City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 16, 2005

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

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

*Visit us on the Internet at **www.miamibeachfl.gov** for agendas and video "streaming" of City Commission Meetings.*

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.

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

Presentations and Awards
PA Presentations and Awards

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

Regular Agenda
R2 Competitive Bid Reports
R5 Ordinances
R6 Commission Committee Reports
R7 Resolutions
R9 New Business and Commission Requests
R10 City Attorney Reports

Reports and Informational Items

Miami Beach
All-America City
2003

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

PA - Presentations and Awards

PA1 Certificates Of Appreciation To Be Presented To Alfredo J. Gonzalez, Adrian Gonzalez, Alejandro Gonzalez, Maria F. Gonzalez And Alfredo Gonzalez, Sr. Of David's Café, For Their Contribution To The Quality Of Life In City Of Miami Beach. (Page 2)
(Requested by Commissioner Matti Herrera Bower & Commissioner Simon Cruz)
(Deferred from February 23, 2005)

PA2 Proclamation To Be Presented In Honor Of National Women's History Month.
(City Manager's Office)

PA3 Proclamation To Be Presented In Honor Of The City's 90th Birthday.
(Requested by Mayor David Dermer)

PA4 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of January And February 2005.
(City Manager's Office)

PA5 Certificate Of Appreciation To Be Presented To Phil Azan, Director Of Building, For His Years Of Dedicated Service To The City Of Miami Beach.
(City Manager's Office)

PA6 Proclamation To Be Presented In Honor Of The Winter Music Conference 20th Anniversary.
(Tourism & Cultural Development)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase Four (4) 2005 Honda Four Trax Rubicon 4x4 All Terrain Vehicles From Jim Walker's Honda-Suzuki-Yamaha, Pursuant to City Of Miami Beach Bid No. 05-04/05, In The Amount Of $29,274.60. (Page 5)
(Fleet Management)

C2B Request For Approval To Reject All Bids Received Pursuant To Invitation To Bid (ITB) No. 21-03/04 For Small Low Floor Transit Buses. (Page 8)
(Procurement)

C4 - Commission Committee Assignments

C4A Referral To The Historic Preservation Board Regarding The Designation Of The Coral Rock House At 1701 Normandy Drive As A Historic Structure. (Page 14)
(Requested by Commissioner Matti Herrera Bower)

C4B Referral To The Finance And Citywide Projects Committee Of A Proposed Amendment To EDAW's Agreement With The City Of Miami Beach For The Planning And Design Of The Flamingo Neighborhood Right Of Way Improvement Project To Provide For Additional Professional Services In The Amount Of $556,219 Required To Implement The Project. (Page 26)
(Capital Improvement Projects)

C4C Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding On-Street Parking/Espanola Way (And Cul De Sac). (Page 30)
(Requested by Commissioner Saul Gross)

C6 - Commission Committee Reports

C6A Report Of The Finance And Citywide Projects Committee Meeting Of February 17, 2005: **1)** Discussion On Reallocation Of Funds To Provide For Additional Services To Reynolds Smith And Hills To Complete The Documents For The La Gorce Neighborhood Improvement Project; **2)** Discussion On Reallocation Of Funds To Provide For Additional Services To Reynolds Smith And Hills To Complete The Documents For The Nautilus Neighborhood Improvement Project; **3)** Discussion Of Request For Proposals (RFP) For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; **4)** Discussion Regarding The List Of Projects And Establishment Of Additional Criteria For The Renewal And Replacement Fund; And **5)** Discussion Regarding Quality Of Life Funds. (Page 33)

C7 - Resolutions

C7A A Resolution Setting A Public Hearing Pursuant To Section 142-425, Miami Beach City Code, To Consider An Amendment To The Zoning Map By Changing The Zoning District Classification Of Property Located At 2620 Biarritz Drive, From GU (Government Use) To RS-3 (Single Family Residential), Following The Property's Conveyance By The City To A Private Party, Pursuant To City Commission Resolution No. 2005-25829, All In Accordance With The City's Comprehensive Plan And Land Development Regulations. (Page 44)
(Asset Management)

C7 - Resolutions (Continued)

C7B A Resolution Approving A Waiver, By 5/7ths Vote, Of The Competitive Bidding Process, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach, Florida, And Musco Lighting To Be The Provider Of A Maintenance Free Sports Lighting System At Fairway Park, In An Estimated Amount Of $311,700, To Be Installed At The Sports-Field, Basketball Court, And Two (2) Tennis Courts. (Page 49)
(Capital Improvement Projects / Parks & Recreation)

C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 42-03/04, For Engineering, Urban Design, And Landscape Architecture For Design, Bid And Award And Construction Administration Services For The Biscayne Point Right Of Way Infrastructure Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of EAC Consulting, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Consultech Transportation, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Miller Legg And Associates, Inc. (Page 74)
(Capital Improvement Projects)

C7D A Resolution Approving The Settlement Of A City Lien On Real Property Owned By Mr. Ricardo F. Raphael Located At 2062 Alton Road, Miami Beach, Florida, Resulting From Special Master Case No. JC00000291 And Providing That The Lien In The Amount Of $115,910.54 Plus Interest Be Settled In The Amount Of $0.00. (Page 83)
(City Manager's Office)

C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Intergovernmental Agreement For Fleet Maintenance And Repair Services Between The City Of Miami Beach, Florida, And The Village Of Key Biscayne, Florida. (Page 88)
(Fleet Management)

C7F A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit Applications For Grant Funds To The Following Agencies: 1) The Children's Trust, Fiscal Year 2005/06 Out-Of-School Program, For Funding, In An Amount Not To Exceed $1,250,000, For The City's Year Round Programs; And, 2) Federal Emergency Management Agency (FEMA), Fiscal Year 2005/06 Pre-Disaster Mitigation Program, For Funding, In An Amount Not To Exceed $2,000,000, For Pre-Disaster Hazard Mitigation Activities; 3) Miami-Dade County Tourist Development Council, In An Amount Not To Exceed $20,000 For The City's Fourth Of July Event; And, 4) Miami-Dade County Tourist Development Council, In An Amount Not To Exceed $20,000 For The City's Camp Miami Beach Program; Further Appropriating The Grants If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application. (Page 97)
(Grants Management)

C7 - Resolutions (Continued)

C7G A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Their Five Year Plan For Fiscal Years 2005-2009 And Their Annual Plan For Fiscal Year 2005, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD). (Page 104)

(Neighborhood Services)

C7H A Resolution Authorizing The Mayor And The City Clerk To Execute A Professional Services Agreement Between The City Of Miami Beach, Florida And PN Investments, Inc. For $62,500 For Unique Law Enforcement And Investigative Services. (Page 179)

(Police Department)

C7I A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2004/05 In The Amount Of $292,200 To Be Funded From The Proceeds Of State ($21,700) And Federal-Justice ($270,500) Confiscated Funds. (Page 194)

(Police Department)

C7J A Resolution Adopting The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2004/05 In The Amount Of $14,500, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account. (Page 201)

(Police Department)

C7K A Resolution Authorizing The Appropriation Of Funds From The Resort Tax And Gulf Breeze Interest To Complete Remediation Work For The Bayshore (Miami Beach Golf Club) And Normandy Shores Golf Course For Fiscal Year 2004/2005 In The Amount Of $667,582. (Page 206)

(Public Works)

C7L A Resolution Accepting A Donation Of $5,000 From Coastal Planning & Engineering, Inc., And Additional Sponsorships From Other Environmental And Socially Responsible Businesses, To Be Used For The City's E.A.R.T.H. Expo'5 In Celebration Of Earth Day. (Page 211)

(Public Works)

C7M A Resolution Setting A Public Hearing For April 20, 2005, To Hear Public Comment, As Required By The City's Guidelines For Vacation Or Abandonment Of Streets Or Other Rights Of Way And Pursuant To Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding The Vacation Of An Alley, Adjacent To Lots 2 Through 7 Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet, In Favor Of The Applicant(And Developer Of The Vitri Project), 535 West Avenue, LLC, And Approving And Accepting The Dedication By 535 West Avenue LLC, Of Portions Of Lots 8, 9, 10 And 13 Of Same Subdivision, Containing Approximately 4,200 Square Feet, For Perpetual Use As A Public Alley. (Page 216)

(Public Works)

C7 - Resolutions (Continued)

C7N A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Approving The Use Of The Fortress - Miami Corp And Artex Art Storage And Art Handling, On A Month To Month Basis, In A Not To Exceed Amount Of $74,000, Until Such Time That Long-Term Storage Needs For The Bass Museum Of Art Permanent Collection Can Be Determined And A Contract Awarded As A Result Of A Competitive Bidding Process. (Page 221)
(Tourism & Cultural Development)

C7O A Resolution Authorizing The Administration To Issue Request For Qualifications (RFQ) No. 16-04/05 For Professional Architectural And Engineering Services In Various Professional Specialties, On An "As-Needed Basis," For Capital Projects In Which The Basic Construction Cost Does Not Exceed $500,000 Per Project, Or For Study Activities For Which The Fee Does Not Exceed $25,000; Further, Extending The Term Of The Existing Contract Agreements With The Consultants Dated June 6, 2001, On A Month To Month Basis Until The New Contracts Are Awarded. (Page 226)
(Procurement)

C7P A Resolution Appropriating Funding Available From The Series 2000 Water And Sewer Bond Fund For The Water And Wastewater Pump Station Upgrades Project In The Amount Of $260,307 For Additional Items Needed In Order To Complete The Project. (Page 235)
(Capital Improvement Projects)

C7Q A Resolution Approving The Settlement Of A City Lien On Real Property Located At 3050 Alton Road, Miami Beach, Owned By Nestor Alvarez Together With Nora Reinfeld Alvarez, Resulting From Special Master Case No. JC990459 And Providing That The Lien In The Amount Of $325,601.60 Plus Interest Be Settled For The Amount Of $5,000.00. (Page 242)
(City Manager's Office)

End of Consent Agenda

PA
PRESENTATION
&AWARDS

PA - Presentations and Awards

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(Tourism & Cultural Development)

AGENDA ITEM PA1-6
DATE 3-16-05

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C2 COMPETITIVE BID REPORTS

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Request For Approval To Purchase Four (4) 2005 Honda Four Trax Rubicon 4x4 All Terrain Vehicles From Jim Walker's Honda-Suzuki-Yamaha, Pursuant to City Of Miami Beach Bid No. 05-04/05, In The Amount Of $29,274.60.

