilitate the evaluation of all costs.

On March 19, 2003, the City entered into an agreement with Jasco for the construction of two

(2) three million gallon water storage tanks, a water pumping station, partial site drainage

system, and a temporary parking and materials storage lot. Notice to proceed was issued to Jasco pursuant to this contract on June 6, 2003. This portion of the project is scheduled to be substantially completed on May 2, 2004. With final completion anticipated 30 days later.

In November 2003, Jasco submitted the GMP proposal for the new Fire Station portion of the Project which is the subject of this Memorandum.

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ATTACHMENT B

Chartrand, Jorge

From: John Guffey [john@staarchitecturalgroup.com]

Sent: Tuesday, December 02, 2003 9:29 AM

To: Burgio, Mauro

Cc: Chartrand, Jorge; Hastings,Carl; Todd Tragash

Subject: fire station 2 - Jasco GMP

Mauro,
In response to your letter of 11.25.03 we have reviewed Jasco's cost summary of 11.24.03, and in our professional opinion think it is a fair and appropriate price (although higher than we had anticipated) for buildings A & B.

Our basis for this determination is as follows:

1. The current Jasco price for building A is $2,568,024 and for building B is $4,500,092. This is $236 SF for building A and $224 for building B.
2. The STA cost estimate in October 2000 was $1,740,650 ($155 SF) for building A and $2,339,540 ($170 SF) for building B. Adding 15% for inflation (5% per year) and adjusting the size of building B from 13,762 SF to the current 20,100 SF, results in an adjusted estimate of $2,001,747 for building A and $3,929,550 for building B. While these figures are below the current Jasco proposal, they do not reflect the current required project phasing, the 24 month construction time, the decision to design for a category 5 storm, and the requested Inergen fire suppression system (which were not established three years ago). Factoring in these additional requirements would bring the estimate close to the Jasco proposal.
3. The Cumming McGillvary estimate from the summer of 2003 was $1,845,932 for building A and $3,234,851 for building B. These figures are generally in line with the STA adjusted figure. It is our understanding that the Cumming McGillvary estimate did not take into account the project phasing and construction time. Their subcontractor subtotal at this time was not significantly below that of Jasco. Again, factoring in the required phasing would bring this estimate close to the Jasco proposal.
4. For building A, STA finds the price basically in line with other gut renovations/historic preservation projects the office has done in recent years, adjusted for the required phasing and taking into account work on building A will not commence until the summer of 2005.
5. For building B, Robert Currie's office finds the price basically in line with other fire stations and civic buildings they are currently doing.
6. STA does note that 25% of the projected cost for buildings A & B is for general conditions, bond and insurance, and G.C. fees. We note this is a high per cent, but the project does have complicated phasing and a lengthy construction time. We also note this is reflected in the sub-contractor prices.

Our conclusion is that the price for buildings A & B, although high, is not unreasonable. This assumes the price is complete for the construction of the two buildings and reflects any reasonable unforeseen conditions, and is truly a GMP. Regarding the sitework, STA does not have any direct comparables against which to evaluate the proposed cost. We believe the City is more capable of evaluating this price, either through CDM or Public Works.

If you have any questions please contact us.

John Guffey
STA Architectural Group
305 571-1811

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution approving the submission of a ballot question to the electorate, asking whether a vacant park/waterfront lot at 2620 Biarritz Drive shall be sold and the proceeds applied to the renovation of the Normandy Shores Golf Course.

Issue:

Shall a question be submitted to the voters allowing the City to sell a vacant parcel of property and apply the proceeds to the renovation of Normandy Shores Golf Course?

Item Summary/Recommendation:

The preferred design for the Normandy Shores Golf Course that meets the intent of the commitment made to the community for a quality resident golf course, requires additional funding to proceed. One source of funds that is available is the use of proceeds from the sale of a vacant City owned parcel on Biscayne Bay and across Biarritz Drive from the golf course. The sale of the unused parcel has been supported by representatives of the Normandy Shores Home Owners Association. Sale of the parcel will require approval of the voters in an election and adherence to the provisions of the Shapiro Ordinance that governs the conditions and process in which public lands can be sold.

Advisory Board Recommendation:

The issue was discussed at the November 20, 2003, Finance and City Wide Committee and recommended to the Commission.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

R. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	RGM	

T:\AGENDA\2003\dec1003\regular\Normandy lot sale cover.doc

AGENDA ITEM R7K

DATE 12-10-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY OF MIAMI BEACH SHALL SELL PARK/WATERFRONT PROPERTY LOCATED AT 2620 BIARRITZ DRIVE IN MIAMI BEACH, FLORIDA (SURVEY AND LEGAL DESCRIPTION OF PROPERTY ON FILE IN THE CITY'S PUBLIC WORKS DEPARTMENT), WITH THE SALE PROCEEDS TO BE UTILIZED FOR RENOVATION OF THE CITY'S NORMANDY SHORES GOLF COURSE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution which approves a ballot question for submission to the voters approving the sale of a city owned lot on Normandy Shores and devoting the proceeds of the sale to the renovation of the Normandy Golf Course.

ANALYSIS

The Stormwater Master Plan identified the Normandy Shores Neighborhood as a priority drainage basin and Stormwater Bond funding was provided for the correction of drainage issues associated with the neighborhood.

During the course of the stormwater design for the Normandy Shores Neighborhood, the design solution required that the golf course and surrounding neighborhood drainage be separated. The golf course because of its large green area and the runoff into the neighborhood was in large part a significant cause of the Normandy Shore drainage issues. As the design for the neighborhood stormwater improvements and the required golf course drainage improvements proceeded, it became apparent that the installation of deep injection wells was a requirement both for the permitting agencies and the appropriate design solution for the golf course. This design and permitting requirement added an expense to the overall anticipated costs of the golf course drainage.

While the design solution for the Normandy Shores Neighborhood and the Normandy Golf Course can be accomplished with the construction of the deep injection wells, without further improvements to the golf course, the play ability and use of the golf course is potentially affected.

Several design scenarios have been created by the Capital Improvement Office which has ranged from simply completing a minimal renovation to the golf course and the deep injection wells to a more full development that would provide the same water saving grass strain as at the Miami Beach Golf Club, fill and contouring of the course and cart paths throughout.

The more complete redevelopment of the Normandy Golf Course increases the renovation costs and also exceeds the available budget by approximately $2 million dollars; however, this level of improvement is consistent with the City's previous commitment to the community to provide a quality resident golf course following the construction and renovation of the Miami Beach Golf Club.

The development options and the added costs were reviewed by the Finance and Citywide Projects Committee at their meeting on Thursday, November 20, 2003. The committee concurred with the Administration's recommendation to pursue the more full development option of the golf course and to find a method to secure the additional funds necessary to complete this level of improvement.

One source of funding that was discussed in the Finance & Citywide Projects Committee meeting was the sale of a City owned piece of property in the Normandy Shores Neighborhood and devoting the proceeds of the sale of that lot to the renovation of the golf course. The lot in question is on Biscayne Bay opposite the Normandy Shores Golf Course Clubhouse and is approximately 12,795 square feet in size. The lot is currently vacant and unused (Map attached).

Representatives of the Normandy Shores Homeowners Association were present during the Finance & Citywide Projects Committee discussion on this item and volunteered their support for the idea of selling the property and applying the proceeds to the golf course renovation.

In order to proceed with the sale of the property, the City Commission must place a ballot question before the voters in substantially the form as presented in the attached Resolution. If the Commission desires to proceed with this item, the matter can be presented to our voters at the March 2004 election.

In the event that the ballot question is approved by the voters, the City of Miami Beach shall comply with Ordinance 92-2783 (aka Shapiro Ordinance) adopted by the City Commission on June 17, 1992, and codified in the City Code as Article II, entitled "Sale or Lease of Public Property", more specifically with Sections 82-37 through 82-39, which require the following:

1) Public Hearing.
   Section 82-37 of the Miami Beach City Code requires that the City Commission hold a public hearing, advertised not less than 15 days prior to the hearing, in order to obtain citizen input into any proposed sale and/or lease.

2) Planning Department Analysis.
   Section 82-38 of the Miami Beach City Code requires that the Planning Department prepare an analysis in order for the City Commission and the public to be fully apprised of all conditions relating to the proposed sale of the property.

3) Advertised Public Bidding Process and Appraisal.
Section 82-39 states that there shall be no sale of City property unless there has been an advertised public bidding process and an independent appraisal of the fair market value of the property.

(Note: In regard to any sale of City property, the conditions of only this section may be waived upon a five-sevenths vote of the city commission upon a finding by the City Commission that the public interest would be served by waiving such conditions of bidding and/or appraisal for the disposition of the property.

JMG\RCM\sam
F:\cmgr\$ALL\BOB\normandylotsalecomemo.doc

Attachments

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY OF MIAMI BEACH SHALL SELL PARK/WATERFRONT PROPERTY LOCATED AT 2620 BIARRITZ DRIVE IN MIAMI BEACH, FLORIDA (SURVEY AND LEGAL DESCRIPTION OF PROPERTY ON FILE IN CITY'S PUBLIC WORKS DEPARTMENT), WITH THE SALE PROCEEDS TO BE UTILIZED FOR RENOVATION OF THE CITY'S NORMANDY SHORES GOLF COURSE.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

SALE OF CITY-OWNED PARK/WATERFRONT PROPERTY

SHALL THE CITY OF MIAMI BEACH SELL PARK/WATERFRONT PROPERTY LOCATED AT 2620 BIARRITZ DRIVE IN MIAMI BEACH, FLORIDA (SURVEY AND LEGAL DESCRIPTION OF PROPERTY ON

FILE IN CITY'S PUBLIC WORKS DEPARTMENT)[1], WITH THE SALE PROCEEDS TO BE UTILIZED FOR THE CITY'S RENOVATION OF THE NORMANDY SHORES GOLF COURSE?

_____ YES

_____ NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

SALE OF CITY-OWNED PARK/WATERFRONT PROPERTY

SHALL THE CITY OF MIAMI BEACH SELL PARK/WATERFRONT PROPERTY LOCATED AT 2620 BIARRITZ DRIVE IN MIAMI BEACH, FLORIDA (SURVEY AND LEGAL DESCRIPTION OF PROPERTY ON FILE IN CITY'S PUBLIC WORKS DEPARTMENT), WITH THE SALE PROCEEDS TO BE UTILIZED FOR THE CITY'S RENOVATION OF THE NORMANDY SHORES GOLF COURSE?

_____ YES

_____ NO

[1] Also attached hereto as Exhibit "A".

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

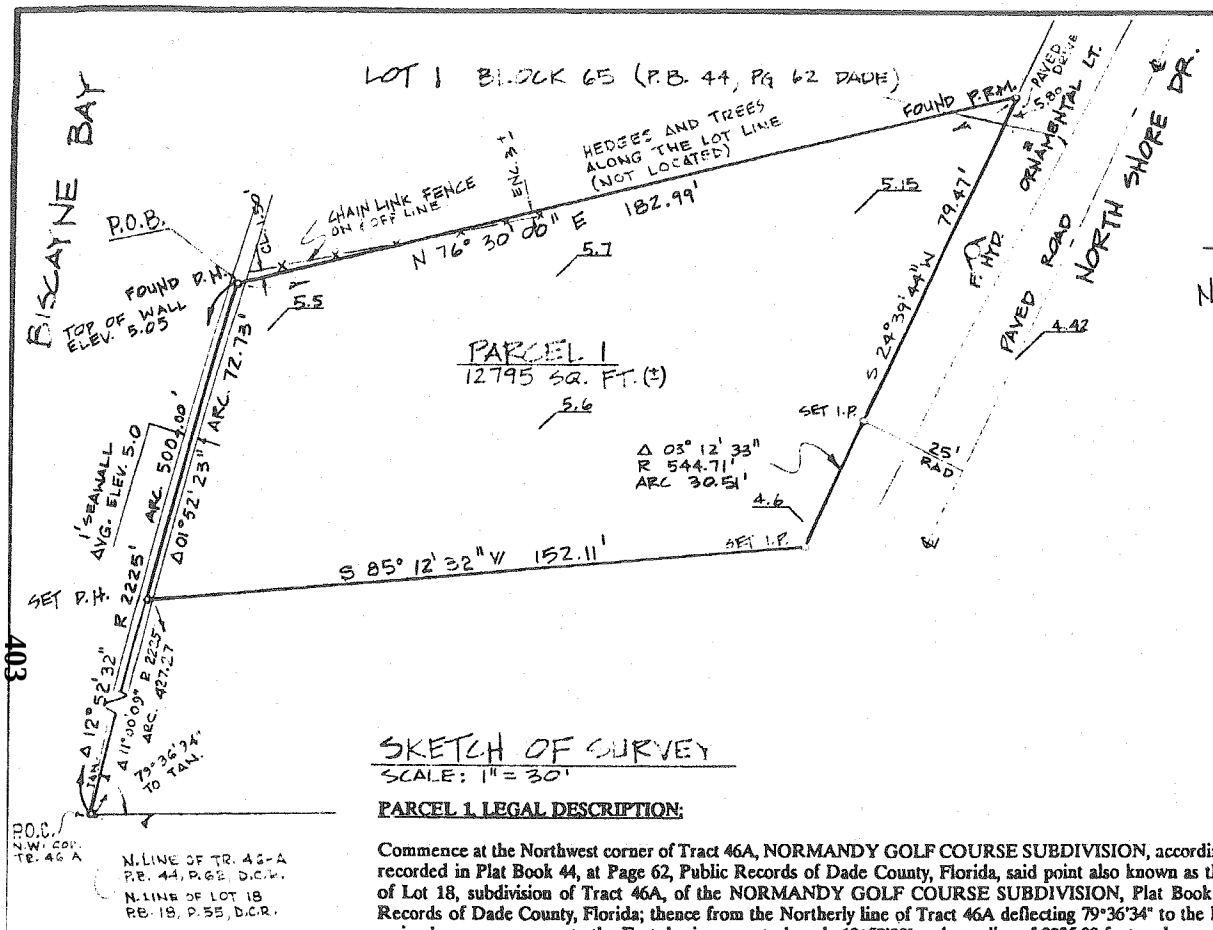
_____
CITY CLERK

JKO/ED

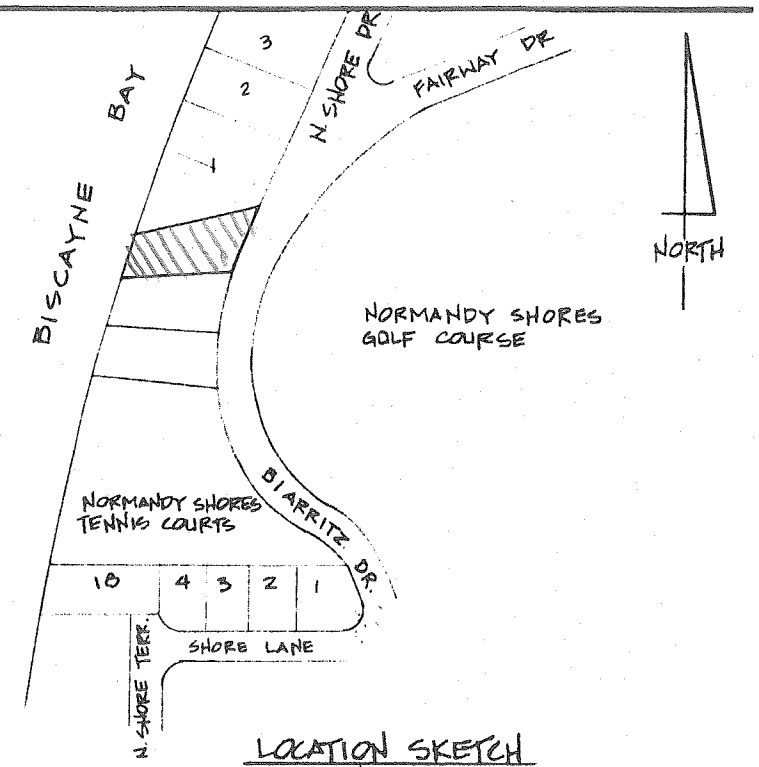
F:\atto\$ALL\LAILA\reso.sale of city-owned property.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

12-5-03
City Attorney Date



SKETCH OF SURVEY
SCALE: 1" = 30'



LOCATION SKETCH
SCALE: 1" = 200'

PARCEL 1, LEGAL DESCRIPTION:

Commence at the Northwest corner of Tract 46A, NORMANDY GOLF COURSE SUBDIVISION, according to the plat thereof recorded in Plat Book 44, at Page 62, Public Records of Dade County, Florida, said point also known as the Northwest corner of Lot 18, subdivision of Tract 46A, of the NORMANDY GOLF COURSE SUBDIVISION, Plat Book 55, Page 95, Public Records of Dade County, Florida; thence from the Northerly line of Tract 46A deflecting 79°36'34" to the left to the tangent of a circular curve concave to the East, having a central angle 12°52'32" and a radius of 2225.00 feet and runs along the arc of said curve for a distance of 500.00 feet to the POINT OF BEGINNING, said point being the Southwest corner of Lot 1, Block 65, NORMANDY GOLF COURSE SUBDIVISION, Plat Book 44, Page 62, Public Records of Dade County, Florida; thence run North 76°30'00" East, along the south line of said Lot 1 for a distance of 182.99 feet to a point; thence run South 24°39'44" West for a distance of 79.47 feet to a point; thence run along a compound curve, concave to the Southeast, having a central angle of 03°12'33" and a radius of 544.71 feet for an arc distance of 30.51 feet to a point; thence run South 85°12'32" West, for a distance of 152.11 feet to a point; thence run along a circular curve, concave to the Southeast, having a central angle of 01°52'23"; and a radius of 2225.00 feet for an arc distance of 72.73 feet to the POINT OF BEGINNING; said lands located, lying and being in the City of Miami Beach, Florida and containing 12,795 square feet more or less.