Issue:

Shall the City Commission approve the purchase?

Item Summary/Recommendation:

The 2005 Honda Four Trax Rubicon's are budgeted **replacements** and will be funded by the Fleet Management Capital Fund. These vehicles will be utilized by the Ocean Rescue Division of the Fire Department in support of life safety emergencies, water rescues and beach preventative actions. The All Terrain Vehicles will be equipped with trailer hitches, waterproof utility boxes, 4x4 hydraulic automatic transmissions and liquid cooled engines.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	$29,274.60	510.1780.000673 Fleet Management Fund Capital Account	
	2			
	3			
	4			
Finance Dept.	Total	$29,274.60		

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET ____ GL ____	RCM ____	JMG ____

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AGENDA ITEM C2A

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO PURCHASE FOUR (4) 2005 HONDA FOUR TRAX RUBICON 4X4 ALL TERRAIN VEHICLES FROM JIM WALKER'S HONDA-SUZUKI-YAMAHA, PURSUANT TO CITY OF MIAMI BEACH BID NO. 05-04/05, IN THE AMOUNT OF $29,274.60.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

BID AMOUNT AND FUNDING

$29,274.60 Fleet Management Fund Capital Account 510.1780.000673

ANALYSIS

All vehicles are recommended to be purchased pursuant to City of Miami Beach Bid number 05-04/05.

The 2005 Honda Four Trax Rubicon All Terrain Vehicles are budgeted replacements and will be funded by the Fleet Management Capital Fund. These vehicles will be utilized by the Ocean Rescue Division of the Fire Department in support of life safety emergencies, water rescues and beach preventative actions. The All Terrain Vehicles will be equipped with trailer hitches to tow the jet skis, waterproof utility boxes for rescue equipment and 4 x 4 hydraulic automatic transmissions so they may be utilized in soft sand. After reviewing the specifications of, and participating in several All Terrain Vehicle demonstrations, the Honda Four Trax Rubicon was found to have the best pulling power in our shifting/soft sands.

The City intends to purchase a total of seven (7) Honda Four Trax Rubicons, four (4) for Ocean Rescue and three (3) for the Police Department RDA. A formal bid process was initiated.

On February 3, 2005, Invitation to Bid ("ITB") No. 05-04/05 was issued and notices sent via BidNet to 13 individuals or firms, e-mailed to local dealers, as well as advertised in the Daily Business Review. This ITB resulted in the receipt of one qualifications package from Jim Walker's Honda-Suzuki-Yamaha in Daytona, Florida.

Upon contacting those firms that were notified of the ITB but chose not to respond, the few that replied to the questioning indicated either they were no longer providing ATV's and did not update their vendor profile, or indicated they did not believe they could offer competitive pricing.

A market survey was conducted, and it was found that the City has received a fair and competitive bid, with a vehicle base unit price of $6,591.00, delivered to the City. With all required options included, the unit price equates to $7,318.65, delivered to the City.

The market survey found that three (3) other dealers in Florida were offering the identical vehicle for $7,200 - $7,300, base unit price. Options and delivery would add a minimum of $600 per vehicle, bringing the unit cost to at least $7,800.

The three (3) units for RDA are represented on another Commission memo.
The vehicles listed below have met or exceeded the established criteria for replacement:

Veh#	Dept.	Year	Make/Model	Mileage	Life To Date Maintenance	Condition
1938	0960	2001	Kawasaki KVF 400-C3	11,035	$7,964.94	Poor
1945	0960	2002	Kawasaki KVF 400-C4	9,097	$6,445.70	Poor
1946	0960	2002	Kawasaki KVF 400-C4	9,407	$4,741.13	Poor
1947	0960	2002	Kawasaki KVF 400-C4	1,120	4,621.13	Poor

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

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

The Administration recommends that the City Commission approve the purchase pursuant to City of Miami Beach Bid number 05-04/05, of four (4) 2005 Honda Four Trax Rubicon 4 x 4 All Terrain Vehicles, from Jim Walker's Honda-Suzuki-Yamaha, in the amount of $29,274.60.

JMG/RCM/GL/AET/jvd

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Request to Reject all Bids Received Pursuant to Invitation to Bid (ITB) 21-03/04 for Small Low Floor Transit Buses.

Issue:

Shall the Commission reject all bids submitted for ITB 21-03/04?

Item Summary/Recommendation:

Invitation to Bid No. 21-03/04 for the purchase of Low Floor Transit Buses (the "Bid") was issued on February 13, 2004. The Bid specification called for furnishing up to six (6) 30 foot, low floor transit diesel buses to the City of Miami Beach (the "City"). The buses purchase as a result of this Bid were to eventually phase out the existing fleet of Electrowave battery operated shuttles currently servicing the City.

In developing the Electrowave budget for 2004/2005, and as a follow-up to a study commissioned by the City that was conducted by the Center for Urban Transportation Research (CUTR) from the University of South Florida, the Administration started to explore different operating shuttle bus alternatives for South Beach. One of the alternatives considered was the nature of the relationship with Miami-Dade Transit ("MDT") and how the City and MDT transit resources might be utilized to operate the Electrowave bus circulator service.

Through discussions with MDT over several months, the Administration negotiated the basis for an interlocal agreement for shuttle service provision with expanded services and less cost to the City. MDT had offered four service level options, which were presented by the Administration for City Commission ("the Commission") consideration at the February 23, 2005 Commission meeting. The Administration recommended the amended option (Option C) that was determined to have the highest service level to the public, with analysis projecting a five (5) year saving in City expenditures to be over $4,500,000.

The Commission approved the City Manager's recommendation to approve amended MDT Option C proposal to provide a new bi-directional loop bus route service in South Beach, and further authorized the Administration to finalize the Interlocal Agreement between Miami-Dade County and the City.

As a result of the Commission adopting a resolution to approve amended MDT Option C proposal to provide an enhanced Route W service to Miami Beach and authorizing the Administration to finalize the Interlocal Agreement between Miami-Dade County and the City, the purchase of the six (6) low floor transit buses is no longer required by the City since MDT will provide the buses. The Administration recommends a rejection of all bids received under ITB 21-03/04.

REJECT ALL BIDS.

Advisory Board Recommendation:

Financial Information:

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

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FB	RCM	JMG

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AGENDA ITEM C2B

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST APPROVAL TO REJECT ALL BIDS RECEIVED PURSUANT TO INVITATION TO BID (ITB) NO. 21-03/04 FOR SMALL LOW FLOOR TRANSIT BUSES.**

ADMINISTRATION RECOMMENDATION

Reject all bids.

ANALYSIS

Invitation to Bid No. 21-03/04 for the purchase of Low Floor Transit Buses (the "Bid") was issued on February 13, 2004. The Bid specification called for furnishing up to six (6) 30 foot, low floor transit diesel buses to the City of Miami Beach (the "City") utilizing Federal Transit Administration ("FTA") funds. Available FTA Section 5309 funds for the purchase under this Bid were not to exceed $1,629,444.

It was intended that the buses purchased as a result of this Bid would eventually phase out the existing fleet of Electrowave battery operated shuttles currently servicing the City.

On May 21, 2004, the City Manager was recommending the award of contract to DaimlerChrysler Commercial Buses, NC, LLC. ("DaimlerChrysler") as the lowest and best bidder.

On May 25, 2004, Florida Transportation Systems, Inc. ("FTS") filed a timely protest and pursuant to the City's Bid Protest Ordinance, the agenda item was withdrawn from the May 26, 2004 Commission Meeting.

On May 27, 2004, FTS's protest was denied by the City Manager and City Attorney.

On July 16, 2004, FTS filed a complaint for mandamus and injunctive relief, as well as an Emergency Motion for Temporary Injunction in the Circuit Court of the Eleventh Judicial Circuit in Miami-Dade County.

On July 21, 2004, the Honorable Roberto Piñeiro, after hearing arguments from FTS' Attorneys and the City Attorney's office, denied FTS' Motion finding that no evidence was presented substantiating that the City acted arbitrary or carpriously in recommending the award of a contract to DaimlerChrysler.

In developing the Electrowave budget for 2004/2005, and as a follow-up to a study commissioned by the City that was conducted by the Center for Urban Transportation Research (CUTR) from the University of South Florida, the Administration started to explore different operating shuttle bus alternatives for South Beach. One of the alternatives considered was the nature of the relationship with Miami-Dade Transit ("MDT") and how the City and MDT transit resources might be utilized to operate the Electrowave bus circulator service.

During meetings between the City and MDT in 2004, a key concept discussed was how the two agencies can best use their respective public resources to the maximum advantage of the community. It was recognized that since each agency has an obligation to be responsible stewards of public resources and, while both agencies could operate transit services in the same general area, it would be inefficient to the public to cover similar service areas.

In October 2004 several service options began to take shape, the general terms of which were briefed to the Transportation and Parking Committee and the Miami Beach Transportation Management Association.

In November 2004, the City Commission again confirmed a desire to explore services provided by MDT and directed the Administration to finalize negotiations with the County.

Through discussions with MDT over several months, the Administration negotiated the basis for an interlocal agreement for shuttle service provision with expanded services and less cost to the City.

As the Finance and Citywide Projects Committee and the Transportation and Parking Committee held meetings over the course of several months to review the shuttle bus alternatives, and the Administration continued efforts to finalize negotiations with MDT, the Administration sent letters to FTS and DaimlerChrylser requesting extensions to their bid pricing. Said letters informed both FTS and DaimlerChrysler that the Administration had been meeting with the MDT to determine if MDT would assume operational responsibilities associated with the purchase of the buses, and that until such time as MDT decides whether or not they will assume these responsibilities, the City Manager will defer making a recommendation to the Mayor and City Commission relative to the purchase of the buses.

MDT had offered four service level options, which were presented by the Administration for City Commission ("the Commission") consideration at the February 23, 2005 Commission meeting.

The Administration recommended, the amended option (Option C) that was determined to have the highest service level to the public, with analysis projecting a five (5) year saving in City expenditures to be over $4,500,000.

The Commission approved the City Manager's recommendation to approve amended MDT Option C proposal to provide an enhanced Route W service to Miami Beach, and further authorized the Administration to finalize the Interlocal Agreement between Miami-Dade County and the City.

CONCLUSION

As a result of the Commission adopting a resolution to approve amended MDT Option C proposal to provide a new bi-directional loop bus route service in South Beach and authorizing the Administration to finalize the Interlocal Agreement between Miami-Dade County and the City, the purchase of the six (6) low floor transit buses is no longer required by the City since MDT will provide the buses. The Administration recommends a rejection of all bids received under ITB 21-03/04.

JMG/PDW/GL/PL

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C4
Comm. Committee Assignments

C: Tim
J. GOMEZ
G. HELD
Lilia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE GONZALEZ
CITY MANAGER

FROM: MATTI H. BOWER
COMMISSIONER

DATE: March 1, 2005

RE: Referral to the Historic Preservation Board Regarding the Designation of the Coral Rock House at 1701 Normandy Drive as a Historic Structure

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I would like the Historic Preservation Board to consider designating the Coral Rock House located at 1701 Normandy Drive as a Historic Structure. This property was rehabilitated in 1998/99 by UNIDAD of Miami Beach, Inc. Currently, the offices of Miami Beach Hispanic Community Center are located in this building.

Please place an item regarding the designation of the Coral Rock House as a Historic Structure on the April 12th Historic Preservation Board Agenda.

If you have any questions, please feel free to contact my office at (305) 673-7107.

MHB/lw

RECEIVED
2005 MAR -2 PM 2:57
CITY MANAGER'S OFFICE
BY

Agenda Item C4A
Date 3-16-05

PodhurstOrseck
TRIAL & APPELLATE LAWYERS

Aaron S. Podhurst
Robert C. Josefsberg
Joel D. Eaton
Barry L. Meadow
Michael S. Olin
Steven C. Marks
Victor M. Diaz, Jr.
Katherine W. Ezell
Xavier Martínez
Stephen F. Rosenthal
Ricardo M. Martínez-Cid
Maria Kayanan

Robert Orseck (1934-1978)

Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

March 1, 2005

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

Dear Jorge:

Given the ongoing controversy regarding the ordered demolition of the coral rock house structure in South Beach, I had a recent conversation with Commissioner Bower about the need to complete the process of designating, as a City of Miami Beach historic landmark, the coral rock house which was relocated and rehabilitated in 1998/99 by UNIDAD of Miami Beach, Inc. and currently houses the administrative offices of the Miami Beach Hispanic Community Center. I know that a long time ago I saw the designation report for the coral rock house which was prepared by the City's staff, at the time that the house was slated for demolition by Kent Harrison Robbins. I searched through my files and was unable to locate my original copy of the designation report; however, I did find the enclosed agreement between the City of Miami Beach and Kent Harrison Robbins which references the dates on which the City's Historic Preservation Board and Planning Board and City Commission considered the designation of the coral rock house prior to its relocation.

UNIDAD of Miami Beach, Inc. formerly requests that the City complete the process for designating our coral rock house as a City of Miami Beach historic landmark. Obviously, I am available to work with Jorge Gomez and William Carey to provide any necessary information in order to expedite the designation process.

I look forward to hearing back from staff as to how this matter should proceed from this point forward.

City National Bank Building, 25 West Flagler Street, Suite 800, Miami, FL 33130
Miami 305.358.2800 Fax 305.358.2382 • Fort Lauderdale 954.463.4346
www.podhurst.com

Thank you and your staff in advance for your anticipated cooperation with this request.

Sincerely,

Victor M. Diaz, Jr.

VMDjr/njd
cc Commissioner Matti Bower
Jorge Gomez, Planning Director
William Carey, Historic Preservation Director
Margarita Cepeda-Leonardo, Exec. Director, MBHCC

AGREEMENT BETWEEN CITY OF MIAMI BEACH
AND KENT HARRISON ROBBINS FOR
PRESERVATION OF A CORAL ROCK HOUSE

This Agreement is entered into this ___ day of _____, 1994 by and between Kent Harrison Robbins, "Owner", and the City of Miami Beach, "City".

WHEREAS, the Owner is the fee simple owner of the real property, "Property", legally described as:

> Lots 1 and 2 in the Block 23 of ALTOS DEL MAR NO. 1 according to the Plat thereof as recorded in Plat book 31 at page 40 of the Public Records of Dade County, Florida:
>
> which may also be described as:
>
> Lots 1 and 2 in Block 23 of Altos Del Mar No. 1 according to the Plat thereof as recorded in Plat Book 4, at page 157 of the Public Records of Dade County, Florida (A/K/A 7644 Collins Avenue and 222 77th Street)

and

WHEREAS, an oolitic limestone building, sometimes referred to as a coral rock house, "House" is located on the Property; and

WHEREAS, on April 7, 1994 the City's Historic Preservation Board recommended that the Property be designated as a historic site, and on September 27, 1994 the City's Planning Board voted in favor of recommending the proposed designation; and

WHEREAS, pursuant to the procedures set forth in Section 19 of City of Miami Beach Zoning Ordinance No. 89-2665, as amended, the City Commission adopted Resolution No. 94-21368 calling a public hearing to consider the proposed designation to be held on December 7, 1994; and

WHEREAS, Robbins and the City agreed to continue the public hearing until December

21, 1994; and

WHEREAS, the Owner does not wish to have the Property designated a historic site; and

WHEREAS, the Owner has a permit granted by the City which allows for the demolition of the House; and

WHEREAS, the City wishes to see the House preserved.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and other good and valuable consideration, the receipt and adequacy of which are hereby conclusively acknowledged, the Owner and City agree as follows:

1. <u>OBLIGATIONS OF THE OWNER</u>

The Owner shall relocate the House entirely at his own expense in accordance with the following:

A. <u>RELOCATION</u>

(1) Prior to beginning the process of physical preparation at the House for relocation, the Owner shall do the following:

(a) obtain the approval of the City's Building Official for the methods to be used for all phases of preparation and relocation; and

(b) present to the City a certificate of insurance indicating that the company which will be doing the relocation has general liability and automobile liability insurance, each in the amount of $500,000.00 per occurrence. The insurer and

policy must be approved by the City's Risk Manager which will not be unreasonably withheld.

(2) The Owner shall begin the physical process of preparing the House for relocation within 45 days of the date of this Agreement.

(3) The preparation process shall be completed in 60 days.

(4) Within 90 days after completion of the physical process of preparing the House for relocation in the approved manner, the House shall be relocated to the vacant lot immediately to the east of 1365 Marseilles Drive.

B. <u>RECONSTRUCTION</u>

(1) In addition to the cost of preparation and relocation of the House, Robbins will expend a minimum of $75,000 for the construction, repair, restoration, renovation, landscaping and foundation of the House. Costs of preparation and relocation will not be included in the calculation under the "50% Rule" of the South Florida Building Code. Moreover, Robbins will not be required to spend the entire $75,000 minimum, but only up to the amount that will cause the "50% Rule" to be reached less $1.

(2) As part of the construction, Robbins or his successors in interest may make additions to the House; provided, however, that Robbins will not make additions or substantial changes to what is now the Eastern facade of the House as it is situated at the Collins

Avenue site, which facade will be placed North at the Marseille Drive site.