I HEREBY CERTIFY: that the attached SKETCH OF SURVEY of the above described property is true and correct to the best of my knowledge and belief as recently surveyed and platted under my direction, also that there are no visible encroachments unless shown. This survey meets the Minimum Technical Standards set by the FLORIDA BOARD OF LAND SURVEYORS as set forth in Shapter 472.027 (F.S.) and Chapter 21 HH 6 of the Florida Administrative Code.

REVISED JAN. 22nd, 1993

J.A. Vargas
Reg. Land Surveyor No. 2916
State of Florida

CITY OF MIAMI BEACH
FLORIDA

PUBLIC SERVICES DEPARTMENT — ENGINEERING DIVISION

DESIGNER J.A. VARGAS	CITY MANAGER R. PARKINS	F.R.M. PERMANENT REFERENCE MONUMENT ELEVATIONS SHOWN REFER TO MEAN LOW WATER "BAY" BEARINGS ARE BASED ON ASSUMED MERIDIAN UNDERGROUND STRUCTURES, IF ANY ARE NOT REFLECTED ON THIS SKETCH D.H. DENOTES DRILL HOLE I.P. DENOTES IRON PIPE. FIELD WORK DONE 2/10/1987
DRAFTSMAN L. FRANCIS	PUBLIC SERVICES DIRECTOR R. GATTI	FIELD BOOK
CHECKED J.A. VARGAS	CITY ENGINEER	DRAWING NUM
SCALE AS SHOWN	DATE 5/31/90	SHEET 1 OF

EXHIBIT "A"

SM 90 E

R9
NEW BUSINESS AND COMMISSION REQUESTS

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139

OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **BOARD AND COMMITTEES**

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Art In Public Places	7	City Commission	4	Page 1
Barrier Free Environment Committee	13	Commissioner Jose Smith	1	Page 3
		Commissioner Richard L. Steinberg	1	
		Commissioner Simon Cruz	1	
Beach Preservation Board	10	Commissioner Luis R. Garcia, Jr.	1	Page 4
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	

AGENDA ITEM R9A
DATE 12-10-03

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Beautification Committee	8	Commissioner Luis R. Garcia, Jr.	1	Page 5
		Commissioner Matti H. Bower	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
Board of Adjustment	7	City Commission	7	Page 6
Budget Advisory Committee	9	City Commission	1	Page 7
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Committee for Quality Education in MB	18	Commissioner Jose Smith	1	Page 8
		Commissioner Matti H. Bower	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Simon Cruz	1	
Committee on the Homeless	9	Commissioner Matti H. Bower	1	Page 9
		Commissioner Saul Gross	1	
		Mayor David Dermer	3	
Community Development Advisory Committee	14	Commissioner Jose Smith	1	Page 10
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Richard L. Steinberg	2	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
		Mayor David Dermer	1	

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Community Relations Board	17	Commissioner Matti Herrera Bower	1	Page 11
		Commissioner Richard L. Steinberg	1	
		Commissioner Simon Cruz	1	
		Jorge M. Gonzalez, City Manager	1	
		Mayor David Dermer	1	
Convention Center Advisory Board	7	Commissioner Jose Smith	1	Page 13
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Convention Center Capital Projects Oversight Com.	7	Commissioner Jose Smith	1	Page 14
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Mayor David Dermer	1	
Debarment Committee	7	Commissioner Jose Smith	1	Page 15
		Commissioner Matti H. Bower	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
Design Review Board	7	City Commission	4	Page 16
Fine Arts Board	14	Commissioner Jose Smith	1	Page 18
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti H. Bower	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	2	

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Golf Advisory Committee	12	Commissioner Jose Smith	1	Page 19
		Commissioner Saul Gross	1	
		Mayor David Dermer	1	
Health Advisory Committee	11	City Commission	6	Page 20
Health Facilities Authority Board	6	City Commission	1	Page 21
Hispanic Affairs Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 22
		Commissioner Matti H. Bower	1	
		Commissioner Richard L. Steinberg	1	
Historic Preservation Board	7	City Commission	3	Page 23
Housing Authority	5	Mayor David Dermer	2	Page 25

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Loan Review Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 26
		Commissioner Matti Herrera Bower	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Marine Authority	7	Commissioner Luis R. Garcia, Jr.	1	Page 27
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith	2	Page 28
		Commissioner Luis R. Garcia, Jr.	2	
		Commissioner Matti H. Bower	3	
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Miami Beach Cultural Arts Council	9	City Commission	6	Page 29
Miami Beach Florida Sister Cities	22	Mayor David Dermer	1[illegible]	Page 31
Normandy Shores Local Gov. Neighborhood Impv.	3	City Commission	3	Page 32

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Oversight Committee for General Obligation Bond	13	City Commission	3	Page 33
Parks and Recreational Facilities Board	10	Commissioner Jose Smith	1	Page 34
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
Personnel Board	10	City Commission	6	Page 35
Planning Board	9	City Commission	4	Page 36
Police Citizens Relations Committee	17	Commissioner Luis R. Garcia, Jr.	1	Page 38
		Commissioner Matti H. Bower	1	
		Commissioner Matti Herrera Bower	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	2	

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Production Industry Council	7	Commissioner Jose Smith	1	
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
				Page 40
Public Safety Advisory Committee	7	Commissioner Jose Smith	1	
		Commissioner Luis R. Garcia, Jr.	1	Page 41
		Commissioner Matti H. Bower	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Safety Committee	14	Commissioner Jose Smith	1	
		Commissioner Matti H. Bower	2	
		Commissioner Richard L. Steinberg	2	
		Commissioner Saul Gross	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	2	Page 42
		Mayor David Dermer	1	
Transportation and Parking Committee	19		1	
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Richard L. Steinberg	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
				Page 43

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Visitor and Convention Authority	7	City Commission	4	Page 45
Youth Center Advisory Board	10	Commissioner Jose Smith	1	Page 46
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti Herrera Bower	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	

Attached is breakdown by Commissioner or City Commission:

REP

JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Community Affairs Committee				
	Member	Commissioner Saul Gross	Mayor Dermer	11/28/01
	Vice-Chair	Commissioner Luis R. Garcia, Jr.	Mayor Dermer	11/28/01
	Chairperson	Commissioner Simon Cruz	Mayor Dermer	11/28/01
Finance & Citywide Projects Committee				
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/28/01
	Vice-Chair	Commissioner Richard Steinberg	Mayor Dermer	11/28/01
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/28/01
Land Use & Development Committee				
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/28/01
	Vice-Chair	Commissioner Saul Gross	Mayor Dermer	11/28/01
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/28/01
Neighborhoods Committee				
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/28/01
	Vice-Chair	Commissioner Simon Cruz	Mayor Dermer	11/28/01
	Member	Commissioner Richard Steinberg	Mayor Dermer	11/28/01

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

Commissioner Luis R. Garcia, Jr.

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

Commissioner Jose Smith

- Metropolitan Planning Organization

Commissioner Richard L. Steinberg

- Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities

c: CMC
J Gomez
LC

RECEIVED
03 NOV 13 PM 5:05
CITY MANAGER'S OFFICE

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE GONZALEZ
CITY MANAGER

FROM: RICHARD STEINBERG RLS/sm
COMMISSIONER

DATE: November 10, 2003

RE: Agenda Item- Board of Adjustment Nomination

Please place on the November 25th Commission agenda an item nominating Mr. Michael Gongorra to the Board of Adjustment.

If you have any questions or comments, please feel free to contact my Aide, Ms. Dolores Mejia at ext. 6834.

RLS/dm

Agenda Item R9A1
Date 12-10-03

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C: RCM
LC

CITY OF MIAMI BEACH
Office of the Mayor and Commission
Memorandum

RECEIVED
03 DEC -3 PM 3:14
CITY MANAGER'S OFFICE

To: JORGE M. GONZALEZ
CITY MANAGER

From: DAVID DERMER
MAYOR

Date: DECEMBER 3, 2003

Re: HOUSING AUTHORITY APPOINTMENT

Please place on the December 10th, 2003 Commission Meeting agenda, the Commission's approval of my appointment of Rosalia Lopez, to serve as Tenant Commissioner on the City's Housing Authority Committee.

DD/ess

Agenda Item R9A2
Date 12-10-03

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R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B/+2
DATE 12-10-03

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From:

Chairman Steve Zack	Appointed by Mayor Dermer
Vice-Chair Jonathan Beloff	Appointed by Commissioner García
Member of the Board Ricky Arriola	Appointed by Commissioner Cruz
Member of the Board Victor Díaz	Appointed by Commissioner Bower
Member of the Board Honorable Seymour Gelber	Appointed by Commissioner Gross
Member of the Board Larry Herrup	Appointed by Commissioner Steinberg
Member of the Board Abraham Laeser	Appointed by Commissioner Smith

Subject: **CHARTER REVIEW BOARD PROPOSED AMENDMENTS TO CITY CHARTER—RESOLUTIONS PROPOSING MARCH 9, 2004 CITY OF MIAMI BEACH SPECIAL ELECTION**

BACKGROUND:

The City of Miami Beach Charter Review Board, pursuant to authority of City Resolution No. 2003-25124, is continuing its review of the City's Charter and Related Special Acts – as a result of this review, the Board held a televised public meeting onNovember 6, 2003, resulting in the following recommended changes to the City Charter:

* Zoning Reform – amending City Charter Section 1.03 (c) to expand the current requirement of voter approval prior to any increase in floor arearatio on certain waterfront property within the City of Miami Beach to all property within the City; and

* Long Term Economic Impact – amending Charter V[1] regarding "Budget and Finance" to require that the City Commission consider the long term economic impact (at least 5 years) of legislative acts involving the allocation of funds.

At the July 30, 2003 City Commission Meeting, the following issues were presented to the City Commission by the Charter Review Board for consideration. The City Commission did not place these issues on the November 4 ballot and indicated that these issues might be considered for a future ballot after the November 4, 2003 Special Election. The issues are:

1) Amending Charter Bill of Rights, re: "Natural Resources & Scenic Beauty";

2) Amending Charter .§4.02 (i), by deleting requirement for City Attorney approval of City Manager's contract negotiations; and

3) Amending Related Special Acts do delete Article II "Public Library" and Article III "Municipal Projects", as obsolete and redundant.

In order to ensure placement of a measure on the March 9, 2004 ballot, the City Commission must pass a resolution calling for said special election by no later than January 9, 2004 – accordingly, inasmuch as there is only one regularly-scheduled City Commission meeting prior to January 9, 2004 (December 10), the attached resolutions are presented herein for City Commission Review.

[1] This proposal was previously presentedto the City Commission for its review at its July 30, 2003 Commission Meeting; the City Commission opted to reserve this issue for later consideration.

Agenda Item R9C
Date 12-10-03

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

MURRAY H. DUBBIN
City Attorney

Telephone: **(305) 673-7470**
Telecopy: **(305) 673-7002**

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

DATE: December 10, 2003

FROM: Murray H. Dubbin
City Attorney

SUBJECT: **REGARDING CHARTER REVIEW BOARD'S PROPOSED AMENDMENT TO THE CITY TO THE CITY CHARTER AND RESOLUTIONS PROPOSING MARCH 9, 2004 CITY OF MIAMI BEACH SPECIAL ELECTION.**

The Legal Department has drafted and submitted the proposed charter amendment in accordance with the action of the Charter Review Board. However, we have some concerns which are hereafter set forth. The proposed amendment to Section 1.03(c) of the City Charter will expand the current requirement for voter approval prior to any increase in Floor Area Ratio on all applicable properties within the City. This would affect settlements, including, but not limited to, those entered into pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act ("Harris Act")* and those in other cases which involve the effectuation of their terms through a development agreement. The proposed Charter Amendment would also affect the settlement of other litigation matters concerning civil rights claims against the City, takings or condemnation claims, and the transfer of development rights under current City Code provisions and those anticipated to be proposed by the Planning Department relative to historic districts.

To address the foregoing concerns, the City Attorney's Office has added the attached shaded language to the original proposal of the Charter Review Board, which language is thus submitted for your consideration.

*Assuming the Harris Act is ultimately upheld by the courts

MHD/DJT/bfg

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1700 Convention Center Drive -- Fourth Floor -- Miami Beach, Florida 33139

A. Proposed Ballot Question

AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO SPECIFIED WATERBODIES ("ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY") BE AMENDED TO DELETE LANGUAGE REFERENCING SUCH WATERBODIES, THEREBY EXPANDING THE REQUIREMENT OF VOTER APPROVAL TO ALL APPLICABLE PROPERTY WITHIN CITY LIMITS; EXEMPTING DIVISION OF LOTS, OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY ORDINANCE), AND CERTAIN SETTLEMENTS OR DEVELOPMENT AGREEMENTS.

_____ YES

_____ NO

B. Proposed Text

City Charter Section 1.03(c).

(c) The floor area ratio of any property or street end within the City of Miami Beach ~~adjacent to the Atlantic Ocean, Government Cut, Indian Creek or Biscayne Bay~~ shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. This provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance. In addition, this provision shall not apply to settlements entered into pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act or to development agreements entered into pursuant to the Florida Local Government Development Agreement Act. This Charter Amendment shall become effective on the day after its approval by the voters of the City of Miami Beach. No rights in derogation of the provisions of this Amendment under any ordinance or any other action of the Miami Beach City Commission between the time this measure is approved by the Miami Beach City Commission for placement on ~~the November 6, 2001~~ a ballot and the adoption of this Amendment shall be enforced against the City of Miami Beach.

* * *

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO SPECIFIED WATERBODIES ("ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY") BE AMENDED TO DELETE LANGUAGE REFERENCING SUCH WATERBODIES, THEREBY EXPANDING THE REQUIREMENT OF VOTER APPROVAL TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS, OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS, OTHERWISE PERMITTED BY ORDINANCE.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of

the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO SPECIFIED WATERBODIES ("ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY") BE AMENDED TO DELETE LANGUAGE REFERENCING SUCH WATERBODIES, THEREBY EXPANDING THE REQUIREMENT OF VOTER APPROVAL TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS, OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS, OTHERWISE PERMITTED BY ORDINANCE.

_____ YES

_____ NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO SPECIFIED WATERBODIES ("ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY") BE AMENDED TO DELETE LANGUAGE REFERENCING SUCH WATERBODIES, THEREBY EXPANDING THE REQUIREMENT OF VOTER APPROVAL TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS, OR THE AGGREGATION OF

DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS, OTHERWISE PERMITTED BY ORDINANCE.

_____ YES

_____ NO

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 11-14-03 Date

JKO/ED
F:\atto\OLIJ\ELECTION\RESO\Change of Run-Off Election Date.doc

Proposed Amendment to City Charter Section 1.03(c) for March 9, 2004 Special Election:

A. Proposed Ballot Question

AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO SPECIFIED WATERBODIES ("ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY") BE AMENDED TO DELETE LANGUAGE REFERENCING SUCH WATERBODIES, THEREBY EXPANDING THE REQUIREMENT OF VOTER APPROVAL TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS, OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS, OTHERWISE PERMITTED BY ORDINANCE.