(3) Prior to commencing any construction work on the relocated House, Robbins shall submit proposed schematics and all other City required documents to the Planning Director for comment and shall discuss substantial changes with staff. The relocation shall not commence until the Planning Director reviews the site plan and survey for lot split purposes and determines that the House can be properly located on the vacant lot east of 1365 Marseilles Drive pursuant to all applicable lot split and setback regulations of the City; this review shall be completed within 10 days of submission of site plan and survey.

(4) All windows unaffected by the additions shall be restored in compliance with the Secretary of Interior Standards for Rehabilitation of Historic Buildings (Revised 1983).

(5) The House shall be rendered habitable within 18 months after completion of relocation and shall be secured during said period in accordance with a plan approved by the City Manager.

(6) Robbins shall complete all requirements and obtain all necessary inspections and permits as required by the property maintenance, fire, building, zoning and other applicable codes in force in the City. Nothing in this Agreement shall be construed to excuse

Robbins from the requirements of all applicable codes and ordinances nor shall it prevent the City from enforcing these requirements in any manner provided by ordinance, code or law except for the "50% Rule". To the extent that the House would have been "grandfathered" under the building, zoning and fire codes of the Miami Beach and the South Florida Building code in as it was built in 1934, these "grandfathering" rights apply at the new location.

2. OBLIGATIONS OF THE CITY

The City shall do each of the following:

A. CONTINUANCE OF DESIGNATION HEARING

The City shall continue the designation hearing scheduled for December 21, 1994 until the first regular City Commission meeting in June of 1995. Notice of the June 1995 designation hearing shall be issued at least 30 days prior to the hearing. Should Robbins require additional time to complete the relocation or any stage in the relocation process, he may appear before the City Commission to request additional delays in the designation process and/or in the extension of the time periods designated in this Agreement, which delays and/or extensions shall be granted for good cause.

B. ISSUANCE OF RELOCATION PERMIT

A building permit for the relocation of the House shall be issued promptly

to Robbins, based upon the relocation permit application which Robbins submitted previously to the Building Department. This relocation process described herein and this Agreement shall not prejudice Robbins' existing demolition permits to demolish the House and structures and his vested right to demolish the House and structures at 7644 Collins Avenue. Upon the relocation and placement of the House at the Marseille Dr. site, the demolition permits shall immediately expire.

C. COOPERATION IN MOVING PROCESS

The City shall fully cooperate in the moving process and Robbins shall pay any costs for public works, police or other services on a prearranged hourly basis.

D. THE HOUSE NOT TO BE DESIGNATED

Except as provided in paragraph 2A herein, the City shall not designate the House or the site to which it is relocated as historic. This does not preclude Kent Harrison Robbins or successors from applying for historic designation of the House at the new location.

3. EXTENSION OF DESIGNATION PROCESS AND DEMOLITION PERMITS

The expiration of the pending historic designation process before the Miami Beach City Commission and the afore-referenced demolition permits shall both be extended for the following periods:

A. During the course of the approved relocation process and

B. Until 90 days following the completion of the above relocation

process or 90 days from the notice by certified mail of an alleged breach of this Agreement, whichever occurs first and

C. Throughout and including the December 21, 1994 designation hearing and any continued hearing granted by the City Commission pursuant to Paragraph 2A above.

4. NOTICES

All notices and communications in writing required or permitted in this Agreement shall be mailed by Certified Mail with proof of receipt. Until changed by notice in writing, all such notices and communications shall be addressed as follows:

To the City:	Office of the City Manager 1700 Convention Center Drive Miami Beach, Florida 33139 (305) 673-7010
To the Owner:	Kent Harrison Robbins, Esquire 1224 Washington Avenue Miami Beach, Florida 33139 (305)

5. BREACH

The Owner and City agree that time is of the essence. Should either party fail to cure a breach after 5 days written notice, the noticing party may initiate litigation to compel specific performance and any other remedies allowed by law. The prevailing party in any such cause of action shall be entitled to receive costs and reasonable attorney's fees including those incurred throughout all litigation and appeals. Notice of any breach shall be provided as

set forth in Paragraph 4 herein.

6. ENTIRETY OF AGREEMENT

This writing embodies the entire Agreement and understanding between the Owner and the City, and there are no other agreements and understanding, oral or written with reference to the subject matter hereof that are not merged herein and superseded hereby. This Agreement is not intended to restrict or affect the rights, remedies, privileges, and immunities of the parties and any causes of actions that they may have now or may accrue in the future that arise from any controversy concerning 7600-7644 Collins Avenue.

7. NO CHANGES TO AGREEMENT

No change in the terms of this Agreement shall be valid unless made in writing, signed by both Owner and City and approval by the City Commission of the Miami Beach.

8. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the United States.

9. EXCLUSIVE LITIGATION VENUE

The exclusive venue for any litigation between the Owner and the City shall be Dade County, Florida.

IN WITNESS WHEREOF, the City and Owner have caused this Agreement Between City of Miami Beach and Kent Harrison Robbins for Preservation of a Coral Rock House to be executed as of the date first entered above.

CITY OF MIAMI BEACH, FLORIDA

ATTEST:

BY: _____
CITY CLERK

BY: _____
MAYOR

BY: _____
KENT HARRISON ROBBINS

FORM APPROVED
Legal Dept.
By _____
Date _____

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE OF A PROPOSED AMENDMENT TO EDAW'S AGREEMENT WITH THE CITY OF MIAMI BEACH FOR THE PLANNING AND DESIGN OF THE FLAMINGO NEIGHBORHOOD RIGHT OF WAY IMPROVEMENT PROJECT TO PROVIDE FOR ADDITIONAL PROFESSIONAL SERVICES IN THE AMOUNT OF $556,219 REQUIRED TO IMPLEMENT THE PROJECT.**

ADMINISTRATION RECOMMENDATION

Refer the item.

ANALYSIS

On July 18, 2001, the City executed an agreement with EDAW for the planning and design of the Flamingo Neighborhood Right of Way Improvement Project with a not-to-exceed fee of $1,840,000. Amendments One (1) and Two (2) for, respectively, the design of Meridian Avenue improvements ($35,999) and improvements within the South Pointe RDA and City Center RDA ($278,806), were approved on 9/11/02, increasing the total contract value to $2,154,805. Amendment Three (3) for the provision of additional geotechnical investigations in the amount of $63,298 was approved on 10/15/03 further increasing the total contract value to $2,218,103. Amendment Four (4) was negotiated and approved by the City in December 2004 in the amount of $14,423 for additional professional services required to prepare the application and supporting documentation and present the Project 60% design documents to the Historic Preservation Board bringing the total contract value to $2,232,526.

First, as work on the Project has continued, a need for a number of additional required services has been identified. Original scopes of work were prepared for the various neighborhood consultants based upon input from the various Departments, such as Planning and the Public Works Departments. Underground utility infrastructure requirements were identified at the onset of the program via a series of meetings that were intended to identify those utilities that required replacement as part of the neighborhood improvement projects. As the planning and design phases progressed, the Public Works Department finalized its field data collection and system evaluation activities. This additional investigative work identified the need for additional water mains to be replaced based upon anticipated system capacity requirements and end of useful life criteria. A prioritized water main replacement program was established with three priority levels.

Agenda Item C4B
Date 3-16-05

Sufficient funding was determined to be available to replace all identified citywide Priority 1 and Priority 2 water mains. However, funding shortfalls precluded the replacement of all but the most important Priority 3 lines, as established by the Public Works Department. This effort took over 24 months to perform.

In an effort to move the neighborhood improvement projects forward, detailed design activities proceeded on a parallel path to the Public Works Department's investigative effort. Some of the water mains that were initially identified to be replaced in the original scope of work were not included in the prioritized listing. Other prioritized water mains were identified and were not included in the original scope of work. Therefore, it became necessary to amend the original Agreement to provide neighborhood consultants with the requisite compensation to design,permit and provide construction administration services for the additional work.

As a result of these analyses, a revised total of 23,880 linear feet (or 4.5 miles) of water mains were identified to be replaced within the Project boundaries. A fee of $280,991 was negotiated to compensate the Consultant for the additional detailed design, permitting, and construction services required to implement the revised water main scope of work; it is proposed that this cost will be funded through Water and Sewer Bond funding.

Second, the original Agreement included an allowance of $25,000 for underground utility verification to ensure that proposed improvements do not conflict with existing utilities. (Resolution of these conflicts during actual construction is extremely costly so it is critical that they be minimized or eliminated). As the Project design has progressed, the areas of potential conflict have increased substantially due to the additional water main replacements identified by the Public Works Department. In addition, the Consultant has recently raised a concern with the validity of available underground utility information provided by the various utility owners. Therefore, the Consultant has identified a need for a total of 1,414 locations that require verification. The cost of this effort is approximately $247,450. It is important to note that the underground utility verification services cost proposal obtained is a very competitive rate due to the volume of work to be performed. Further, this is a reimbursable cost, and every effort will be made to utilize only that portion which is required. To this end, the Program Manager has obtained related information from the State of Florida Department of Transportation which, once the testing process begins, may reduce the actual number of required locations.