_____ YES

_____ NO

B. Proposed Text

City Charter

Section 1.03(c). Powers of City.

* * *

(c) The floor area ratio of any property or street end within the City of Miami Beach ~~adjacent to the Atlantic Ocean, Government Cut, Indian Creek or Biscayne Bay~~ shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. This provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance. This Charter Amendment shall become effective on the day after its approval by the voters of the City of Miami Beach. No rights in derogation of the provisions of this Amendment under any ordinance or any other action of the Miami Beach City Commission between the time this measure is approved by the Miami Beach City Commission for placement on the ~~November 6, 2001~~ March 9, 2004 ballot and the adoption of this Amendment shall be enforced against the City of Miami Beach.

* * *

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER ARTICLE V REGARDING "BUDGET AND FINANCE" SHOULD BE AMENDED TO REQUIRE THAT THE CITY COMMISSION CONSIDER THE LONG TERM ECONOMIC IMPACT (AT LEAST FIVE YEARS) OF LEGISLATIVE ACTS.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER ARTICLE V TO REQUIRE ECONOMIC IMPACT STATEMENT

SHALL THE MIAMI BEACH CITY CHARTER, ARTICLE V THEREOF REGARDING "BUDGET AND FINANCE", BE AMENDED TO REQUIRE THAT THE CITY COMMISSION CONSIDER THE LONG TERM ECONOMIC IMPACT (AT LEAST FIVE YEARS) OF LEGISLATIVE

ACTS?

_____ YES

_____ NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER ARTICLE V TO REQUIRE ECONOMIC IMPACT STATEMENT

SHALL THE MIAMI BEACH CITY CHARTER, ARTICLE V THEREOF REGARDING "BUDGET AND FINANCE", BE AMENDED TO REQUIRE THAT THE CITY COMMISSION CONSIDER THE LONG TERM ECONOMIC IMPACT (AT LEAST FIVE YEARS) OF LEGISLATIVE ACTS?

_____ YES

_____ NO

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

JKO/ED
F:\atto\OLIJ\ELECTION\RESO\Budget & Finance (Long Term Economic).doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 11-14-03 Date

Proposed Amendment to City Charter Article V for March 9, 2004 Special Election:

A. Proposed Ballot Question

AMENDING CHARTER ARTICLE V TO REQUIRE ECONOMIC IMPACT STATEMENT

SHALL THE MIAMI BEACH CITY CHARTER, ARTICLE V THEREOF REGARDING "BUDGET AND FINANCE", BE AMENDED TO REQUIRE THAT THE CITY COMMISSION CONSIDER THE LONG TERM ECONOMIC IMPACT (AT LEAST FIVE YEARS) OF LEGISLATIVE ACTS.

_____ YES

_____ NO

B. Proposed Text

Article V. Budget and Finance.

* * *

Section 5.02 Budget.

In accordance with Florida law the City Commission shall adopt an annual budget.

The City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO INCLUDE WITHIN THE CITIZEN'S BILL OF RIGHTS A POLICY STATEMENT OF THE CITY TO CONSERVE AND PROTECT ITS NATURAL RESOURCES AND SCENIC BEAUTY, INCLUDING THE ABATEMENT OF AIR AND WATER POLLUTION AND OF EXCESSIVE AND UNNECESSARY NOISE.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A

list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00

A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CITIZEN'S BILL OF RIGHTS TO PROTECT NATURAL RESOURCES AND SCENIC BEAUTY

SHALL THE MIAMI BEACH CITY CHARTER BE AMENDED TO INCLUDE WITHIN THE CITIZEN'S BILL OF RIGHTS A POLICY STATEMENT OF THE CITY TO CONSERVE AND PROTECT ITS NATURAL RESOURCES AND SCENIC BEAUTY, INCLUDING THE ABATEMENT OF AIR AND WATER POLLUTION AND OF EXCESSIVE AND UNNECESSARY NOISE?

_____ YES

_____ NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CITIZEN'S BILL OF RIGHTS TO PROTECT NATURAL RESOURCES AND SCENIC BEAUTY

SHALL THE MIAMI BEACH CITY CHARTER BE AMENDED TO INCLUDE WITHIN THE CITIZEN'S BILL OF RIGHTS A POLICY STATEMENT OF THE CITY TO CONSERVE AND PROTECT ITS NATURAL RESOURCES AND SCENIC BEAUTY, INCLUDING THE ABATEMENT OF AIR AND WATER POLLUTION AND OF EXCESSIVE AND UNNECESSARY NOISE?

_____ YES

_____ NO

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

12-1-03
City Attorney Date

JKO/ED
F:\atto\OLIJ\ELECTION\RESO\Bill of Rights-Natural Resources.doc

Proposed Amendment to City Charter Citizen's Bill of Rights for March 9, 2004 Special Election:

A. Proposed Ballot Question

AMENDING CITIZEN'S BILL OF RIGHTS TO PROTECT NATURAL RESOURCES AND SCENIC BEAUTY

SHALL THE MIAMI BEACH CITY CHARTER BE AMENDED TO INCLUDE WITHIN THE CITIZEN'S BILL OF RIGHTS A POLICY STATEMENT OF THE CITY TO CONSERVE AND PROTECT ITS NATURAL RESOURCES AND SCENIC BEAUTY, INCLUDING THE ABATEMENT OF AIR AND WATER POLLUTION AND OF EXCESSIVE AND UNNECESSARY NOISE?

_____ YES

_____ NO

B. Proposed Text

* * *

15. Natural resources and scenic beauty.

It shall be the policy of the City of Miami Beach to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 4.02(i) REGARDING THE CITY MANAGER'S POWER TO NEGOTIATE CITY CONTRACTS AND AGREEMENTS BE AMENDED BY DELETING LANGUAGE SUBJECTING SAID POWER TO APPROVAL OF THE CITY ATTORNEY, RETAINING LANGUAGE REQUIRING CITY COMMISSION APPROVAL OF CITY MANAGER NEGOTIATIONS.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the

laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 4.02(i) DELETING REQUIREMENT FOR CITY ATTORNEY APPROVAL OF CITY MANAGER'S CONRACT NEGOTIATIONS

SHALL SECTION 4.02(i) OF THE MIAMI BEACH CITY CHARTER REGARDING THE CITY MANAGER'S POWER TO NEGOTIATE CITY CONTRACTS AND AGREEMENTS BE AMENDED BY DELETING LANGUAGE SUBJECTING SAID POWER TO APPROVAL OF THE CITY ATTORNEY, RETAINING LANGUAGE REQUIRING CITY COMMISSION APPROVAL OF CITY MANAGER NEGOTIATIONS?

_____ YES

_____ NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 4.02(i) DELETING REQUIREMENT FOR CITY ATTORNEY APPROVAL OF CITY MANAGER'S CONRACT NEGOTIATIONS

SHALL SECTION 4.02(i) OF THE MIAMI BEACH CITY CHARTER REGARDING THE CITY MANAGER'S POWER TO NEGOTIATE CITY CONTRACTS AND AGREEMENTS BE AMENDED BY DELETING LANGUAGE SUBJECTING SAID POWER TO APPROVAL OF THE CITY ATTORNEY, RETAINING LANGUAGE REQUIRING CITY COMMISSION APPROVAL OF CITY MANAGER NEGOTIATIONS?

_____ YES

_____ NO

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST: _____ **MAYOR**

_____ **CITY CLERK**

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 12-1-03 Date

JKO/ED
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Proposed Amendment to City Charter Section 4.02 (i) for March 9, 2004 Special Election:

A. Proposed Ballot Question

AMENDING CHARTER SECTION 4.02(i) DELETING REQUIREMENT FOR CITY ATTORNEY APPROVAL OF CITY MANAGER'S CONRACT NEGOTIATIONS

SHALL SECTION 4.02(i) OF THE MIAMI BEACH CITY CHARTER REGARDING THE CITY MANAGER'S POWER TO NEGOTIATE CITY CONTRACTS AND AGREEMENTS BE AMENDED BY DELETING LANGUAGE SUBJECTING SAID POWER TO APPROVAL OF THE CITY ATTORNEY, RETAINING LANGUAGE REQUIRING CITY COMMISSION APPROVAL OF CITY MANAGER NEGOTIATIONS?

_____ YES

_____ NO

B. Proposed Text

Sec. 4.02. City manager--Functions and powers.

The City Manager shall be the chief executive officer and head of the administrative branch of the City government. Except as specifically provided otherwise in this Charter, the City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City. The functions and powers of this office shall be:

* * *

(i) To negotiate all contracts and agreements in which the City is a party subject to the approval of the ~~City Attorney and~~ City Commission.

* * *

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY OF MIAMI BEACH RELATED SPECIAL ACTS, ARTICLE II THEREOF ENTITLED "PUBLIC LIBRARY" AND ARTICLE III THEREOF ENTITLED "MUNICIPAL PROJECTS", BE DELETED AS SAID LANGUAGE IS OBSOLETE AND/OR REDUNDANT.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING RELATED SPECIAL ACTS BY DELETING ARTICLE II "PUBLIC LIBRARY" AND ARTICLE III "MUNICIPAL PROJECTS"

SHALL MIAMI BEACH RELATED SPECIAL ACTS, ARTICLE II THEREOF ENTITLED "PUBLIC LIBRARY" AND ARTICLE III THEREOF ENTITLED "MUNICIPAL PROJECTS", BE DELETED AS SAID LANGUAGE IS OBSOLETE AND/OR REDUNDANT?

_____ YES

_____ NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING RELATED SPECIAL ACTS BY DELETING ARTICLE II "PUBLIC LIBRARY" AND ARTICLE III "MUNICIPAL PROJECTS"

SHALL MIAMI BEACH RELATED SPECIAL ACTS, ARTICLE II THEREOF ENTITLED "PUBLIC LIBRARY" AND ARTICLE III THEREOF ENTITLED "MUNICIPAL PROJECTS", BE DELETED AS SAID LANGUAGE IS OBSOLETE AND/OR REDUNDANT?

_____ YES

_____ NO

SECTION 8.

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

JKO/ED
F:\atto\OLIJ\ELECTION\RESO\RSA-Public Library-Municipal Projects.doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 12-1-03 Date

Proposed Amendment to City of Miami Beach Related Special Acts for March 9, 2004 Special Election:

A. Proposed Ballot Question

AMENDING RELATED SPECIAL ACTS BY DELETING ARTICLE II "PUBLIC LIBRARY" AND ARTICLE III "MUNICIPAL PROJECTS"

SHALL MIAMI BEACH RELATED SPECIAL ACTS, ARTICLE II THEREOF ENTITLED "PUBLIC LIBRARY" AND ARTICLE III THEREOF ENTITLED "MUNICIPAL PROJECTS", BE DELETED AS SAID LANGUAGE IS OBSOLETE AND/OR REDUNDANT?

_____ YES

_____ NO

B. Proposed Text

ARTICLE II "PUBLIC LIBRARY".*

Sec. 3. Authority to acquire, maintain and operate.
The City of Miami Beach, in Dade County, Florida, is hereby authorized and empowered to acquire, maintain and operate a public library or libraries within the corporate limits of the City of Miami Beach; to provide by ordinance of its city commission for the manner and method of such operation, administration and financing of such public library or libraries.
(Laws of Fla., 1949, ch. 26027, § 1; election of 11-1-83)

Sec. 4. Board of trustees.
Any ordinance passed and adopted hereunder by the said City of Miami Beach, or on its behalf by its city commission, shall provide for a board of trustees for the management and administration of such public library or libraries, which board of trustees shall consist of members who shall be appointed or removed by the city manager by and with the approval of the city commission, in a manner and on such terms as may be established by the ordinance. Said board of trustees shall have the power to adopt bylaws, rules or regulations for the conduct of its own meetings or business and for the regulation and control of the operation of such library or libraries.
(Laws of Fla., 1949, ch. 26027, § 2; election of 11-1-83)

Sec. 5. Personnel subject to provisions of article IV hereof.
All personnel, except unclassified personnel, employed in the operation, maintenance and administration of said public library or libraries shall be subject to the provisions of Laws of Florida, 1937, ch. 18696 entitled:

"An act creating a civil service system for certain officers and employees of the City of Miami Beach, Florida; creating a department of personnel, defining its membership, powers and duties; designating the officers and employees who are within the terms of said act; defining the certain terms of said act;

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* The public library is operated pursuant to an interlocal agreement which is on file in the city clerk's office.

providing for appointments, promotions, suspension, reductions and removal of officers and employees; providing for the status of officers and employees holding positions when this act takes effect; providing for referendum when said act shall take effect and other matters relating thereto." (Laws of Fla., 1949, ch. 26027, § 3; election of 11-1-83)

Sec. 6. Repeal of conflicting laws.
All laws and parts of laws in conflict herewith are hereby repealed.
(Laws of Fla., 1949, ch. 26027, § 4; election of 11-1-83)

ARTICLE III "MUNICIPAL PROJECTS". *

Sec. 7. Enumeration of projects; definitions.
For the purpose of this Act the term "municipal project" shall cover only any one or more or any combination of the following: abattoirs, airports, auditoriums, bridges, tunnels, buildings, hospitals, viaducts, city and town halls, community houses, sanitaria, dispensaries, jails, ice plants, pre-cooling and cold-storage plants, warehouses, waterworks systems, including new water lines, dredging and deepening harbors and channels, jetties, breakwaters, public landings, wharves, docks, and other improvements for harbors and shipping facilities, markets, memorials, automobile parking lots, parks, including recreational facilities, playgrounds, recreation centers, bathing beaches with necessary improvements, structures, buildings, piers, public buildings and plazas, reservoirs, schools, sewers, sewage or drainage systems and sewage disposal or treatment plants, stadiums, streets, roads, avenues, alleys and highways, sidewalks and curbs, gutters and stormwater sewers or drains, harbor and port facilities, toll bridges or causeways, swimming pools, as defined in this section; and all property, real and personal, appurtenant thereto or connected with such work, undertaking or project, and the existing work, undertaking or project, if any, to which such work, undertaking or project is an extension, addition, betterment or improvement.
(a) The term "to construct" shall mean to build, to construct, to reconstruct, to erect, to replace, to extend, to repair, to better, to equip, to develop, to embellish, to improve, to acquire by gift, purchase or the exercise of the right of eminent domain, or any one or more or all of the foregoing.
(b) The term "construction" shall mean building, construction, reconstruction, erection, replacement, extension, repairing, betterment, equipment, development, embellishment, improvements, acquisition, by gift, purchase, or the exercise of the right of eminent domain, or any one or more or all of the foregoing.
(Laws of Fla., 1941, ch. 21401, § 1)

Sec. 8. Powers generally of city.
The City of Miami Beach shall have power and is hereby authorized:
(a) To construct any municipal project, as defined in section 1 [§ 7] hereof, within or without the municipality, or partially within and partially without the municipality.
(b) To operate and maintain any municipal project for public and private users and consumers within and without the municipality.

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* Editors Note: Sections 3--16 of Laws of Fla., 1941, ch. 21401, regarding the issuing and servicing of bonds for the projects authorized in the areas within and beyond the city limits have been editorially deleted as any provision which has not been amended by referendum after July 1, 1973, and which is not an extraterritorial power may be editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and F.S. ch. 166 and the authority and procedure for issuance of bonds is contained in state law.

State Law References: Municipal borrowing authority, F.S. § 166.101 et seq.; bonds, F.S. §§ 130.01 et seq., 132.01 et seq., 159.01 et seq., 163.385,215.43,215.431,215.84, 218.37--218.385; bond validation, F.S. ch. 75; maximum rate of interest, F.S. § 215.84.