The original scope of services established an allowance of $25,000 for this effort. It was always contemplated at the project initiation that this allowance would have to be reevaluated when additional utility information was made available by the utility owners. Therefore, an additional $222,450 is required to supplement the existing allowance. Further, there is additional effort on the part of the Consultant to coordinate the increased number of test holes; the City negotiated an amount of $20,359 for this additional effort. Therefore, the total cost of proposed **additional services related to utility verification is $242,809** and is proposed to be funded through Water and Sewer and Stormwater Bond funding.

Third, as a result of additional time needed to reach consensus on the Project scope with both the community and City Departments, **the planning phase of the Project extended 22 weeks (approximately five and a half months) beyond the period specified in the original Agreement,** requiring a substantial additional effort by the Consultant. A fee of $12,225 was negotiated for these additional services; this amount is proposed to be funded with G.O. Bond funding.

Finally, the City has developed a standard procedure for addressing right-of-way encroachments that requires the encroachments to be listed in a particular format by address and disposition that was not specified in the original Agreement. **Encroachments identified in the Flamingo neighborhood number in the hundreds**, and a fee of $20,194 was negotiated for this additional effort provided by the consultant. This amount is proposed to be funded with G.O. Bond funds.

Together, these additional services totaling $556,219 constitute Amendment Five to EDAW's Agreement for the planning and design of the Flamingo Neighborhood ROW Improvements Project. The Neighborhood ROW Improvement Program Manager Hazen and Sawyer has determined that these additional services are required to implement the Project. This Amendment will increase the total EDAW contract value to $2,788,745 out of a total Project cost of approximately $32.6 million.

The Administration requests a referral to the Finance and Citywide Projects Committee for discussion and recommendation to the Mayor and City Commission on this item. The Committee's recommendation will be presented at the April 20th City Commission meeting.

JMG/RCM/TH/JEGM/DPS

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: **Jorge M. Gonzalez**
City Manager

FROM: **Saul Gross**
Commissioner

DATE: **March 9, 2005**

RE: **Agenda Item**

Please place on the March 16th City Commission Agenda a referral to the Neighborhoods Committee to discuss restoring metered parking to the cul de sac at Espanola Way and Drexel Ave.

SG/ml

Agenda Item C4C
Date 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE – DISCUSSION REGARDING ON-STREET PARKING/ESPANOLA WAY (AND CUL DE SAC).**

ADMINISTRATION RECOMMENDATION

Refer the item.

ANALYSIS

On-street parking on the 400 block of Espanola Way consists of loading zones for commercial deliveries from 6:00 A.M. to 6:00 P.M. and there is no parking allowed daily between 6:00 P.M. and 6:00 A.M. and all day Saturdays and Sundays due to the street closure. The 1400 block of Drexel Avenue from 15th Street to Espanola Way is currently metered on-street parking; however, Espanola Way south to the cul de sac, there are commercial loading zones during the hours of 6:00 A.M. and 6:00 P.M. and no parking between 6:00 P.M. and 6:00 A.M daily and/or all day Saturdays and Sundays. Vehicular traffic is allowed to flow through the cul de sac on weekdays; however, on-street parking is not allowed during the aforementioned street closure time frames.

The Administration's recommendation for discussion is to re-establish on-street parking on Drexel Avenue south of 15th Street during non-street closure time frames. Currently, vehicular traffic is allowed through the cul de sac on weekdays and pedestrians must use the sidewalks, crosswalks, and contend with vehicular traffic. Moreover, on-street parking in the area is at a premium. Albeit, a small number of potential spaces, these additional on-street metered spaces would somewhat alleviate the demand for public parking in the area.

The Administration is preparing and will make a presentation at the committee meeting.

JGM/TH/SF
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REPORTS

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE MEETING OF FEBRUARY 17, 2005.**

A meeting of the Finance and Citywide Projects Committee was held on February 17, 2005 at 2:45 p.m. in the City Manager's Large Conference Room.

NEW BUSINESS:

1. **Discussion on Reallocation of Funds to Provide for Additional Services to Reynolds Smith and Hills to Complete the Documents for the La Gorce Neighborhood Improvement Project.**

2. **Discussion on Reallocation of Funds to Provide for Additional Services to Reynolds Smith and Hills to Complete the Documents for the Nautilus Neighborhood Improvement Project.**

*******Items 1 and 2 were heard jointly*******

ACTION

The Committee moved the items to the February 23, 2005 City Commission Meeting, provided that La Gorce Neighborhood and Nautilus Neighborhood Home Owner's Associations are provided with sufficient notice of the proposed items.

Acting Capital Improvement Projects Director Jorge E. Chartrand introduced and summarized the item. Mr. Chartrand stated that the Administration is requesting the reallocation of funding for additional design efforts in the amount of $42,000 for the La Gorce Neighborhood Right of Way (ROW) Infrastructure Improvements Project and $65,000 for the Nautilus Neighborhood ROW Infrastructure Improvements Project. Mr. Chartrand stated that the funding, if approved, will be reallocated from the project contingency line item to architectural and engineering (A&E) services.

Mr. Chartrand stated that the Administration has held negotiations with Reynolds Smith & Hills, consultant for the two projects, for additional architectural and engineering services that would amend the consultant's current agreement and provide for the following services to be incorporated as part of the proposed improvements:

Agenda Item C6A
Date 3-16-05

La Gorce Neighborhood ROW Infrastructure Improvements Project:

- Rehabilitation of two existing outfalls for stormwater improvements;
- Design of ten additional gravity disposal wells to meet mandated regulatory agency stormwater improvements; and,
- Preparation of drawings for the coordination of stormwater improvements and the pavement of roads.

Nautilus Neighborhood ROW Infrastructure Improvements Project:

- Incorporation of two new and two existing outfalls for stormwater improvements;
- Addition of two new pump stations and the related injection wells to service low lying areas within the neighborhood.

Mr. Chartrand added that since the Basis of Design Reports (BODR) for the two neighborhoods were originally approved by the City Commission; several factors have led to an increase in the projects estimated budgets. These factors include: an increase in the cost of materials; an increase in construction costs in South Florida; the availability of more detailed topographic information necessitating the rehabilitation of existing outfalls and additional wells for storm water disposal; and, the addition of two new pump stations.

Mr. Chartrand stated that as a result of these factors and the additional required efforts, the La Gorce Neighborhood ROW Infrastructure Improvements Project construction budget would require an additional $1.6 million and the Nautilus Neighborhood ROW Infrastructure Improvements Project an additional $3.3 million.

Mr. Chartrand added that the Capital Improvements Office and the Public Works Department have been reviewing value engineering cost reduction opportunities and alternatives which could eliminate a portion of the construction costs differences between the original BODR's and current cost estimates.

Chairman Jose Smith asked whether the General Obligation (G.O.) Bond Oversight Committee has had the opportunity to review these two items. Mr. Chartrand replied that the G.O. Bond Oversight Committee is aware that the items have been referred to the Finance and Citywide Projects Committee.

Vice-Chairman Richard L. Steinberg stated that the G.O. Bond Oversight Committee serves as an advisory board to the City Commission on issues related to G.O. Bond Projects.

Assistant City Manager Robert C. Middaugh Jr. stated that the Administration is presenting these items to the Finance and Citywide Projects Committee as a heads up to the Committee that funding shortages exist in these two neighborhoods as well as a number of additional neighborhoods where additional stormwater improvements are required. Mr. Middaugh further stated that traditionally it has been the policy of the G.O. Bond Oversight Committee to review modifications/additions to hard costs.

Vice-Chairman Steinberg stated that the public has expressed concerns with government spending on soft costs, as well as hard construction costs. Vice-Chairman Steinberg additionally stated that the G.O. Bond Oversight Committee should have the opportunity to review proposed project funding issues and advise the City Commission.

Commissioner Saul Gross stated that referring this item to the G.O. Bond Oversight Committee may add additional time constraints to the projects. Commissioner Gross expressed his concerns with the CIP Office workload of over 100 projects and the possibility that there is insufficient staffing available to accommodate the heavy workload.

Commissioner Gross additionally expressed his concerns with the City's project planning and A&E process. Commissioner Gross stated that the current BODR, permitting and inspection processes impede project progress.

Vice-Chairman Steinberg stated that the two items could be placed on the G.O. Bond Oversight Committee Consent Agenda.

Chairman Smith stated that these items could be heard by the entire City Commission at the February 23, 2005 meeting provided that La Gorce Neighborhood and Nautilus Neighborhood Home Owner's Associations are provided with sufficient notice of the proposed items.

OLD BUSINESS

3. Discussion of Request for Proposals (RFP) for the Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program.

ACTION

The Committee moved the item to the full Commission, recommending approval of the proposed program.

The Committee instructed the Administration to: remove the requirement of three years governmental experience for prospective bidders; and, add governmental/public institutional experience as a weighted scoring factor in the selection process.

Mr. Middaugh introduced and summarized the item. Mr. Middaugh stated that at the January 27, 2005 Finance and Citywide Projects Committee the Administration was instructed to reject all previously received Corporate Sponsorship Program RFP's and return to the Committee for a discussion on a Sponsorship Program.

Mr. Middaugh stated that the Administration has established a set of evaluation criteria for the proposed program in an effort to maximize potential returns to the City. Mr. Middaugh stated that the refinements made to the proposed RFP will define the City's expectations with a program that is better tailored to the City of Miami Beach's unique marketing potential.