(c) To issue bonds as provided in this Act to finance such construction, and to provide for the rights of the holders of the bonds and to secure the bonds all as hereinafter provided.
(d) To enter into a trust agreement with any bank or trust company within or outside the state, in connection with the construction of a project and in order to secure bonds payable exclusively from revenues which are issued in connection therewith.
(e) To fix, levy and collect fees, rents, tolls, or other charges for the use of or in connection with any municipal project, and in the event any trust agreement with holders of bonds shall be made as hereinafter provided, to fix, levy and collect such fees, rents, tolls and other charges in accordance with such agreements and subject thereto.
(f) To acquire by purchase, gift or the exercise of the right of eminent domain and to hold and dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property, in connection with any municipal project, whether or not subject to mortgages, liens, charges or other encumbrances, and to construct any municipal project subject thereto, and whether within or without the municipality, or partially within and partially without the municipality.
(g) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of any municipal project.
(h) To perform any acts authorized under this law through or by means of its own officers, agents, and employees, or by contracts with private corporations, firms or individuals.
(i) To award any contract for the construction of any municipal project or any part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality.
(j) To do all acts and things necessary or convenient to carry out the powers expressly given in this law.
(Laws of Fla., 1941, ch. 21401, § 2)

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us

COMMISSION MEMORANDUM

To: **Mayor David Dermer and Members of the City Commission**

Date: December 10, 2003

From: **Jorge M. Gonzalez City Manager**

Subject: **NIGHTLIFE INDUSTRY TASK FORCE - EXTENSION OF HOURS FOR WEDNESDAY, DECEMBER 31, 2003 - NEW YEARS EVE 2003.**

The Nightlife Industry Task Force (NITE) was established in October 2001 in an attempt to provide greater communication and enhanced interaction between the nightlife industry and City staff.

At their November 12, 2003 meeting, the NITE requested that the City Commission consider granting an extension of hours for nightclubs to operate on Wednesday, December 31, 2003 during New Years Eve 2003. As was done for New Years Eve 2000, 2001 and 2002, for Winter Music Conference 2001, 2002 and 2003, Memorial Day Weekend 2001, the Fourth of July Weekend 2002 and Labor Day Weekend 2002, and White Party 2001, 2002 and 2003, if the City Commission is desirous of implementing the extension of club hours for Wednesday evening only, New Year's Eve, the following motion should be adopted:

> Motion to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 am liquor license to extend their hours of operation to 7:00 am on Thursday, January 1, 2004 and to be allowed to serve alcohol. Any club which will remain open must notify the Police Department and Code Compliance by letter, by Friday, December 26, 2003, and must provide off-duty police officers if the Police Department deems appropriate and must comply with the following additional criteria:
>
> 1. No pending violations
> 2. Do not owe the City money
> 3. No outdoor entertainment or open-air entertainment
> 4. No permission granted to violate the noise ordinance
>
> If there are any problems during the weekend, this action may be rescinded by the City Manager.

JMG/CMC/rar
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AGENDA ITEM R9D
DATE 12-10-03

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CITY OF MIAMI BEACH

OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

RECEIVED 03 DEC -5 PM 3:35 CITY MANAGER'S OFFICE

TO: Jorge Gonzalez
City Manager

FROM: Saul Gross
Commissioner

DATE: December 5, 2003

RE: Agenda Item: Scott Rakow Youth Center

Attached is a letter from an irate resident, voicing her frustration about the unacceptable delays in opening the new ice skating rink at the Scott Rakow Youth Center, and adding insult to injury, raising the skating rates for the old rink.

I agree with everything this resident says.

1) Please provide the Commission with a specific plan and timetable for rectifying the problems preventing the ice rink from being placed in service;
2) Secondly, I recommend lowering the rates for skating until the new rink opens. The revenue impact would be nominal and the gesture might help assuage the residents' anger over the delays;
3) Thirdly, please explain why the City can't adopt a general policy that once plans are approved for permit, the City is bound by those approvals (absent life/safety considerations) and cannot require subsequent changes in the field at the last minute. I am referring to the requirement of the disability inspector that either a lift be added or the metal panel on the wall surrounding the ice be lowered. Had this change been done at the time of permitting, it would have been no problem. But introducing it at the end, upon final inspection, is not fair to the City or its residents.

Please place these items on the December 10th agenda for discussion and action.

SG/ma

Agenda Item R9E
Date 12-10-03

PAUL & JOANIE
510 WEST 50TH STREET
MIAMI BEACH, FLORIDA 33140
305-866-0270

RECEIVED
03 DEC -2 PM 2:10
MAYOR/COMMISSION
BY

November 20, 2003

Commissioner Saul Gross
Office of the Mayor and Commission
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Dear Commissioner Gross:

I am again writing to you as both a long time resident and a registered voter of Miami Beach regarding the extreme frustration with the progress of the new **Ice Arena** and the deplorable conditions of the **Scott Rakow Youth Center.** Attached is a copy of the first letter I sent to each of the Miami Beach public officials dated April 28, 2003 expressing my utter frustration and disgust with both. I know that the letter was received by city officials because I received acknowledgement from several commissioners, the City Manager and Kevin Smith. Sadly I received no acknowledgement at all from the Mayor's office. While my feelings have only intensified, I do not wish to completely reiterate myself, so please take a moment to reread that letter too. It is now late November and the only thing that has changed since I sent the last letter is that the fees for the use of the Ice Arena have been unfairly and unjustly raised.

As I mentioned in my previously letter to the city officials, our children have been unable to attend numerous ice skating competitions or perform in recreational ice shows due to the unacceptable conditions of the current ice rink. Moreover, we are now being asked to pay higher rates for both group and private lessons to skate on the old ice. I understand that the fees may have been raised in anticipation of the opening of the new ice arena. However, upon failure to complete the project, the fees should have at least remained the same, or even been lowered to compensate parents for their frustration and continued patience. The new fee structure for the ice arena is completely absurd and unfair. The new fee structure allows nonresidents of Miami Beach to pay less than residents to skate simply because they are "members" of the youth center. This makes absolutely no sense to anyone, not to the parents, to the staff or to the coaches! Why should I be monetarily penalized because I choose not to send my child to after care at the youth center and she therefore is not a "member"? And why should parents of young skaters be penalized because their children are not yet in fourth grade and are therefore too young to become "members" of the youth center.

In case you are unfamiliar with the new increased ice skating fees, the new fees for private skating lessons are as follows:

Resident Member	$24.00	
Nonresident Member	**$25.00**	
Resident Nonmember	**$27.00**	**(previously $24.00)**
Nonresident Nonmember	$30.00	

Do you really think that a resident of Miami Beach whose taxes pay to support this program should pay more for lessons than a nonresident? All residents of Miami Beach, whether their children are "members" of the youth center or not, should pay the same fee for private lessons. There is no distinction made between members and nonmembers, only between residents and nonresidents, for use of the youth center pool. Why should fees for the use of the ice rink be any different? The fee schedule for the ice rink is wrong and should be amended effectively immediately!

Additionally, I was assured by Kevin Smith that there were adequate funds set aside for both the completion of the ice arena and for improvements to the youth center building. If so, why seven months later are we still skating in the old ice arena? And why have improvements not yet begun on the rest of the youth center? The status of both are absolutely and entirely unacceptable!

Regarding the status of the new ice arena, my understanding is that it is complete, but its opening is being held up pending receipt of ADA approval and completion of some minor repairs to the building. It defies logic why at this late juncture, when the project is already over 18 months past its completion date, the ADA approval is now being addressed and is now an issue that is causing even further delay. There are standards that must be followed and these standards should have been factored into the construction from the beginning. I am fully supportive of meeting all ADA standards for construction of all projects, but I am alarmed that the issues being addressed by our particular ADA inspector may far exceed what is required by law. Ice arenas are opening all over the country. Our city officials need to get involved to protect the welfare and safety of everyone who will be using our new ice arena, ensure that agreeable ADA standards are being followed and commit to opening the new ice arena without further delay.

Equally important is that there is absolutely no excuse why the minor repairs to the new ice arena have still not been fixed. Currently the City of Miami Beach is paying to operate two ice arenas. The expense for operating two ice arenas, as well as the amount of electricity being wasted is just not tolerable. Again, you need to get involved to help eliminate this extreme waste of our money and our resources.

Regarding the status of the Youth Center, if you have actually taken the time to visit the youth center since my last letter, you would see that its condition is completely and entirely deplorable. However, my gravest concerns regarding its condition are the bathrooms. Hundreds of children, staff, coaches, employees and parents use the youth center facilities every day. Unfortunately, there are only four working bathroom stalls

that are just barely useable, but out of necessity are excessively used, and each stall is more dilapidated than the next. The conditions of those bathrooms are disgusting and completely substandard. While I am aware that these bathrooms are cleaned on a daily basis, very heavily used bathrooms such as these that must be over 20 years old need renovations not just cleaning. My understanding is that there are numerous brand new bathrooms and locker rooms that have been completed in the new ice arena and out by the pool, however they currently cannot be used by anyone. Can you give me an acceptable reason why this is the case? How can this be tolerable to anyone? This situation needs to be rectified immediately!

As I have requested previously, and I am **URGENTLY** requesting again, please make our children your top priority. We demand that action be taken **IMMEDIATELY** to complete and open the ice arena and begin making improvements on the entire Scott Rakow Youth Center building! We have awesome programs for our children with awesome staff and coaches. We need equally awesome facilities for which these programs are given. Our children are Miami Beach's future. Please invest in our children and show them, and their parents, that they matter!

Attached are signatures from numerous other Miami Beach residents that are equally disturbed, disgusted and concerned with the issues addressed above and in my previous letter. You were recently elected or reelected for a reason. Now is a time to show us that we, the voters, made good choices. Please get involved and do everything you can to help our kids!

Sincerely,

Joanie Stein

CC: Mayor David Dermer
Jorge M. Gonzalez
Kevin Smith

Karen Reid Michael Gould Honey Pachter Mark B. Rosenblum

Cheryl Kaufman Maria Santana [illegible] [illegible]

[illegible] Maria Towers [illegible] [illegible]

Carolyn Baumel Cynthia Albert [illegible]

[illegible] [illegible] [illegible]

Nisi Bussyman [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] Elisa Bogomilsky

[illegible] [illegible] [illegible] Batya Lipskar

[illegible] [illegible] Edgar Rodriguez

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Carlisle [illegible] John [illegible]

ORIGINAL SIGNATURES MAILED TO MAYOR'S OFFICE

PART PKS REC AND CHAIR.

R10
CITY ATTORNEY
REPORTS

OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin
City Attorney

SUBJECT: **Notice of Closed Executive Session**

DATE: December 3, 2003

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on December 10, 2003 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

La Gorce Country Club, Inc., vs. City of Miami Beach, Florida. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

City of Miami Beach vs. La Gorce Country Club, Inc., Case no 3D03-2442, Third District Court of Appeal

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner and First Assistant City Attorney Gary Held.

Agenda Item R10A
Date 12-10-03

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: December 10, 2003

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin
City Attorney

SUBJECT: **City Attorney's Status Report**

I. LAWSUITS FILED AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Wells Fargo Home Mortgage, Inc. f/k/a Norwest Mortgage, Inc. vs. Odalis Peralta et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-25198 CA 15

   This is a mortgage foreclosure case for real property located at 2150 Bay Drive, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal), Resort Tax, City Bills, License/Permit/CU and Building Department fees. An Answer was filed on November 14, 2003.

2. Wells Fargo Home Mortgage, Inc. vs. Juan Carlos Cespedes et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-25322 CA 13

   Wells Fargo Home Mortgage, Inc. v. Juan Carlos Cespedes, et al., Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-25322 CA13. VA03CMB0020-1075. This is a mortgage foreclosure case for real property located at 5445 Collins Avenue, Miami Beach. There are monies due the City for Special Master liens. An Answer was filed on November 14, 2993.

Agenda Item A
Date 12-10-03

3. Sol Shereshewsky vs. City of Miami Beach and Tremont Towing Inc. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-12836 SP 05(03)

   Mr. Shereshewsky is alleging that his vehicle was improperly towed by the City of Miami Beach and Tremont Towing. Motion to quash service filed by City scheduled for hearing on January 9, 2004.

4. Deutsche Bank National Trust Company, as Trustee vs. Riber Linares, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-26396 CA 23

   This is a mortgage foreclosure case for real property located at 3025 Indian Creek Drive, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water, waste removal), Permit/License/CU, and Building Department fees. An Answer was filed on November 20, 2003.

5. Re: Claim Under the Bert J. Harris, Jr., Private Property Rights Protection Act, Regarding Property known as the Savoy Hotel, Located at 425-455 Ocean Drive, Miami Beach, Florida.

   This is a Harris Act claim filed by Arden Savoy Partners, LLC. ("Owner") regarding the above-referenced property. The Owner claims that it should be compensated for an alleged loss in value of its property due to the adoption of Ordinance No. 2002-3386 on November 13, 2002 which amended the zoning regulations within the City's RPS-4 Zoning District. This Ordinance reduced the permitted height within the RPS-4 District from 100 feet to 35 feet for the first 60 feet of depth and 75 feet thereafter, subject to the line-of-sight analysis of Section 142-697(d) of the City Code. The Owner alleges a loss in value of the properties of $4,700,000 as a result of the above-referenced Ordinance.

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **PARKING STATUS REPORT**

EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of October 2003. In October 2003, gross revenues at attended facilities (garage and lots) increased by 28.80% as compared to the prior year's period. A major contributing factor to this increase is the addition of the Anchor Garage. Had this facility not been included, gross revenues would have increased 7.00% or $39,560.96. Five garages have experienced increases in gross revenues year-to-date. In the lone garage (42nd Street Garage), there was a nominal decrease of 1.04%.

During the month of October 2003, the Parking Department's attended locations earned a net profit of $479,553.66. This is an increase in net profit of $109,065.79 or 29.44% as compared to the same period in the prior year.

A) 17th Street Municipal Parking Garage: October 2003

During the month of October 2003, the 17th Street Garage had net revenues of $186,359.54. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $53,760.00, transient parking revenues of $126,299.54, and valet rental fees of $6,300.00. Net revenues increased from $171,941.20 in 2002, to $186,359.54 in 2003; an 8.39% increase in net revenues.

After subtracting operating expenses of $72,145.78 the facility had a net profit for the month in the amount of $114,213.76. This represents an increase in net profit for the facility in the amount of $3,576.82 or 3.23% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenues of $20,658.34, that was partially offset by a decrease in access-card revenues of $6,240.00, an increase in attendant/cashier labor expense of $8,319.13, and an increase in the garage cleaning expense of $2,039.08. The 17th Street Garage served a total of 45,713 parkers in the month of October.

B) 7th Street Municipal Parking Garage: October 2003

During the month of October 2003, the 7th Street Municipal Parking Garage had net

Agenda Item B
Date 12-10-03

revenues of $152,579.56. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $13,050.00 and transient parking revenues of $139,529.56. When compared to the same month in the prior year (October 2002), net revenues increased from $149,311.19 in 2002, to $152,579.56 in 2003; a 2.19% increase in net revenues. After subtracting operating expenses of $51,080.56 and debt service of $59,500.00 the facility had a net profit for the month in the amount of $41,999.00. This is an increase in net profit of $1,185.27 or 2.90% as compared to the same period in the previous year, 2002. This increase is primarily attributable to an increase in transient parking revenues of $3,343.37 that was partially offset by an increase in attendant/cashier labor expense of $1,042.00.

The 7th Street Garage served a total of 32,385 parkers in the month of October, 2003.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): October 2003

During the month of October 2003, the 5-A Surface Lots had net revenues of $140,101.93. Net revenues are comprised of facility-specific access-card revenues of $16,800.00 and transient parking revenues of $123,301.93. When compared to the same period in the prior year (October 2002), net revenues increased from $123,709.88 in 2002, to $140,101.93 in 2003; representing a 13.25% increase in net revenues. After subtracting operating expenses of $24,792.38, the facility had a net profit for the month in the amount of $115,309.55. This is an increase in net profit of $13,979.47 or 13.80% from October 2002. This increase is primarily attributable to an increase in transient parking revenues of $17,412.05 that was partially offset by a decrease in access-card revenues of $1,020.00 and an increase in attendant/cashier labor expense of $2,887.00. The 5-A Municipal Surface Parking Lot served a total of 35,794 parkers in the month of October, 2003.

D) 12th Street Municipal Parking Garage: October 2003

During the month of October 2003, the 12th Street Garage had net revenues of $31,580.74. Net revenues are comprised of facility-specific monthly parking revenues of $5,220.00 and transient parking revenues of $26,360.74. When compared to the same month in the prior year (October 2002), net revenues increased from $29,148.81 in 2002, to $31,580.74 in 2003; an 8.34% increase in net revenues. After subtracting operating expenses of $17,240.83 the facility had a net profit for the month in the amount of $14,339.91. This is an increase in net profit of $2,324.63 or 19.35%. This increase is primarily attributable to an increase in transient parking revenues of $2,551.93. The 12th Street Garage served a total of 4,707 parkers in the month of October 2003.