Vice-Chairman Steinberg asked how many applicants submitted a proposal to the original Corporate Sponsorship Program RFP issued by the City. Procurement Division Director Gus Lopez replied that the City received ten proposals of which five would have not met established requirements.

Vice-Chairman Steinberg stated that the proposed criteria list a minimum of three years corporate sponsorship experience in government (city or state); however, the City may want to accept applications from firms that have large university and/or public institution corporate marketing experience.

Mr. Lopez stated that under the draft language requiring three years of government experience, the top two applicants from the original Corporate Sponsorship Program RFP would not have met this prerequisite.

Commissioner Gross suggested deleting the requirement for three years of government experience in order to open up competition for otherwise qualified firms. Commissioner Gross added that government experience could be considered as a weight factor in scoring the proposals.

Mr. Middaugh stated that the Administration is proposing a two phase process for the Corporate Sponsorship Program RFP. City Manager Jorge M. Gonzalez stated that the first phase would involve the competitively selected vendor completing a citywide asset inventory. Mr. Gonzalez stated that the second phase entailed identifying what the most appropriate type of sponsor would be for a particular asset.

Mr. Gonzalez stated that under the current proposal the City will retain the right whether to use the same vendor for both phases of the program or use separate vendors for each phase.

Mr. Gonzalez added that the City would retain complete control over the entire program; with the Administration bringing each step-by-step component to the Mayor and City Commission for consideration and approval.

Chairman Smith stated that one of the issues that exist during the first phase of the program is whether the City chooses to use the Broker Model or the Consultant Supported (Middle-Man) Model.

Development Coordinator Joseph Moore III summarized the differences between the Broker Model and the Consultant Supported Model.

Mr. Middaugh stated that the Administration is requesting that prospective bidders submit their proposals priced by phase with the understanding that if a vendor is awarded the first phase of the program, there is no guarantee that they will be awarded the second phase of the program.

Chairman Smith stated that there would probably be more applicants interested in bidding for the program if they were guaranteed the front end and back end of the contract. Chairman Smith added that either way, ultimate control of the program rests with the City.

Mr. Gonzalez replied that the vendor selected is responsible for bringing forward potential corporate sponsorship opportunities with the City ultimately deciding whether to proceed with the identified prospect.

Chairman Smith added that there may be times when the City may select a sponsorship opportunity because of the marketing value generated by associating with a particular brand name as opposed to actual revenue generation.

Vice-Chairman Steinberg and Commissioner Gross stated that they would feel comfortable with a competitively bid Broker Model.

Chairman Smith shared his concerns about the possibility of over-commercialization in Miami Beach.

4. Discussion regarding the List of Projects and Establishment of Additional Criteria for the Renewal and Replacement Fund.

ACTION

The Committee moved the item to the full Commission.

Budget and Performance Improvement Director Kathie G. Brooks introduced and summarized the item. Ms. Brooks stated that at the December 14, 2004 Finance and Citywide Projects Committee meeting, the Administration was instructed to establish a more defined set of criteria for use of the Capital Renewal and Replacement Fund.

Ms. Brooks stated that the Committee instructed the Administration to: summarize the criteria into three critical areas; include a preamble/whereas clause; and, provide a provision for emergency use of the funds.

Ms. Brooks summarized the proposed changes which will amend the current Capital Renewal and Replacement Fund Resolution No. 2004-25697.

Ms. Brooks stated that the proposed Resolution limits use of the funds to projects that will: extend the useful life of an asset by at least five years with a threshold value of at least $25,000; or, significantly reduce future maintenance costs over the remaining life of the asset. Ms. Brooks added that the draft Resolution contains an emergency provision which authorizes, with a five-seventh (5/7) City Commission vote, additional uses of the funds for unforeseen or unanticipated events affecting life, health, property or public safety.

The Committee reviewed the modified Capital Renewal and Replacement Fund project list. Mr. Middaugh pointed out that a number of projects that initially anticipated receiving funding from Capital Renewal and Replacement Fund are now being funded by Miami-Dade County General Obligation Bonds.

5. Discussion regarding Quality of Life Funds.

ACTION

The Committee instructed the Administration to: develop a method to ensure input from residents and organizations from North, Middle and South Beach; and, bring back this item to a future Committee meeting for discussion.

Mr. Gonzalez introduced and summarized the item. Mr. Gonzalez stated that the allocation of Quality of Life Funds has been previously reviewed by the Finance and Citywide Projects Committee and by a City Commission Workshop. Mr. Gonzalez added that Quality of Life Funds are equally distributed between North Beach, Middle Beach, South Beach and the Arts.

Mr. Gonzalez explained how collections from the one percent municipal resort tax, which provides funding for the City's Quality of Life initiative, is currently used. Mr. Gonzalez added that fifty percent of the amount earned is committed to the payment of a portion of the debt service on the City Center/Historic Convention Village RDA Bonds.

Mr. Gonzalez added that the other fifty percent is allocated equally among North Beach, Middle Beach, South Beach, and beginning with fiscal year 2004/05 the Cultural Arts Council.

Mr. Gonzalez stated that the Administration is proposing funding Quality of Life projects in the three city areas in a manner consistent with that used for Middle Beach and South Beach. Mr. Gonzalez additionally stated that the Administration is proposing to distribute Quality of Life Funds for the following four purposes:

- Capital Projects/Beautification;
- Sanitation;
- Security and Code Enforcement; and,
- Marketing

Mr. Gonzalez added that these efforts would provide for a cleaner, safer and more beautiful Miami Beach.

Mr. Gonzalez stated that the marketing component is recommended at $50,000 for each area, North Beach, Middle Beach, and South Beach to match the $150,000 in funding provided by the Greater Miami Convention Center and Visitor's Bureau (GMCVB) and $50,000 each from the City of Miami Beach Visitor and Convention Authority and the Cultural Arts Council to create a local marketing strategy managed by the City totaling $400,000. Mr. Gonzalez added that the Mayor and City Commission could determine the proportionate funding share of each area of the marketing strategy annually during the budget process.

Mr. Gonzalez noted that the proposed Quality of Life Funding for Capital Projects; Beautification; Sanitation, Security and Code Enforcement; and, Marketing are not intended to supplant, but rather to enhance, the current service levels provided.

Mr. Gonzalez added that the City has received positive feedback from residents and businesses located in the City's two Redevelopment Districts (RDA) where enhanced community policing and sanitation efforts have been funded. Mr. Gonzalez stated that the Administration is trying to replicate the successful RDA model.

Mr. Gonzalez read, from the agenda package, the paragraph which spells out the allowable uses of municipal resort tax funds as amended in Florida Statutes Chapter 67-930 (Section 6) and originally located in the City of Miami Beach Charter Section 43 ½, establishing the following uses: the promotion of the tourist industry, which includes, but is not restricted to the following: publicity, advertising, news bureau, promotional events, convention bureau activities, capital improvements and the maintenance of all physical assets in connection therewith; and for the payment of the reasonable and necessary expenses of collecting, handling and processing of said tax.

Mr. Gonzalez described the current process used in North Beach in which the North Beach Development Corporation (NBDC) administers the North Beach allocation of Quality of Life Funds for area wide initiatives. Mr. Gonzalez stated that the NBDC conducts a public process to determine which North Beach projects are recommended for funding. Mr. Gonzalez added that NBDC request is then submitted to the City for review and formal approval by the City Commission. Mr. Gonzalez added that the Administration is not suggesting to use future Quality of Life Funds in the same manner NBCD is currently using the funds.

Chairman Smith asked if the Administration was proposing to equally distribute the future Quality of Life Funds between North Beach, Middle Beach, and South Beach. Mr. Gonzalez replied "yes," but for the four purposes mentioned: Capital Projects/Beautification; Sanitation; Security and Code Enforcement; and, Marketing.

Vice-Chairman Steinberg stated that it appears that South Beach usually receives the bulk of the City's funds earmarked for marketing. Mr. Gonzalez stated that the intention of creating and funding the marketing strategy is to market the entire City of Miami Beach in a coordinated marketing effort, not just to market South Beach.

Chairman Smith stated that the GMCVB routinely markets South Beach and fails to adequately market North Beach.

Vice-Chairman Steinberg stated that the North Beach Model works. Vice-Chairman Steinberg added that the two other areas could try to mimic and tweak the NBDC model.

Commissioner Gross added that the North Beach model empowers the residents in the neighborhood.

Chairman Smith stated that he would like to give the residents of North Beach and members of the NBDC a chance to respond to the Administrations proposal because they are directly impacted. Mr. Gonzalez said that the Administration brought the discussion of Quality of Life Funds initially to the Finance and Citywide Projects Committee for feedback and direction before discussing and ascertaining NBDC's input.

The Committee agreed that Quality of Life Funds should be used in the areas of Capital/ Beautification improvements, Quality of Life initiatives, and the Marketing of Miami Beach; but, suggested the Administration develop a method that ensures the City obtains input from residents and organizations in North, Middle, and South Beach.

Commissioner Matti H. Bower stated that the Administration should seek input from the three Miami Beach areas and bring back this item to a future meeting for discussion.