E) 13th Street Municipal Parking Garage: October 2003

During the month of October 2003, the 13th Street Garage had net revenues of $56,128.34. Net revenues are comprised of facility-specific monthly parking permit revenues of $7,740.00 and transient parking revenues of $48,388.34. Compared to the same month in the prior year (2002), net revenues increased from $52,680.00 in 2002, to $56,128.34 in 2003; representing a 6.55% increase in net revenues. After subtracting

operating expenses of $29,397.62, the facility had a net profit for the month in the amount of $26,730.72. This is an increase in net profit of $2,566.74 or 10.62% from October 2002. This increase is primarily attributable to an increase in transient parking revenues of $3,988.34 that was partially offset by a decrease in monthly permit revenues of $540.00 and an increase in attendant cashier labor expense of $702.61. The 13th Street Garage served a total of 9,566 parkers in the month of October 2003.

F) 16th Street-Anchor Parking Garage : October 2003

July 2003 was the first full month of operation of this facility by the City of Miami Beach Parking Department. During the month of October, 2003, the 16th Street Garage had net revenues of $123,191.13. Net revenues are comprised of facility-specific monthly parking revenues of $26,750.00, transient parking revenues of $76,425.24, and valet rental fees of $20,015.89. After subtracting operating expenses of $38,100.66 the facility had a net profit for the month in the amount of $85,090.47. The 16th Street Garage served a total of 21,522 parkers in the month of October, 2003.

G) 42nd Street Municipal Parking Garage: October 2003

During the month of October, 2003, the 42nd Street Garage had net revenues of $37,970.48. Net revenues are comprised of facility-specific monthly parking revenues of $34,620.00 and transient parking revenues of $3,350.48. Compared to the same month in the prior year, 2002, net revenues decreased from $38,368.55 in 2002, to $37,970.48 in 2003; representing a 1.04% decrease in net revenues. After subtracting operating expenses of $15,600.23 the facility had a net profit for the month in the amount of $22,370.25. The 42nd Street Garage served a total of 12,324 parkers in the month of October, 2003.

H) Electronic Parking Meter Revenue Comparison: October 2003

This statement compares parking meter revenue collected in October 2003, with revenue collected in October 2002. When comparing revenues for October 2003 in the amount of $747,965.56 to revenues for October 2002 in the amount of $731,398.76, the report reflects an increase of $16,566.80 or 2.27% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of October 2003 decal and permit revenue increased by $13,579.59 and meter rental revenue (valet, construction, and special events) decreased $4,685.06. The combined total revenue produced at meters for the month of October 2003 was $756,860.09. This reflects an increase from the previous year in the amount of $25,461.33 or 3.48%.

I) Parking and Transportation Smart Card Sales: October 2003

In the month of October 2003, the Parking Department sold 2,688 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of $66,257.50.

J) Hotel Hangtag Sales: October 2003

In the month of October 2003, the Parking Department sold 2,250 hotel hangtags to hoteliers in the amount of $13,500.00.

K) Multi-Space Parking Meter Pilot Program: October 2003

Schlumberger-Sema, at no cost to the City, has provided six (6) multi-space parking meters on an experimental basis for an on-street (Ocean Drive) and off-street (777-17th Street Lot) application. Both applications are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. The multi-space meters were installed in January 2003. The following is the average dollar amount collected per meter per day of operation:

Ocean Drive
(47 spaces)

October 2002	October 2003	Increase (Decrease)	Year to Date 2002/2003	Year to Date 2003/2004	Increase (Decrease)
$6.82	$11.57	69.65%	$6.82	$11.57	69.65%

777 17th Street
(27 spaces)

October 2002	October 2003	Increase (Decrease)	Year to Date 2002/2003	Year to Date 2003/2004	Increase (Decrease)
$1.91	$2.94	53.93%	$1.91	$2.94	53.93%

Method of Payment Distribution Year to Date for All Collections

Currency	67.15%
Coin	22.86%
Credit Card	9.99%
Total	100.00%

JMG/CMC/SF
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CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY

LOCATION	Revenue 2002 October	Revenue 2003 October	Revenue Increase/ (Decrease)	Revenue Percent of Increase/ (Decrease)	Expenses 2002 October	Expenses 2003 October	Expenses Increase/ (Decrease)	Expenses Percent of Increase/ (Decrease)	Profit/(Loss) 2002 October	Profit/(Loss) 2003 October	Profit/(Loss) Increase/ (Decrease)	Profit/(Loss) Percent of Increase/ (Decrease)
17 St. Garage	171,941.20	186,359.54	**14,418.34**	**8.39%**	61,304.26	72,145.78	**10,841.52**	**17.68%**	110,636.94	114,213.76	**3,576.82**	**3.23%**
7th St. Garage	149,311.19	152,579.56	**3,268.37**	**2.19%**	48,997.46	51,080.56	**2,083.10**	**4.25%**	100,313.73	101,499.00	**1,185.27**	**1.18%**
17th St. Lots	123,709.88	140,101.93	**16,392.05**	**13.25%**	22,379.80	24,792.38	**2,412.58**	**10.78%**	101,330.08	115,309.55	**13,979.47**	**13.80%**
12th St. Garage	29,148.81	31,580.74	**2,431.93**	**8.34%**	17,133.53	17,240.83	**107.30**	**0.63%**	12,015.28	14,339.91	**2,324.63**	**19.35%**
13th St. Garage	52,680.00	56,128.34	**3,448.34**	**6.55%**	28,516.02	29,397.62	**881.60**	**3.09%**	24,163.98	26,730.72	**2,566.74**	**10.62%**
42nd St. Garage	38,368.55	37,970.48	**(398.07)**	**-1.04%**	16,340.69	15,600.23	**(740.46)**	**-4.53%**	22,027.86	22,370.25	**342.39**	**1.55%**
16th St. - Anchor	0.00	123,191.13	**123,191.13**	**#DIV/0!**	0.00	38,100.66	**38,100.66**	**#DIV/0!**	0.00	85,090.47	**85,090.47**	**#DIV/0!**
Totals	**565,159.63**	**727,911.72**	**162,752.09**	**28.80%**	**194,671.76**	**248,358.06**	**53,686.30**	**27.58%**	**370,487.87**	**479,553.66**	**109,065.79**	**29.44%**

	Revenue Per Space	Expenses Per Space	Profit/Loss Per Space	
17 St. Garage	127.64	49.41	78.23	The 17th Street Garage has 1460 spaces.
7th St. Garage	236.19	79.07	157.12	The 7th Street Garage has 646 spaces.
17th St. Lots	276.88	49.00	227.88	The 17th Street Lots have 506 spaces.
12th St. Garage	235.68	128.66	107.01	The 12th Street Garage has 134 spaces.
13th St. Garage	196.25	102.79	93.46	The 13th Street Garage has 286 spaces.
42nd St. Garage	61.24	25.16	36.08	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	153.41	47.45	105.97	The 16th Street Anchor Garage has 803 spaces.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2003 October	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
17th St. Garage-2G						
Revenue-Ticket	480-8000-344583	105,641.20	126,299.54	20,658.34		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	60,000.00	53,760.00	-6,240.00		
	17th St. Garage REVENUE (Sales Tax Excluded)	171,941.20	186,359.54	**14,418.34**	**8.39%**	**$127.64**
Expenses						
Security Personnel		16,561.95	15,896.40	-665.55 (1)		
Attendant/Cashier Labor		33,192.78	41,511.91	8,319.13 (2)		
FP&L		5,352.35	6,473.39	1,121.04 (3)		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		613.00	738.00	125.00 (4)		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		3,292.00	5,331.08	2,039.08 (5)		
	17th St. Garage EXPENSES	61,304.26	72,145.78	**10,841.52**	**17.68%**	**$49.41**
	17th St. Garage PROFIT/(LOSS)	110,636.94	114,213.76	**3,576.82**	**3.23%**	**$78.23**
					Number of Spaces	**1460**

(1) The total number of hours in 2003 is 49 lower than 2002.
(2) There is an increase of 4.60% in the average rate per hour. Also, the total number of hours in 2003 is 610 higher than 2002.
(3) October 2003 estimate: average of October 2002 through February 2003 FPL actual charges.
(4) October includes an additional invoice in the amount of $125.00 for SE elevator repairs.
(5) October 2003 expense based on regular monthly service charge from Best Maintenance.

Note:
The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road/Conventions/TOPA/New World Symphony.

Excel (Fdrive/Ping/$Pers/P&L/2004/October/17thgar.xls)LN

City of Miami Beach
Parking Department
17th Street Garage - 2G **October-03**

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Wednesday	1593	14:00 - 14:59	415	$4,263.66
2	Thursday	1107	17:00 - 17:59	323	$2,521.98
3	Friday	1611	22:00 - 22:59	384	$3,945.79
4	Saturday	2007	22:00 - 22:59	557	$5,769.16
5	Sunday	1420	16:00 - 16:59	378	$3,751.27
6	Monday	835	17:00 - 17:59	278	$1,608.41
7	Tuesday	849	17:00 - 17:59	298	$1,467.40
8	Wednesday	1527	10:00 - 10:59	429	$4,648.60
9	Thursday	1563	10:00 - 10:59	489	$4,848.60
10	Friday	2103	10:00 - 10:59	481	$6,057.94
11	Saturday	2463	17:00 - 17:59	484	$9,904.67
12	Sunday	2186	00:00 - 00:59	461	$4,817.76
13	Monday	831	17:00 - 17:59	279	$1,835.51
14	Tuesday	711	17:00 - 17:59	288	$1,535.51
15	Wednesday	758	17:00 - 17:59	288	$1,610.28
16	Thursday	938	17:00 - 17:59	295	$1,896.24
17	Friday	1368	19:00 - 19:59	320	$3,158.88
18	Saturday	1618	19:00 - 19:59	382	$4,642.99
19	Sunday	1219	00:00 - 00:59	329	$3,392.62
20	Monday	899	17:00 - 17:59	310	$1,515.89
21	Tuesday	981	17:00 - 17:59	323	$1,704.67
22	Wednesday	1419	15:00 - 15:59	394	$2,998.44
23	Thursday	2040	17:00 - 17:59	616	$5,752.34
24	Friday	1819	21:00 - 21:59	396	$4,344.86
25	Saturday	1359	19:00 - 19:59	296	$3,858.88
26	Sunday	2695	11:00 - 11:59	570	$9,522.43
27	Monday	1109	18:00 - 18:59	392	$3,311.21
28	Tuesday	1388	17:00 - 17:59	412	$3,948.60
29	Wednesday	1516	10:00 - 10:59	389	$4,233.64
30	Thursday	862	17:00 - 17:59	326	$1,669.16
31	Friday	2919	19:00 - 19:59	817	$11,762.15
	TOTAL	**45,713**			**$126,299.54**

MONTHLY PERMIT REVENUE	**$53,760.00**
VALET REVENUE	**$6,300.00**
TOTAL NET REVENUE	**$186,359.54**

Excel (Fdrive/Ping/$Pers/P&L/2004/October/17thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2003 October	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th St. Garage-1G						
Revenue-Ticket	142-8000-344404	136,186.19	139,529.56	3,343.37		
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,050.00	-75.00		
	7th St. REVENUE (Sales Tax Excluded)	149,311.19	152,579.56	**3,268.37**	**2.19%**	**$236.19**
Expenses						
Security Personnel		21,087.06	21,049.40	-37.66		
Attendant/Cashier Labor		16,755.52	17,797.52	1,042.00 (1)		
Landscape Maintenance		984.00	918.67	-65.33		
FP&L		2,667.70	3,067.37	399.67 (2)		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/Maintenance		4,864.00	4,864.00	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		985.00	1,729.00	744.00 (3)		
Surveillance System Maintenance		437.00	534.60	97.60 (4)		
	7th St. EXPENSES	48,997.46	51,080.56	**2,083.10**	**4.25%**	**$79.07**
	7th St. Estimated Debt Service	59,500.00	59,500.00	**0.00**	**0.00%**	**$92.11**
	7th St. PROFIT/(LOSS)	40,813.73	41,999.00	**1,185.27**	**2.90%**	**$65.01**
					Number of Spaces	**646**

(1) There is an increase in the average rate per hour of 4.90%. Also, the total number of hours in 2003 is 19 higher than 2002.
(2) October 2003 estimate: average of October 2002 through February 2003 FPL actual charges.
(3) October 2003 includes three additional service calls from Thyssen: 10/4 $162.75, 10/11 $271.25 and 10/19 $310.00.
(4) October 2003 reflects new monthly maintenance charge of $534.60 from Advance Technology.

Note:
Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons and nightclub patrons.

Excel (Fdrive/Ping/$Pers/P&L/2004/October/7thstga.xls)LN

City of Miami Beach
Parking Department
7th Street Garage-1G

October-03

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Wednesday	480	18:00 - 18:59	77	$362.90	$62.13	$1,496.00
2	Thursday	629	13:00 - 13:59	111	$362.90	$62.13	$1,723.00
3	Friday	1079	23:00 - 23:59	227	$362.90	$62.13	$8,645.00
4	Saturday	1882	23:00 - 23:59	271	$362.90	$62.13	$10,990.00
5	Sunday	1546	00:00 - 00:59	274	$362.90	$62.13	$5,513.67
6	Monday	574	14:00 - 14:59	114	$362.90	$62.13	$1,703.00
7	Tuesday	532	17:00 - 17:59	85	$362.90	$62.13	$1,521.94
8	Wednesday	553	18:00 - 18:59	97	$362.90	$62.13	$1,507.00
9	Thursday	867	19:00 - 19:59	143	$362.90	$62.13	$2,682.00
10	Friday	1357	23:00 - 23:59	276	$362.90	$62.13	$9,090.00
11	Saturday	2174	17:00 - 17:59	296	$362.90	$62.13	$11,970.00
12	Sunday	1994	15:00 - 15:59	278	$362.90	$62.13	$9,840.00
13	Monday	1277	15:00 - 15:59	214	$362.90	$62.13	$4,279.00
14	Tuesday	772	14:00 - 14:59	130	$362.90	$62.13	$2,274.00
15	Wednesday	533	18:00 - 18:59	98	$362.90	$62.13	$1,523.00
16	Thursday	777	16:00 - 16:59	122	$362.90	$62.13	$2,194.00
17	Friday	1147	23:00 - 23:59	242	$362.90	$62.13	$8,535.00
18	Saturday	1897	16:00 - 16:59	268	$362.90	$62.13	$10,263.00
19	Sunday	1606	16:00 - 16:59	287	$362.90	$62.13	$5,725.00
20	Monday	575	18:00 - 18:59	96	$362.90	$62.13	$1,685.00
21	Tuesday	566	13:00 - 13:59	111	$362.90	$62.13	$1,651.00
22	Wednesday	683	14:00 -14:59	132	$362.90	$62.13	$1,958.00
23	Thursday	762	14:00 - 14:59	136	$362.90	$62.13	$2,299.00
24	Friday	1326	14:00 - 14:59	207	$362.90	$62.13	$8,265.00
25	Saturday	1452	23:00 - 23:59	224	$362.90	$62.13	$9,663.00
26	Sunday	1844	15:00 -15:59	293	$362.90	$62.13	$6,249.00
27	Monday	603	13:00 - 13:59	108	$362.90	$62.13	$2,296.00
28	Tuesday	570	13:00 - 13:59	86	$362.90	$62.13	$1,719.00
29	Wednesday	623	13:00 - 13:59	108	$362.90	$62.13	$1,972.00
30	Thursday	502	14:00 - 14:59	91	$362.90	$62.13	$1,428.00
31	Friday	1203	23:00 - 23:59	248	$362.90	$62.13	$8,637.00
	TOTAL	**32,385**			**$11,250.00**	**$1,926.00**	**$149,296.63**

TOTAL GROSS REVENUE	**$11,250.00**	**$1,926.00**	**$149,296.63**
SALES TAX	**$0.00**	**$126.00**	**$9,767.07**
TOTAL NET REVENUE	**$11,250.00**	**$1,800.00**	**$139,529.56**

Monthly Budgeted Revenue Needed to Break Even - FY 03/04 (Includes Debt Service)			**$138,601.25**
Less Current Month Net Revenue			**$152,579.56**
Over/(Short)			**$13,978.31**
Monthly Space Rental			
Goldman Properties - 150	**$11,250.00**	**No tax included**	
Other - 24	**$1,926.00**	**With Tax**	

Excel (F drive/Ping/$Pers/P&L/2004/October/7thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2003 October	Increase/ (Decrease)	Percent of Increase/ (Decrease)
17th St. Parking Lots - 5A					
Revenue-Ticket	480-8000-344515	105,889.88	123,301.93	17,412.05	
Revenue-Monthly Permits	480-8000-344596	17,820.00	16,800.00	-1,020.00	
	17th St. Lots REVENUE (Sales Tax Excluded)	123,709.88	140,101.93	**16,392.05**	**13.25%**
Expenses					
Security Personnel		1,883.74	1,404.71	-479.03 (1)	
Attendant/Cashier Labor		17,939.85	20,826.85	2,887.00 (2)	
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00	
Landscape Maintenance		502.67	502.67	0.00	
FP&L		386.87	391.48	4.61	
	17th St. Lots EXPENSES	22,379.80	24,792.38	**2,412.58**	**10.78%**
	17th St. Lots PROFIT/(LOSS)	101,330.08	115,309.55	**13,979.47**	**13.80%**

(1) There is a decrease in the average rate per hour of 6.20%. Also, the total number of hours in 2003 is 30 lower than 2002.
(2) There is an increase in the average rate per hour of 5.00%. Also, the total number of hours in 2003 is 190 higher than 2002.

Excel (Fdrive/Ping/$Pers/P&L/2004/October/5alots.xls)LN

City of Miami Beach
Parking Department **October-03**
5A Surface Lots East and West

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Wednesday	527	$1,423.36	458	$1,138.32	$2,561.68
2	Thursday	523	$1,854.21	386	$1,148.60	$3,002.81
3	Friday	768	$3,586.92	418	$1,929.91	$5,516.83
4	Saturday	804	$3,634.58	523	$2,883.18	$6,517.76
5	Sunday	803	$1,897.20	223	$1,322.43	$3,219.63
6	Monday	589	$1,337.38	556	$840.19	$2,177.57
7	Tuesday	532	$1,301.87	324	$672.90	$1,974.77
8	Wednesday	479	$1,409.35	516	$1,771.03	$3,180.38
9	Thursday	506	$1,912.15	508	$2,029.91	$3,942.06
10	Friday	662	$4,680.37	629	$3,249.53	$7,929.90
11	Saturday	993	$4,508.41	831	$4,372.90	$8,881.31
12	Sunday	1013	$3,101.87	699	$1,950.34	$5,052.21
13	Monday	611	$1,352.34	365	$768.22	$2,120.56
14	Tuesday	566	$1,366.36	310	$754.21	$2,120.57
15	Wednesday	523	$1,345.79	298	$632.71	$1,978.50
16	Thursday	512	$1,679.44	312	$991.59	$2,671.03
17	Friday	741	$3,217.76	508	$2,019.63	$5,237.39
18	Saturday	888	$3,806.54	638	$2,913.08	$6,719.62
19	Sunday	778	$1,833.64	595	$1,169.16	$3,002.80
20	Monday	589	$1,464.49	282	$650.47	$2,114.96
21	Tuesday	534	$1,251.40	309	$611.21	$1,862.61
22	Wednesday	644	$1,566.53	439	$927.10	$2,493.63
23	Thursday	473	$1,455.14	412	$1,138.32	$2,593.46
24	Friday	801	$3,513.08	595	$2,184.11	$5,697.19
25	Saturday	861	$3,614.95	512	$2,536.45	$6,151.40
26	Sunday	897	$3,425.23	688	$1,784.11	$5,209.34
27	Monday	536	$1,546.73	446	$1,249.53	$2,796.26
28	Tuesday	594	$1,722.43	568	$1,480.37	$3,202.80
29	Wednesday	619	$1,828.97	629	$1,686.92	$3,515.89
30	Thursday	544	$1,681.31	309	$796.26	$2,477.57
31	Friday	878	$4,118.69	720	$3,260.75	$7,379.44
	TOTAL	**20,788**	**72,438.49**	**15,006**	**$50,863.44**	**$123,301.93**
			MONTHLY PERMIT REVENUE			**$16,800.00**
			TOTAL NET REVENUE			**$140,101.93**

Excel (Fdrive/Ping/$Pers/P&L/2004/October/5alotsrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2003 October	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
12th St. Garage - 2A						
Revenue-Ticket	480-8000-344504	23,808.81	26,360.74	2,551.93		
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,220.00	-120.00		
	12th St. REVENUE (Sales Tax Excluded)	29,148.81	31,580.74	**2,431.93**	**8.34%**	**$235.68**
Expenses						
Security Personnel		8,245.44	8,219.46	-25.98		
Attendant/Cashier Labor		7,054.55	7,247.08	192.53		
FP&L		102.79	108.54	5.75		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		1,605.75	1,540.75	-65.00		
	12th St. EXPENSES	17,133.53	17,240.83	**107.30**	**0.63%**	**$128.66**
	12th St. PROFIT/(LOSS)	12,015.28	14,339.91	**2,324.63**	**19.35%**	**$107.01**
					Number of Spaces	**134**

Note:
The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

Excel (F drive/Ping/$Pers/P&L/2004/October/12thstga.xls)LN

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage **October-03**

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Wednesday	0	2	1	1	0	0	3	31	83	121	$413.08
2	Thursday	1	1	0	0	2	0	2	8	105	119	$577.57
3	Friday	1	1	0	0	2	0	4	15	198	221	$1,362.62
4	Saturday	0	1	0	0	0	0	2	5	183	191	$1,392.52
5	Sunday	0	0	0	1	0	0	1	0	87	89	$674.77
6	Monday	1	1	0	1	0	0	1	0	60	64	$351.40
7	Tuesday	2	0	0	0	1	0	3	16	104	126	$489.72
8	Wednesday	0	0	0	0	2	0	0	26	98	126	$442.99
9	Thursday	1	0	2	0	1	0	1	4	161	170	$852.34
10	Friday	0	0	1	1	2	0	3	9	203	219	$1,345.79
11	Saturday	0	0	0	1	0	0	2	1	244	248	$2,007.48
12	Sunday	0	0	0	1	0	0	4	1	216	222	$1,631.78
13	Monday	0	0	0	0	0	0	0	15	164	179	$906.54
14	Tuesday	3	0	0	0	1	0	1	11	117	133	$457.94
15	Wednesday	0	0	1	0	0	0	1	26	80	108	$394.39
16	Thursday	0	1	1	0	6	0	4	1	174	187	$712.15
17	Friday	1	0	0	0	0	0	2	7	206	216	$1,435.51
18	Saturday	0	1	0	0	0	0	3	2	201	207	$1,540.19
19	Sunday	0	0	5	1	0	0	0	0	87	93	$684.11
20	Monday	1	2	0	1	7	0	5	16	91	123	$401.87
21	Tuesday	0	1	0	0	1	0	0	14	111	127	$508.41
22	Wednesday	0	0	2	0	0	0	3	26	92	123	$463.55
23	Thursday	0	2	0	0	2	0	2	5	105	116	$543.93
24	Friday	1	0	5	0	1	1	3	8	208	227	$1,416.82
25	Saturday	0	1	0	0	0	0	2	0	182	185	$1,375.70
26	Sunday	0	0	0	0	0	0	0	0	103	103	$824.30
27	Monday	0	2	1	0	1	0	3	12	95	114	$474.77
28	Tuesday	0	0	0	0	1	0	1	15	87	104	$424.30
29	Wednesday	2	1	0	0	2	0	2	26	75	108	$418.69
30	Thursday	0	2	1	2	2	0	1	7	100	115	$461.68
31	Friday	0	2	1	2	1	0	5	0	212	223	$1,373.83
	TOTAL	**14**	**21**	**21**	**12**	**35**	**1**	**64**	**307**	**4232**	**4707**	**$26,360.74**
									MONTHLY PERMIT REVENUE			**$5,220.00**
									TOTAL NET REVENUE			**$31,580.74**

Excel (Fdrive/Ping/$Pers/P&L/2004/October/12thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2003 October	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
13th St. Garage-17A						
Revenue-Ticket	480-8000-344566	44,400.00	48,388.34	3,988.34		
Revenue-Monthly Permits	480-8000-344527	8,280.00	7,740.00	-540.00		
	13th St. REVENUE (Sales Tax Excluded)	52,680.00	56,128.34	**3,448.34**	**6.55%**	**$196.25**
Expenses						
Security Personnel		10,242.93	9,865.08	-377.85		
Attendant/Cashier Labor		14,601.28	15,303.89	702.61		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,150.96	1,404.98	254.02 (1)		
Revenue Control Equipment Maintenance		0.00	0.00	0.00		
Elevator Maintenance		304.00	737.00	433.00 (2)		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Garage Cleaning/Maintenance		1,483.00	1,450.00	-33.00		
	13th St. EXPENSES	28,516.02	29,397.62	**881.60**	**3.09%**	**$102.79**
	13th St. PROFIT/(LOSS)	24,163.98	26,730.72	**2,566.74**	**10.62%**	**$93.46**
					Number of Spaces	**286**

(1) October 2003 estimate: average of October 2002 through February 2003 FPL actual charges.
(2) October 2003 includes $425.00 for repairs to East elevator.

Note:
The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction, visitors to SOBE, beachgoers and restaurant patrons.

Excel (Fdrive/ping/$pers/P&L/2004/October/13thstga.xls)LN

City of Miami Beach
Parking Department
13th Street Garage - 17A

October-03

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Daily Ticket Revenue
1	Wednesday	15	0	2	1	5	4	0	135	162	$690.65
2	Thursday	16	0	2	3	7	2	0	167	197	$815.89
3	Friday	15	4	5	4	13	3	0	292	336	$1,775.70
4	Saturday	14	0	2	1	6	3	0	392	418	$2,186.92
5	Sunday	12	1	2	1	6	3	0	353	378	$1,974.77
6	Monday	16	1	0	4	5	3	0	178	207	$1,062.62
7	Tuesday	16	2	2	0	5	4	0	142	171	$751.40
8	Wednesday	17	1	3	1	5	3	0	164	194	$943.93
9	Thursday	13	1	1	2	7	2	0	274	300	$1,352.34
10	Friday	23	0	2	1	12	3	0	388	429	$2,449.53
11	Saturday	13	0	2	1	10	4	1	566	597	$3,372.90
12	Sunday	23	0	1	1	6	3	0	591	625	$3,272.44
13	Monday	22	0	1	1	8	3	0	320	355	$1,715.89
14	Tuesday	27	0	1	1	5	3	0	161	198	$911.21
15	Wednesday	16	0	2	1	6	3	1	120	149	$780.37
16	Thursday	16	0	1	2	4	2	0	193	218	$960.75
17	Friday	16	0	1	1	12	4	0	300	334	$1,754.21
18	Saturday	17	0	2	1	7	3	0	453	483	$2,545.79
19	Sunday	17	0	2	1	7	4	0	436	467	$2,310.28
20	Monday	18	0	1	1	6	3	0	190	219	$1,027.10
21	Tuesday	20	0	1	0	6	5	0	192	224	$1,158.89
22	Wednesday	12	0	2	1	7	2	0	204	228	$1,020.56
23	Thursday	15	0	1	0	7	2	0	225	250	$1,141.12
24	Friday	25	0	3	0	13	3	0	381	425	$2,145.79
25	Saturday	20	0	1	0	8	3	0	362	394	$2,288.79
26	Sunday	18	0	3	0	7	5	0	439	472	$2,160.75
27	Monday	17	0	2	0	6	4	0	177	206	$1,223.36
28	Tuesday	15	0	2	0	4	4	0	184	209	$992.52
29	Wednesday	15	0	2	0	5	4	0	195	221	$1,093.46
30	Thursday	18	0	2	0	7	3	0	149	179	$878.50
31	Friday	15	0	2	1	13	3	0	287	321	$1,629.91
	TOTAL	**532**	**10**	**56**	**31**	**225**	**100**	**2**	**8610**	**9566**	**$48,388.34**

MONTHLY PERMIT REVENUE	**$7,740.00**
TOTAL NET REVENUE	**$56,128.34**

Excel (Fdrive/Ping/$Pers/P&L/2004/October/13thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	October 2002 Actual	October 2003 Actual	2003 Actual Over (Under) 2002 Actual	Actual Percent Over (Under)	Oct 2003 Rev/Exp Per Space
16th St. - Anchor Garage						
Revenue-Ticket	463-8000-344911	0.00	76,425.24	76,425.24		
Revenue -Valet-Loew's	463-8000-344587	0.00	20,015.89	20,015.89		
Revenue-Valet-Royal Palm	463-8000-344587	0.00	0.00	0.00		
Revenue-Monthly Permits	463-8000-344903	0.00	26,750.00	26,750.00		
	16th St. Garage REVENUE	0.00	123,191.13	123,191.13	#DIV/0!	$153.41
Expenses						
Security Personnel		0.00	12,428.89	12,428.89		
Attendant/Cashier Labor		0.00	15,887.24	15,887.24		
FP&L		0.00	3,800.00 (1)	3,800.00		
Revenue Control Equipment Maintenance		0.00	775.00	775.00		
Armed Guard Revenue Pickup		0.00	420.00	420.00		
Elevator Maintenance		0.00	1,278.82 (2)	1,278.82		
Landscape Maintenance		0.00	164.67	164.67		
Garage Cleaning/Maintenance		0.00	2,924.40	2,924.40		
Sanitation (Waste Removal)		0.00	171.64	171.64		
Fire Alarm Service		0.00	250.00	250.00		
	16th St. Garage EXPENSES	0.00	38,100.66	38,100.66	#DIV/0!	$47.45
	16th St. Garage PROFIT/(LOSS)	0.00	85,090.47	85,090.47	#DIV/0!	$105.97
					Number of Spaces	803

(1) No invoice received for October: expense estimated based on budget.
(2) October 2003 reflects the monthly service charge of $1015.32 plus $263.50 for a service call on 10/14/03.

Excel (Fdrive/Ping/$Pers/P&L/2004/October/16thgar - Anchor.xls)LN

City of Miami Beach
Parking Department
16th Street Garage (Anchor)

October-03

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Wednesday	501	18:00 - 18:59	86	$1,004.67
2	Thursday	557	15:00 - 15:59	90	$1,180.37
3	Friday	801	15:00 - 15:59	79	$2,801.87
4	Saturday	733	23:00 - 23:59	97	$3,416.82
5	Sunday	495	01:00 - 01:59	100	$1,645.79
6	Monday	427	15:00 - 15:59	66	$891.59
7	Tuesday	687	10:00 - 10:59	175	$1,714.02
8	Wednesday	498	15:00 - 15:59	77	$1,528.97
9	Thursday	646	15:00 - 15:59	114	$2,132.71
10	Friday	1156	14:00 - 14:59	199	$4,911.68
11	Saturday	1065	01:00 - 01:59	125	$5,622.43
12	Sunday	946	00:00 - 00:59	141	$4,340.19
13	Monday	745	15:00 - 15:59	104	$2,439.25
14	Tuesday	511	13:00 - 13:59	84	$1,305.61
15	Wednesday	620	07:00 - 07:59	59	$1,040.65
16	Thursday	701	20:00 - 20:59	74	$1,758.88
17	Friday	724	23:00 - 23:59	97	$3,385.05
18	Saturday	749	00:00 - 00:59	91	$4,297.20
19	Sunday	539	00:00 - 00:59	90	$2,405.61
20	Monday	548	18:00 - 18:59	75	$1,084.11
21	Tuesday	698	14:00 - 14:59	118	$1,621.50
22	Wednesday	626	15:00 - 15:59	109	$1,316.82
23	Thursday	718	17:00 - 17:59	112	$2,211.68
24	Friday	813	15:00 - 15:59	107	$3,272.90
25	Saturday	875	15:00 - 15:59	106	$4,446.26
26	Sunday	852	14:00 - 14:59	150	$2,519.63
27	Monday	544	15:00 - 15:59	86	$1,406.54
28	Tuesday	538	17:00 - 17:59	79	$1,244.86
29	Wednesday	576	13:00 - 13:59	90	$1,674.77
30	Thursday	538	20:00 - 20:59	78	$1,260.75
31	Friday	1095	23:00 - 23:59	201	$6,542.06
	TOTAL	**21,522**			**$76,425.24**
	MONTHLY PERMIT REVENUE				**$26,750.00**
	VALET REVENUE				**$20,015.89**
	TOTAL NET REVENUE				**$123,191.13**

Note: Garage contract awarded effective June 9, 2003.