*******Informational Item - Miami-Dade County General Obligation Bonds*******

Mr. Gonzalez alerted the Committee that funding from the 2004 approved Miami-Dade County General Obligation Bonds may take some time before they are made available. Mr. Gonzalez stated that the City may have a moral obligation to up-front (loan) funds to some time-sensitive projects, particularly projects that deal with life, health, property or public safety, i.e. Fire Station No. 2 and 4.

The Committee authorized the Administration to proceed and move forward with funding for the Fire Stations if necessary.

Mr. Gonzalez stated that the Administration would be prepare and provide a list of the time-sensitive projects to the Committee.

JMG/PDW/mim
T:\AGENDA\2005\March 16, 2005\CONSENT\Fin & CW 02-17-05

ATTENDANCE SHEET

MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: - FEBRUARY 17, 2005 TIME: - 2:30 P.M.

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE – THANK YOU

PLEASE PRINT NAME	BUSINESS NAME & PHONE
JAY MOORE	CMB – PARKS + REC.
Basil Vasilion	MBBAC
GIL ZRINY	HILDA APTS
JULIO MAGRISSO	PARKS & REC.
KEVIN SMITH	Parks + Rec.
KATHIE BROOKS	CMB - BUDGET & PERF. IMP.
JORGE CARTRAW	CMB – CM
Robert Middaugh	CMB / Mgr.
JOSE CRUZ	CMB – BUDGET + PERF. IMP.
MANNY MARQUEZ	CMB – FIN
PATRICIA WALKER	" "
Richard Steinberg	CMBC
Joe Smith	CMB.
Dolores Mejia	CMB – Mayor & COMM.
Esther Perez-Trujillo	Aide City Comm'r Garcia
Matthew Bonner	
JORGE GONZALEZ	CMB – CMO

ATTENDANCE SHEET

MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: - FEBRUARY 17, 2005 TIME: - 2:30 P.M.

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE – THANK YOU

PLEASE PRINT NAME	BUSINESS NAME & PHONE
SAUL GROSS	CMB - COMM.
JORGE CHARTRAND	CMB-CIP

C7
RESOLUTIONS

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution setting a Public Hearing pursuant to Section 142-425, Miami Beach City Code, to consider an amendment to the zoning map by changing the zoning district classification of property located at 2620 Biarritz Drive, from GU (Government Use) to RS-3 (Single Family Residential), following the property's conveyance by the City to a private party, pursuant to City Commission Resolution No. 2005-25829, all in accordance with the City's Comprehensive Plan and Land Development Regulations.

Issue:

Shall the City Commission adopt the Resolution setting the Public Hearing?

Item Summary/Recommendation:

On March 9, 2004 the voters of the City were presented with a ballot question regarding whether the City should sell waterfront property located at 2620 Biarritz Drive, with the sale proceeds to be utilized for the renovation of the Normandy Shores Golf Course. The matter was approved by a majority of the voters at that time.

On February 18, 2005, the property was offered for sale, at auction, to the highest qualified bidder, which executed a Primary Real Estate Sales Contract. The Second highest bidder also executed a "Back-up" Real Estate Sales Contract. On February 23, 2005, the Mayor and City Commission approved and authorized execution of the Primary Contract and Back-Up Contract. The Property currently has a GU zoning classification, and due to the conveyance to a private party requires a change in zoning district classification. Since the property is located next to an RS-3 District, an RS3 designation would be the most appropriate for the property once in private ownership.

The Administration recommends that the Mayor and City Commission set the required Public Hearing for April 20, 2005.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Tim Hemstreet/Joe Damien

Sign-Offs:

Department Director	Assistant City Manager	City Manager

N:\$ALL\ASSET\2620BiarritzDrive\2620ZoningChangePublic HearingSUM.doc

Agenda Item C7A

Date 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING PURSUANT TO SECTION 142-425, MIAMI BEACH CITY CODE, TO CONSIDER AN AMENDMENT TO THE ZONING MAP BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF PROPERTY LOCATED AT 2620 BIARRITZ DRIVE, FROM GU (GOVERNMENT USE) TO RS-3 (SINGLE FAMILY RESIDENTIAL), FOLLOWING THE PROPERTY'S CONVEYANCE BY THE CITY TO A PRIVATE PARTY, PURSUANT TO CITY COMMISSION RESOLUTION NO. 2005-25829, ALL IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS.**

Recommendation:
Adopt the Resolution.

HISTORY

The Referendum

On December 10, 2003, the Mayor and City Commission adopted Resolution No. 2003-25440 approving the submission of a ballot question to the electorate, asking whether the a City-owned vacant park/waterfront lot at 2620 Biarritz Drive shall be sold and the proceeds applied to the renovation of the Normandy Shores Golf Course. The issue had been previously discussed at the November 20, 2003, Finance and City Wide Projects Committee with a positive recommendation forwarded to the Mayor and City Commission.

On the March 9, 2004, Miami-Dade County's Presidential Preference Primary Election ballot,the voters of the City of Miami Beach were presented with seven City ballot questions, including Ballot Question No. 7 entitled, "Sale of 2620 Biarritz Drive", which read:

> "Shall the City of Miami Beach sell 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?"

and the matter was approved by a majority of the voters at that time.

On February 18, 2005, the Property was offered for sale, at auction, to the highest qualified bidder, which executed a Primary Real Estate Sales Contract. On that same day the second highest bidder also executed a "Back-Up" Real Estate Sales Contract. On February 23, 2005, the Mayor and City Commission adopted Resolution No. 2005-25829, approving and authorizing execution of the Primary Contract, as well as the Back-Up Contract (in the event the Primary Contract does not close).

The Property is currently located in an area that has a GU (Government Use) zoning district classification, and due to the pending conveyance of the Property to a private party would require a change in zoning district classification. Pursuant to Section 142-425, of the Miami Beach City Code:

> "Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the City Commission in a manner consistent with the comprehensive plan."

The Property is currently located adjacent to a single-family residential district with a zoning district classification of RS-3 (Single Family Residential District). Due to the foregoing, the City Administration deems that an RS3 designation would be the most appropriate for the Property once in private ownership.

As such, and pursuant to Section 142-425 of the Miami Beach City Code, the Administration recommends that the Mayor and City Commission set the required Public Hearing for April 20, 2005, to consider an amendment to the zoning map by changing the zoning district classification of the property located at 2620 Biarritz Drive, Miami Beach, Florida, from GU (Government Use) to RS-3 (Single Family Residential), following the Property's conveyance by the City to a private party, pursuant to City Commission Resolution No. 2005-25829, and in accordance with the City's Comprehensive Plan and Land Development Regulations.

JMG:CMC:TH:JD:rd

N:\$ALL\ASSET\2620BiarritzDrive\2620ZoningChangePublicHearingMEM.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING PURSUANT TO SECTION 142-425, MIAMI BEACH CITY CODE, TO CONSIDER AN AMENDMENT TO THE ZONING MAP BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF PROPERTY LOCATED AT 2620 BIARRITZ DRIVE, FROM GU (GOVERNMENT USE) TO RS-3 (SINGLE FAMILY RESIDENTIAL), FOLLOWING THE PROPERTY'S CONVEYANCE BY THE CITY TO A PRIVATE PARTY, PURSUANT TO CITY COMMISSION RESOLUTION NO. 2005-25829, ALL IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS

WHEREAS, on December 10, 2003, the Mayor and City Commission adopted Resolution No. 2003-25440, approving the submission of a ballot question to the electorate, asking whether the City-owned property at 2620 Biarritz Drive (the "Property") should be sold and the proceeds applied to the renovation of the Normandy Shores Golf Course; and

WHEREAS, on March 9, 2004, during Miami-Dade County's Presidential Preference Primary Elections ballot, the voters of the City of Miami Beach were presented with seven City ballot questions, including Ballot Question No. 7 entitled, "Sale of 2620 Biarritz Drive", which read:

> "Shall the City of Miami Beach sell 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?" ;

and

WHEREAS, the voters approved the aforementioned Ballot Question; and

WHEREAS, the Property was offered for sale, at auction, on February 18, 2005; and the highest qualified bidder, executed a Primary Real Estate Sales Contract, and the second highest bidder executed a "Back-Up" Real Estate Sales Contract; and

WHEREAS, on February 23, 2005, the Mayor and City Commission adopted Resolution No. 2005-25829, approving and authorizing execution of the Primary Contract, as well as the Back-Up Contract, in the event the Primary Contract does not close; and

WHEREAS, the Property is currently located in an area that has a GU (Government Use) zoning district classification, and due to the pending conveyance of the Property to a private party would require a change in zoning district classification; and

WHEREAS, pursuant to Section 142-425, of the Miami Beach City Code, "Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the City Commission in a manner consistent with the comprehensive plan"; and

WHEREAS, the Property is currently located adjacent to a single-family residential district with a zoning district classification of RS-3 (Single Family Residential District), and as such the City Administration has deemed that an RS3 designation would be the most appropriate for the Property once in private ownership.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, a Public Hearing be set for April 20, 2004, pursuant to Section 142-425 of the Miami Beach City Code, to consider an amendment to the zoning map by changing the zoning district classification of property located at 2620 Biarritz Drive, from GU (Government Use) to RS-3 (Single Family Residential), following the Property's conveyance by the City to a private party, pursuant to City Commission Resolution No. 2005-25829, all in accordance with the City's Comprehensive Plan and Land Development Regulations.