Excel (Fdrive/Ping/$Pers/P&L/2004/October/16thstrevOctober2003.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2003 October	Increase/ Decrease		Percent of Increase/ Decrease	Revenue/ Expense Per Space
42nd St. Garage - 8A							
Revenue-Ticket	480-8000-344531	2,068.55	3,350.48	1,281.93			
Revenue-Monthly Permits	480-8000-344595	36,300.00	34,620.00	-1,680.00			
	42nd St. REVENUE (Sales Tax Excluded)	38,368.55	37,970.48	**-398.07**		**-1.04%**	**$61.24**
Expenses							
Security Personnel		10,877.14	8,206.59	-2,670.55	(1)		
Attendant/Cashier Labor		2,639.24	3,255.18	615.94	(2)		
FP&L		1,539.31	1,805.96	266.65			
Revenue Control Equipment Maintenance		0.00	0.00	0.00			
Elevator Maintenance		0.00	536.00	536.00	(3)		
Landscape Maintenance		0.00	0.00	0.00			
Garage Cleaning/Maintenance		1,285.00	1,796.50	511.50	(4)		
	42nd St. EXPENSES	16,340.69	15,600.23	**-740.46**		**-4.53%**	**$25.16**
	42nd St. PROFIT/(LOSS)	22,027.86	22,370.25	**342.39**		**1.55%**	**$36.08**
						Number of Spaces	**620**

(1) The total number of hours in 2003 is 218 lower than 2002.
(2) There is an increase of 5.00% in the average rate per hour. Also, the total number of hours in 2003 is 46 higher than 2002.
(3) New elevator in 42nd Street Garage: monthly maintenance charge from Atlantic Elevator.
(4) October 2003 includes $511.50 charge from Best Maintenance for 62 additional hours of service.

Note:
The primary users of this facility are monthly parkers engaged in local business.

Excel (Fdrive/Ping/$Pers/P&L/2004/October/8agar.xls)LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Oct. 2003 # of Meters	2002 October	2003 October	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	48,742.93	50,332.67	1,589.74	3.26%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	6,083.29	7,668.89		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	0.00		
Total		57	6,083.29	7,668.89	1,585.60	26.06%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	51,349.19	44,744.32	(6,604.87)	-12.86%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	105.21	182.28	77.07	73.25%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,424.57	6,612.31	187.74	2.92%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	62,220.83	65,417.31	3,196.48	5.14%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	12,308.03	13,615.25	1,307.22	10.62%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	14,018.01	9,242.56	(4,775.45)	-34.07%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,451.14	2,790.48	339.34	13.84%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	1,837.50	1,650.64		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	126.76	0.00		
Total		85	1,964.26	1,650.64	(313.62)	-15.97%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	223.56	166.52		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	223.56	166.52	(57.04)	-25.51%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	514.73	882.68	367.95	71.48%
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	1,597.71	2,372.62	774.91	48.50%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	19,194.94	23,260.11	4,065.17	21.18%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	405.86	0.00	(405.86)	-100.00%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	13,935.27	13,816.86		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	0.00		
Total		190	13,935.27	13,816.86	(118.41)	-0.85%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	43,957.76	65,745.03	21,787.27	49.56%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	124,495.51	134,216.46	9,720.95	7.81%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	1,071.06	624.25		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	418.69		
		14	1,071.06	1,042.94	(28.12)	-2.63%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	21,081.39	13,650.16	(7,431.23)	-35.25%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	368.94	340.19	(28.75)	-7.79%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	4,027.42	2,539.73		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
		173	4,027.42	2,539.73	(1,487.69)	-36.94%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,349.62	1,588.16	238.54	17.67%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	46.80	51.20	4.40	9.40%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,649.36	1,017.75	(631.61)	-38.29%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	757.72	392.78	(364.94)	-48.16%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	29,262.24	26,101.84	(3,160.40)	-10.80%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	150.05	658.77	508.72	339.03%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	0	0.00	0.00	0.00	
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	47.54	22.33	(25.21)	-53.03%
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	1,098.34	1,002.80	(95.54)	-8.70%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Oct. 2003 # of Meters	2002 October	2003 October	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	64.23	280.55	216.32	336.79%
9F - (75th & Collins) - Off Street	480-8000-344543	106	1,679.94	2,307.32	627.38	37.35%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	10,088.50	9,021.59	(1,066.91)	-10.58%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	20,833.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	20,833.33	6,250.00	42.86%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	28,357.18	26,531.02	(1,826.16)	-6.44%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	10,718.78	10,198.53	(520.25)	-4.85%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,295.41	3,763.90	468.49	14.22%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	7,470.72	6,091.88	(1,378.84)	-18.46%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,985.75	2,773.90	(211.85)	-7.10%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	706.10	0.00		
Total		0	706.10	0.00	(706.10)	-100.00%
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	4,228.48	3,267.86		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	4,228.48	3,267.86	(960.62)	-22.72%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	5,753.34	4,496.54		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	5,753.34	4,496.54	(1,256.80)	-21.84%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	8,688.92	6,890.09	(1,798.83)	-20.70%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	13,422.09	12,417.08	(1,005.01)	-7.49%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	3,059.36	2,625.36	(434.00)	-14.19%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	7,384.61	5,902.26	(1,482.35)	-20.07%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	8,307.43	9,267.32	959.89	11.55%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	5,770.61	5,211.91	(558.70)	-9.68%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	9,974.70	8,959.18	(1,015.52)	-10.18%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	2,112.97	1,010.55		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	2,112.97	1,010.55	(1,102.42)	-52.17%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	2,718.59	1,956.37		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	2,718.59	1,956.37	(762.22)	-28.04%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	5,069.58	4,762.02		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	6,092.03	7,970.08		
Total		54	11,161.61	12,732.10	1,570.49	14.07%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	52.91	231.94	179.03	338.37%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	2,874.53	3,822.32		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	2,874.53	3,822.32	947.79	32.97%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	11,020.80	14,126.79		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	4,755.86	2,827.10		
Total		449	15,776.66	16,953.89	1,177.23	7.46%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,769.81	1,244.21	(525.60)	-29.70%
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	1,811.04	2,217.67		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	1,568.07	1,841.13		
Total		158	3,379.11	4,058.80	679.69	20.11%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Oct. 2003 # of Meters	2002 October	2003 October	Increase/ (Decrease)	Percent of Increase/ (Decrease)
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	1,326.59	1,229.73		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
	Total	121	1,326.59	1,229.73	(96.86)	-7.30%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	0.00	0.00	#DIV/0!
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	31.37	27.91	(3.46)	-11.03%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,172.93	3,377.76	204.83	6.46%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	498.80	402.21	(96.59)	-19.36%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	578.20	185.44	(392.76)	-67.93%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	713.39	348.15	(365.24)	-51.20%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	333.11	297.30	(35.81)	-10.75%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	2,143.71	2,157.28	13.57	0.63%
10X - (Lincoln Lane & Lenox - Off Street)	480-8000-344582	99	17,797.78	13,566.69		
10X - (Lincoln Lane & Lenox - Attended	480-8000-344582	0	0.00	0.00		
Total		99	17,797.78	13,566.69	(4,231.09)	-23.77%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	560.69	624.61	63.92	11.40%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	499.53	354.58	(144.95)	-29.02%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	4,167.60	3,525.44		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	0.00	3,513.09		
		39	4,167.60	7,038.53	2,870.93	68.89%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	3,034.11	1,652.14	(1,381.97)	-45.55%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	3,272.36	1,973.23	(1,299.13)	-39.70%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	214.50	88.35	(126.15)	-58.81%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	71.26	121.67	50.41	70.74%
SLSP00 - (Southpoint Lot) - Off Street	480-8000-344602	108	3,295.11	6,181.28		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	0.00	6,747.66		
		108	3,295.11	12,928.94	9,633.83	292.37%
4th & Alton Lot - Off Street	480-8000-344604	21	2,071.17	532.27	(1,538.90)	-74.30%
4A - 1833 Bay Road	480-8000-344608	0	296.24	0.00	(296.24)	-100.00%
7D - 10-11th & Collins (Lease)	480-8000-344529	0	6,250.00	6,250.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	2,948.03	0.00	(2,948.03)	-100.00%
14A - 16th Street & Washington (Lease)	480-8000-344555	0	20,833.33	20,833.33	0.00	0.00%
TOTAL		**8,305**	**731,398.76**	**747,965.56**	**16,566.80**	**2.27%**

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: OCTOBER 2003

VENDOR	$10	$25	$25 CARDS W/10% DISCOUNT $22.50	MACHINE SALES $ AMT	REFUNDS	COLLECTOR CARDS $20	COLL. CARDS W/10% DISCOUNT $18	TOTALS
BAY SUPERMARKET	0	0	30			0	0	$675.00
BRIGHAM GARDENS	0	0	0			0	0	$0.00
COMPASS MARKET	0	0	0			0	0	$0.00
CHAMBER OF COMMERCE	0	0	20			0	0	$450.00
CLEAN MACHINE	0	0	0			0	0	$0.00
FINANCE DEPARTMENT	0	77	43			0	0	$2,892.50
KOSHER WORLD	0	0	0			0	0	$0.00
LEE ANN DRUGS	0	0	50			0	0	$1,125.00
NEWS CAFE	0	0	0			0	0	$0.00
PARKING DEPARTMENT	0	214	137		$0.00	0	0	$8,432.50
PUBLIX SUPERMARKET	0	0	2020			0	0	$45,450.00
BEACH BANK	0	0	30			0	0	$675.00
PRKG MACHINE - CASH	0	0	0	$2,380		0	0	$2,380.00
PRKG MACHINE - CREDIT	0	0	0	$2,670		0	0	$2,670.00
ZELICK'S TOBACCO	0	0	42			0	0	$945.00
WOLFSONIAN	0	0	25			0	0	$562.50
SHEMTOV'S	0	0	0			0	0	$0.00
TOTAL # OF CARDS	**0**	**291**	**2,397**	**N/A**	**N/A**	**0**	**0**	**2,688.00**
TOTAL $ AMOUNT	**$0.00**	**$7,275.00**	**$53,932.50**	**$5,050.00**	**$0.00**	**$0.00**	**$0.00**	**$66,257.50**

Excel (Fdrive/Ping/$Pers/P&L/2004/October/Debitcrd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	126,299.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126,299.54
Revenue - Space Rental	480-8000-344583	6,300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,300.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,760.00
	17th St. REVENUE (Sales Tax Excluded)	186,359.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	186,359.54
Expenses														
Security Personnel		15,896.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,896.40
Attendant/Cashier Labor		41,511.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,511.91
FP&L		6,473.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,473.39
Revenue Control Equipment Maintanance		1,666.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,666.67
Armed Guard Revenue Pickup		420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	420.00
Elevator Maintenance		738.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	738.00
Landscape and Lot Maintenance		108.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108.33
Garage Cleaning/Maintenance		5,331.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,331.08
	17th St. EXPENSES	72,145.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	72,145.78
	17th St. PROFIT/(LOSS)	114,213.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	114,213.76

(Fdrive/Ping/$Pers/P&L/2004/17thstga.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
	17th St. REVENUE (Sales Tax Excluded)	171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
	17th St. EXPENSES	61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
	17th St. PROFIT/(LOSS)	110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
	17th St. REVENUE (Sales Tax Excluded)	171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
	17th St. EXPENSES	61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
	17th St. PROFIT/(LOSS)	110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

(Fdrive/Ping/$Pers/P&L/2003/17thstga.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232.96	1,468,863.09
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,260.00	54,360.00	54,000.00	59,760.00	59,880.00	60,180.00	640,980.00
	17th St. REVENUE (Sales Tax Excluded)	148,660.84	144,150.62	173,794.92	185,004.57	248,683.71	231,220.26	201,857.11	184,075.47	170,110.52	163,730.31	166,441.80	167,712.96	2,185,443.09
Expenses														
Security Personnel		12,311.04	12,073.41	11,853.44	12,243.49	12,971.98	11,674.27	12,081.92	11,200.98	13,739.92	16,653.15	19,575.84	17,759.89	164,139.33
Attendant/Cashier Labor		36,820.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	31,239.96	32,357.63	34,965.22	421,846.26
FP&L		5,519.53	5,106.15	5,446.66	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
	17th St. EXPENSES	60,848.41	54,116.90	54,360.78	59,243.57	69,408.59	55,721.06	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	726,559.30
	17th St. PROFIT/(LOSS)	87,812.43	90,033.72	119,434.14	125,761.00	179,275.12	175,499.20	139,481.38	122,655.18	109,235.90	104,154.59	102,850.28	102,690.85	1,458,883.79

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	139,529.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	139,529.56
Revenue-Monthly Permits	142-8000-344404	13,050.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,050.00
	7th St. REVENUE (Sales Tax Excluded)	152,579.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	152,579.56
Expenses														
Security		21,049.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,049.40
Attendant/Cashier Labor		17,797.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,797.52
Landscape Maintenance		918.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	918.67
FP&L		3,067.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,067.37
Revenue Control Equipment Maintenance		700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.00
Garage Cleaning/Maintenance		4,864.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,864.00
Armed Guard Revenue Pickup		420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	420.00
Elevator Maintenance		1,729.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,729.00
Surveillance System Maintenance		534.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	534.60
	7th St. EXPENSES	51,080.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51,080.56
	7th Street Estimated Debt Service	59,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59,500.00
	7th St. PROFIT/(LOSS)	41,999.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,999.00

(Fdrive/Ping/$Pers/P&L/2004/7thst.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
	7th St. EXPENSES	48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
	7th Street Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. PROFIT/(LOSS)	40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
	7th St. EXPENSES	48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
	7th Street Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. PROFIT/(LOSS)	40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

(Fdrive/Ping/$Pers/P&L/2003/7thst.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	98,891.68	105,333.01	144,735.13	153,866.18	138,843.74	240,191.44	171,039.15	163,294.17	139,551.83	163,218.25	175,770.79	135,339.42	1,830,074.79
Revenue-Monthly Permits	142-8000-344404	15,975.00	16,350.00	15,825.00	16,800.00	14,550.00	14,700.00	14,700.00	14,550.00	14,550.00	13,800.00	13,725.00	13,800.00	179,325.00
	7th St. REVENUE (Sales Tax Excluded)	114,866.68	121,683.01	160,560.13	170,666.18	153,393.74	254,891.44	185,739.15	177,844.17	154,101.83	177,018.25	189,495.79	149,139.42	2,009,399.79
Expenses														
Security		15,394.28	15,695.07	14,460.29	15,772.87	15,146.88	17,041.38	15,881.17	15,768.28	17,513.64	22,057.41	25,611.88	22,611.97	212,955.12
Attendant/Cashier Labor		15,209.20	15,854.69	16,107.91	16,346.08	16,018.67	15,976.15	16,429.77	16,357.45	15,943.55	15,952.92	16,684.59	17,149.19	194,030.17
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	11,808.00
FP&L		3,153.54	2,599.76	2,754.67	2,964.55	2,773.25	2,567.84	2,733.33	2,574.07	2,891.16	2,700.17	2,849.96	3,069.84	33,632.14
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	58,368.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	11,820.00
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	5,244.00
	7th St. EXPENSES	42,244.20	42,636.70	41,810.05	43,570.68	42,425.98	44,072.55	43,531.45	43,186.98	44,835.53	49,197.68	53,633.61	51,318.18	542,463.59
	7th Street Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. PROFIT/(LOSS)	13,122.48	19,546.31	59,250.08	67,595.50	51,467.76	151,318.89	82,707.70	75,157.19	49,766.30	68,320.57	76,362.18	38,321.24	752,936.20

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	123,301.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	123,301.93
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,800.00
	17th St. REVENUE (Sales Tax Excluded)	140,101.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	140,101.93
Expenses														
Security Personnel		1,404.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,404.71
Attendant/Cashier Labor		20,826.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20,826.85
Revenue Control Equipment Maintenance		1,666.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,666.67
Landscape and Lot Maintenance		502.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	502.67
FP&L		391.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	391.48
	17th St. EXPENSES	24,792.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,792.38
	17th St. PROFIT/(LOSS)	115,309.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115,309.55

(Fdrive/Ping/$Pers/P&L/2004/5alots.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.62	17,265.92	20,813.79	255,250.95
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
	17th St. EXPENSES	22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	25,062.35	308,995.09
	17th St. PROFIT/(LOSS)	101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.62	17,265.92	20,813.79	255,250.95
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
	17th St. EXPENSES	22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	25,062.35	308,995.09
	17th St. PROFIT/(LOSS)	101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

(Fdrive/Ping/$Pers/P&L/2003/5alots.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	84,476.22	86,054.63	129,752.12	132,730.72	133,767.55	155,170.88	123,970.06	119,955.85	116,868.05	108,329.32	115,012.11	102,521.07	1,408,608.58
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	16,800.00	16,080.00	17,760.00	17,760.00	200,280.00
	17th St. REVENUE (Sales Tax Excluded)	102,236.22	102,134.63	145,892.12	147,670.72	149,547.55	172,630.88	141,010.06	136,635.85	133,668.05	124,409.32	132,772.11	120,281.07	1,608,888.58
Expenses														
Security Personnel		857.65	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
Attendant/Cashier Labor		17,436.09	16,120.74	17,827.14	18,512.07	19,388.97	20,846.52	21,119.07	19,675.74	17,955.12	17,566.44	19,212.48	20,566.65	226,227.03
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		457.83	601.13	483.88	354.56	335.36	324.34	348.11	343.62	362.67	362.54	417.81	404.38	4,796.23
	17th St. EXPENSES	20,920.91	19,617.69	21,206.84	21,763.97	22,382.87	24,304.95	24,591.84	23,516.51	21,958.84	21,652.45	23,491.24	24,699.53	270,107.64
	17th St. PROFIT/(LOSS)	81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34	111,709.21	102,756.87	109,280.87	95,581.54	1,338,780.94

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	26,360.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,360.74
Revenue-Monthly Permits	480-8000-344593	5,220.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,220.00
	12th St. REVENUE (Sales Tax Excluded)	31,580.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31,580.74
Expenses														
Security Personnel		8,219.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,219.46
Attendant/Cashier Labor		7,247.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,247.08
FP&L		108.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108.54
Elevator Maintenance		125.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	125.00
Garage Cleaning/Maintenance		1,540.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,540.75
	12th St. EXPENSES	17,240.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,240.83
	12th St. PROFIT/(LOSS)	14,339.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,339.91

(Fdrive/Pkng/$Pers/P&L/2004/12thga.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
	12th St. PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
	12th St. PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

(Fdrive/Ping/$Pers/P&L/2003/12thga.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	19,351.18	20,201.87	24,554.47	26,555.85	27,769.02	43,802.33	28,116.91	29,947.18	25,610.78	29,315.51	29,535.22	20,867.59	325,627.91
Revenue-Monthly Permits	480-8000-344593	8,040.00	6,960.00	8,160.00	8,160.00	5,100.00	5,280.00	5,280.00	5,280.00	5,280.00	5,340.00	5,160.00	4,320.00	72,360.00
	12th St. REVENUE (Sales Tax Excluded)	27,391.18	27,161.87	32,714.47	34,715.85	32,869.02	49,082.33	33,396.91	35,227.18	30,890.78	34,655.51	34,695.22	25,187.59	397,987.91
Expenses														
Security Personnel		5,626.00	5,647.95	4,077.36	6,053.88	5,471.53	5,445.92	5,466.54	6,157.30	6,871.50	8,471.54	9,914.88	8,846.72	78,051.12
Attendant/Cashier Labor		6,349.23	6,522.24	7,031.79	7,057.86	6,517.50	6,538.83	6,640.74	7,730.94	6,538.83	7,145.55	6,980.04	6,960.03	82,013.58
FP&L		73.28	88.02	82.31	85.34	77.11	68.73	64.09	56.51	60.30	60.94	49.38	105.95	871.96
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,500.00
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	19,269.00
	12th St. EXPENSES	13,779.26	13,988.96	12,922.21	14,927.83	13,796.89	13,784.23	13,902.12	15,675.50	15,201.38	17,408.78	18,675.05	17,643.45	181,705.66
	12th St. PROFIT/(LOSS)	13,611.92	13,172.91	19,792.26	19,788.02	19,072.13	35,298.10	19,494.79	19,551.68	15,689.40	17,246.73	16,020.17	7,544.14	216,282.25

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	48,388.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	48,388.34
Revenue-Monthly Permits	480-8000-344527	7,740.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,740.00
	13th St. REVENUE (Sales Tax Excluded)	56,128.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56,128.34
Expenses														
Security Personnel		9,865.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,865.08
Attendant/Cashier Labor		15,303.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,303.89
Landscape Maintenance		216.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	216.67
FP&L		1,404.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,404.98
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		737.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.00
Armed Guard Revenue Pickup		420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	420.00
Garage Cleaning/Maintenance		1,450.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,450.00
	13th St. EXPENSES	29,397.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29,397.62
	13th St. PROFIT/(LOSS)	26,730.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,730.72

(Fdrive/Ping/$Pers/P&L/2004/13thstga.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

(Fdrive/Ping/$Pers/P&L/2003/13thstga.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	35,899.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
Revenue-Monthly Permits	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,260.00	7,980.00	8,220.00	98,640.00
	13th St. REVENUE (Sales Tax Excluded)	45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	49,100.78	715,650.04
Expenses														
Security Personnel		7,142.75	7,108.79	7,166.41	7,119.48	6,997.61	7,147.96	7,195.87	8,245.09	8,637.02	10,823.70	12,883.59	11,049.26	101,517.53
Attendant/Cashier Labor		13,937.21	14,172.20	14,461.81	14,696.96	13,857.82	14,075.59	14,164.58	14,765.85	13,999.64	14,581.81	14,755.44	14,789.62	172,258.53
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,280.63	921.48	1,494.51	1,596.48	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	15,511.85
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	3,648.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	17,796.00
	13th St. EXPENSES	24,881.44	24,723.32	25,643.58	25,933.77	24,907.21	25,132.24	25,125.97	26,670.26	26,412.54	29,098.14	31,322.21	29,687.43	319,538.11
	13th St. PROFIT/(LOSS)	20,198.09	23,921.35	31,850.12	37,676.37	37,703.11	60,519.09	42,444.32	35,032.82	29,756.56	27,323.06	30,273.69	19,413.35	396,111.93

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76,425.24
Revenue - Valet	463-8000-344587	20,015.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20,015.89
Revenue-Monthly Permits	463-8000-344903	26,750.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,750.00
	16th St. REVENUE (Sales Tax Excluded)	123,191.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	123,191.13
Expenses														
Security Personnel		12,428.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12,428.89
Attendant/Cashier Labor		15,887.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,887.24
FP&L		3,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,800.00
Revenue Control Equipment Maintanance		775.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00
Armed Guard Revenue Pickup		420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	420.00
Elevator Maintenance		1,278.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,278.82
Landscape and Lot Maintenance		164.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	164.67
Garage Cleaning/Maintenance		2,924.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,924.40
Sanitation (Waste Removal)		171.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	171.64
Fire Alarm Service		250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	250.00
	16th St. EXPENSES	38,100.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38,100.66
	16th St. PROFIT/(LOSS)	85,090.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	85,090.47

(Fdrive/Ping/$Pers/P&L/2004/16thstga - Anchor.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
	16th St. REVENUE (Sales Tax Excluded)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintanance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
	16th St. EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
	16th St. PROFIT/(LOSS)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
	16th St. REVENUE (Sales Tax Excluded)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintanance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
	16th St. EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
	16th St. PROFIT/(LOSS)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

(Fdrive/Ping/$Pers/P&L/2003/16thstga - Anchor.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	3,350.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,350.48
Revenue-Monthly Permits	480-8000-344595	34,620.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	34,620.00
	42nd St. REVENUE (Sales Tax Excluded)	37,970.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37,970.48
Expenses														
Security Personnel		8,206.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,206.59
Attendant/Cashier Labor		3,255.18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,255.18
FP&L		1,805.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,805.96
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	536.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,796.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,796.50
	42nd St. EXPENSES	15,600.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,600.23
	42nd St. PROFIT/(LOSS)	22,370.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22,370.25

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	1,601.88	1,333.32	1,521.14	1,880.75	12,211.58	1,915.21	2,176.52	3,171.84	1,733.32	2,189.65	2,268.56	1,882.57	33,886.34
Revenue-Monthly Permits	480-8000-344595	21,540.00	19,200.00	19,500.00	18,060.00	16,380.00	17,040.00	18,120.00	17,760.00	18,660.00	18,300.00	36,360.00	35,700.00	256,620.00
	42nd St. REVENUE (Sales Tax Excluded)	23,141.88	20,533.32	21,021.14	19,940.75	28,591.58	18,955.21	20,296.52	20,931.84	20,393.32	20,489.65	38,628.56	37,582.57	290,506.34
Expenses														
Security Personnel		5,790.16	8,179.71	7,737.08	7,429.88	7,516.66	7,530.52	7,768.30	7,628.81	9,240.26	11,182.27	13,105.58	12,017.45	105,126.68
Attendant/Cashier Labor		3,050.19	2,474.28	2,320.23	2,242.02	4,680.24	2,737.35	2,471.91	2,628.33	2,479.02	2,381.85	2,526.02	2,522.32	32,513.76
FP&L		1,471.76	1,480.00	744.79	1,423.20	1,433.94	1,850.98	1,647.89	1,655.88	1,650.65	1,629.72	1,358.53	1,597.13	17,944.47
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	15,420.00
	42nd St. EXPENSES	11,597.11	13,418.99	12,087.10	12,380.10	14,915.84	13,403.85	13,173.10	13,198.02	14,654.93	16,478.84	18,275.13	17,421.90	171,004.91
	42nd St. PROFIT/(LOSS)	11,544.77	7,114.33	8,934.04	7,560.65	13,675.74	5,551.36	7,123.42	7,733.82	5,738.39	4,010.81	20,353.43	20,160.67	119,501.43

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **STATUS REPORT ON THE REHABILITATION PROJECT OF THE EXISTING BUILDING AND THE ADDITION TO FIRE STATION NO. 2**

The improvements being made to Fire Station No. 2 include full historic renovation of the existing facility, and an additional facility that will include apparatus bays and living quarters. Early last calendar year, it was determined that it was necessary to construct two new water tanks and demolish the existing water tank located within the Public Works Yard before the construction on the Fire Station could begin. As a result, the water tanks and related pump station were added to the Jasco Construction Company (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Jasco subsequently submitted a Guaranteed Maximum Price (GMP) for the Water Tanks and Pump Station portion of the Project in the amount of $4,840,933, which is within the funding allocation and acceptable to staff. Staff and Jasco negotiated the implementation of the provisos previously stated by the City Commission and completed an Agreement for the Project.

At the Commission meeting of March 19, 2003, a Resolution was presented by the Administration recommending that the GMP for the Water Tanks and Pump Station portion of the Project be accepted on the basis of the amended Agreement and the directions given by the Mayor and City Commission at the February 5, 2003 Commission meeting. The Mayor and City Commission approved the Amendment and awarded the Project to Jasco Construction, Inc., in the amount of $4,840,933 for the Water Tanks and Pump Station portion.

Construction on the Water Tanks and Pump Station Project began on June 9, 2003. Jasco has made good progress on the installations and is currently within schedule. The completion of this portion of the Project is expected in early spring of 2004. The City has re-evaluated the previous proposal from Jasco for the Fire Station portion of the Project as previously directed by the City Commission. In addition, the CIP Office commissioned an independent estimate for the Project in order to further facilitate the evaluation of the overall costs for the new Fire Station, including the Emergency Operations Center (EOC) and the renovation of the existing historic building.

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CIP has completed the evaluation of the Jasco proposal for the Fire Station portion of the Project and has compared it with the independent estimate. In addition, the City met with the Project's consultant, STA Architectural group (STA) in order to obtain their comments on the proposal and the estimate as well. This evaluation and review includes the suggested value engineering items proposed by Jasco as well as other possible value engineering items. CIP and STA also examined those items that Jasco stated were additional to the original scope of the Project at the time it was awarded to them. The review has determined which items are valid and have included those agreed upon in the Project. Some of these items have to do with finishes and furniture, fixture and equipment, but the more important one is the construction of the EOC that was originally not budgeted.

The City met with Jasco on November 13, 2003 in order to complete the review and evaluation process for all the costs and scope of the Project and to determine the value of a final Guaranteed Maximum Price (GMP) from Jasco. This GMP will include all items included in the STA contract documents and will be clearly separated according to the different portions of the Project. These portions are the new Fire Station, the historic building renovation, the EOC, and the necessary site work.

On November 25, 2003, Jasco presented to the City the final proposal for GMP that includes the renovation of the existing building, the construction of a new fire station including the EOC, and the necessary modifications to the site as planned. In this agenda, there is a Commission memo requesting approval of the Guaranteed Maximum Price and appropriating the additional funding necessary to complete the Project. The timetable for the construction of the new Fire Station, etc. is to begin immediately after the completion of the Water Tanks and Pump Station Project in the Spring of 2004.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **A STATUS REPORT FOR THE REHABILITATION PROJECT OF FIRE STATION NO. 4**

Past Events

The City Commission, on July 2, 2003, issued a directive to the Administration to pursue the Certificate of Appropriateness for Demolition of the existing building. Similarly, the Fire Department requested some changes to the design of the proposed new building footprint resulting in an additional 700 square feet in the footprint of the building. The required application package was submitted in accordance with the HPB notice requirements and was heard by the HPB on September 9, 2003. The HPB approved a motion to recommend to the City Commission that the building be demolished. The HPB also approved a motion authorizing the revisions to the previously approved new building, and added some requirements with regard to landscaping, breeze block, monument, and curb/swale/sidewalk configuration.

Due to anticipated costs for replacing the existing sidewalk and curb configuration with a curb, swale, sidewalk configuration, as required by the Historic Preservation Board (HPB), the City requested reconsideration of this item by the HPB at their November 12, 2003 meeting. At that meeting, the City also requested that the requirement imposed by HPB for the design and site plan for the monument to the existing station to be approved by HPB prior to a building permit being issued be modified to be prior to the issuance of a Temporary Certificate of Occupancy so that the project construction will not be delayed. The HPB approved these requests.

At its meeting of September 10, 2003, the City Commission considered the HPB recommendation and approved a resolution setting a public hearing to consider granting a Certificate of Appropriateness for Demolition. This is the same process utilized by the HPB when it considers the demolition of a historic building. On October 15, 2003, the City Commission held a public hearing and voted to approve a Certificate of Appropriateness for the demolition of the fire station.

Status Update

The Consultant has developed and submitted drawings for the full demolition of the existing fire station. Carivon Construction Inc. was selected through the Job Order Contracting (JOC) Program to demolish the existing building. The drawings for the demolition of the existing fire station have been approved. However, due to the ordinance

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requirements regarding demolition of structures within historic sites, a demolition permit cannot be issued, and the City cannot demolish the existing Fire Station building until a building permit on the new Fire Station is issued. As soon as the plans for the new Fire Station are approved by the Building Department, estimated to be the end of December 2003 or early January 2004, Carivon has agreed to pull the permit on the new building and to demolish the existing building. This means that demolition is estimated to occur in January 2004, but this date is dependent upon the Building Department review process noted above.

The construction drawings for the new fire station were submitted to the City's Planning Department on October 27, 2003 for preliminary review and permitting in accordance with the previously reported schedule. The Planning Department has reviewed the construction drawings, and issued a few comments. The drawings are being reviewed by the Building Department. Once the Building Department has completed its review, the consultant will address any comments still outstanding for final review and permit.

It is anticipated that the bid for construction of the new fire station will be issued in January 2004, with construction to start hopefully in March 2004.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
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COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: December 10, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION, ON FEDERAL, STATE, MIAMI-DADE COUNTY, AND ALL EXISTING CITY CONTRACTS FOR RENEWAL OR EXTENSIONS IN THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed $10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from $10,000 to $25,000.

The Administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida and Federal GSA contracts that are approved for utilization by the City Manager.

Based on information provided by all Divisions and Department Heads pursuant to information contained in Miami-Dade County, State of Florida and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Professional Services Agreement Structural Engineering	HJ ROSS, DMJM HARRIS, BALSARA	5/29/04	NONE

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