PASSED and ADOPTED this **16th** day of **March, 2005.**

ATTEST:

CITY CLERK	**MAYOR**

JMG\CMC\JD\rlr

F:\DDHP\$ALL\ASSET\2620BiarritzDrive\2620ZoningChangePublic HearingRES.DOC

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-8-05 Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution approving a waiver, by 5/7ths vote, of the competitive bidding process, finding such waiver to be in the City's best interest; and authorizing the Mayor and City Clerk to execute an Agreement with Musco Lighting as the provider of a maintenance free sports lighting system at Fairway Park, in an estimated amount of $311,700.00, to be installed at the sports-field, basketball court, and two (2) tennis centers.

Issue:

Shall the Commission adopt the Resolution?

Item Summary/Recommendation:

Fairway Park is a neighborhood park that will receive improvements as part of the City of Miami Beach Parks Master Plan Bond Program, adopted by the City Commission on June 19, 1996. As part of the planned improvements, a sports lighting system will be installed on the grounds.

Within the City Parks Program, there is an increased need for extended night time play hours, given that the Park has no lighting of its own and the influx of new residents in the vicinity of the Park that would participate in new programs, such as night time open basketball play, soccer and baseball league play, etc., the implementation of these improvements needs to be expedited. **While the review and permitting of the construction documents is being performed, a process that would take at least eight months, the sports lighting system can be procured and installed.** The design, permitting process, and installation of the sports lighting package can be performed independently to the rest of the Park's improvements. Consequently, it is in the best interest of the City to implement this phase as expeditiously as possible, so the North Beach residents can enjoy the use of the facilities while the Park is being improved.

Musco Lighting has specialized in sports-lighting. Musco's proposal for the furnishing and installation of the system includes a 10-year parts and labor warranty for the Fairway Park sports lighting equipment and, from this point on, will provide this warranty coverage on all future projects with the City of Miami Beach, Florida. Musco's technology will provide monitoring of the sports lighting system which includes the ability of evaluate lamp outages, fuses blown, breaker trips, and lamp recycling. These functions have been developed by Musco. Musco will provide next business day repair service when an outage has occurred and will reduce energy consumption by 40% percent.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

	Amount	Account	Approved
1	$311,700.00	FUND 370: 1995 General Obligation Parks Bond (already appropriated)	
2			
3			
4			
Total	$311,700.00		

Finance Dept.

City Clerk's Office Legislative Tracking:

M. Alexandra Rolandelli, CIP Office

Sign-Offs:

Department Director	Assistant City Manager	City Manager

N-FairwayPk-02-03162005

AGENDA ITEM C7B

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A WAIVER, BY 5/7THS VOTE, OF THE COMPETITIVE BIDDING PROCESS, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST ; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND MUSCO LIGHTING TO BE THE PROVIDER OF A MAINTENANCE FREE SPORTS LIGHTING SYSTEM AT FAIRWAY PARK, IN AN ESTIMATED AMOUNT OF $311,700.00, TO BE INSTALLED AT THE SPORTS-FIELD, BASKETBALL COURT, AND TWO (2) TENNIS COURTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING:

Funds in the amount of $311,700.00 are available from the 1995 Parks General Obligation Bond (FUND 370) from the construction budget for the project, and have previously been appropriated.

ANALYSIS:

Fairway Park is a neighborhood park that will receive improvements as part of the City of Miami Beach Parks Master Plan Bond Program, adopted by the City Commission on June 19, 1996. As part of the planned improvements, a sports lighting system will be installed on the grounds.

The planned improvements to the Park will consist of a new sport lighting system; refurbishing of a sports field, two tennis courts, and a basketball court; installation of a new perimeter fence; and construction of new park facilities, including public restrooms, administrative office, storage space, and semi-covered public space. Plans and specifications for the Project were developed in 2001; an Invitation to Bid was issued, but the sole bidder's price proposal was much higher than the available budget at the time.

Now, the construction documents need to be revised to comply with the existing codes and regulations and to reflect the current available funding. In addition, the significant improvements at the North Shore Park and Youth Center, already in operation, and the Normandy Isle Park and Pool, currently under construction, make the proposed recreation center at the Fairway Park unnecessary. A smaller facility will comply with the Park's requirements.

Within the City Parks Program, there is an increased need for extended night time play hours. Given that Fairway Park has no lighting of its own and the influx of new residents in the vicinity of the Park that would participate in new programs, such as night time open basketball play, soccer and baseball league play, etc., the implementation of these improvements needs to be expedited. **While the review and permitting of the construction documents is being performed, a process that would take at least eight months, the sports lighting system can be procured and installed.** An advantage of undertaking the sport lighting improvement as the first phase of the Project is the fact that the residents would be able to enjoy night time sports activities, while the rest of the improvements are in progress. The design, permitting process, and installation of the sports lighting package can be performed independently to the rest of the Park's improvements. Consequently, it is in the best interest of the City to implement this phase as expeditiously as possible, so the North Beach residents can enjoy the use of the facilities while the Park is being improved.

Sports lighting of athletic facilities is unique. The lighting system should minimize light output above the horizontal plane to the extent possible, while providing safe illumination, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America. Musco Lighting (Musco) has specialized in sports-lighting and has already installed sport lighting systems at the City's North Shore Park and Tennis Center, Flamingo Baseball field, Palm Island Tennis Courts, and the Crespi, Tatum, and Stillwater Parks Basketball Courts.

Musco's proposal for furnishing and installation of the system includes a 10-year parts and labor warranty for the Fairway Park sports lighting equipment. With the number of City projects already completed, Musco is proposing to extend this warranty to all future projects with the City of Miami Beach, Florida. Musco's own technology will provide monitoring of the sports lighting system which includes the ability to evaluate lamp outages, fuses blown, breaker trips, and lamp recycling. Musco will guarantee lighting levels for 5,000 hours free of maintenance. These functions have been developed by Musco. Musco will provide next business day repair service when an outage has occurred. Musco provides a 24 hour call center with live staff to answer all calls and verify that schedules have processed, and real time monitoring of all schedules to insure they have progressed (Exhibit "A").

Musco is an industry leader in controlling unwanted light and glare into surrounding neighborhoods. Musco's design is based on the premise to light the Project with 40% fewer fixtures than other manufacturers in the marketplace, which has the potential` to

translate to 40% less energy costs per month and 40% less demand charges from Florida Power and Light (FPL). The light intensity at the Fairway Park's multi-purpose area and tennis courts will be designed for 30 foot-candles and at the basketball court for 20 foot-candles. Musco's proposal for all these services is $311,700.00, as outlined in Exhibit "B".

The Administration recommends that the City Commission approve a waiver, by 5/7ths vote, of the competitive bidding process, finding such waiver to be in the City's best interest; and authorize the Mayor and City Clerk to execute an agreement between the City of Miami Beach, Florida and Musco Lighting for the provision and installation of a sport lighting system at the sports field, basketball court, and two (2) tennis courts at Fairway Park, in an estimated amount of $311,700.00. The Agreement provides for the lighting system equipment detailed planning, design, permitting, and installation services.

JMG\RCM\TH\JECh\AR\gg
T:\AGENDA\2005\Mar1605\Regular\Fairway Park Memo.doc

RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A WAIVER, BY 5/7THS VOTE, OF THE COMPETITIVE BIDDING PROCESS, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA, AND MUSCO LIGHTING TO BE THE PROVIDER OF A MAINTENANCE FREE SPORTS LIGHTING SYSTEM AT FAIRWAY PARK, IN AN ESTIMATED AMOUNT OF $311,700.00, TO BE INSTALLED AT THE SPORTS-FIELD, BASKETBALL COURT, AND TWO (2) TENNIS COURTS.

WHEREAS, Fairway Park is a neighborhood Park that will receive improvements as part of the City of Miami Beach Parks Master Plan Bond Program, adopted by the City Commission on June 19, 1996, and as part of the planned improvements, a sports lighting system will be installed on the grounds; and

WHEREAS, the planned improvements to the Park will consist of a new sport lighting system; refurbishing of a sports field, two tennis courts, and a basketball court; installation of a new perimeter fence; and construction of new park facilities, including public restrooms, administrative office, storage space, and semi-covered public space; collectively the Project; and

WHEREAS, plans and specifications for the Project were developed in 2001; an Invitation to Bid was issued, but the only bidder's price proposal was much higher than the available budget at the time; and

WHEREAS, now, the construction documents need to be revised to comply with the existing codes and regulations and to reflect the current available Project budget; and

WHEREAS, the significant improvements at the North Shore Park and Youth Center, already in operation, and the Normandy Isle Park and Pool, currently under construction, make the proposed recreation center at the Fairway Park unnecessary; and

WHEREAS, a smaller facility will comply with the Park's requirements; and

WHEREAS, within the City Parks Program, there is an increased need for extended night time play hours, given that Fairway Park has no lighting of its own, and with the influx of new residents in the vicinity of the Park that would participate in new programs, such as night time open basketball play, soccer and baseball league play, etc., the implementation of these improvements needs to be expedited; and

WHEREAS, while the review and permitting of the construction documents is being performed, the sports lighting system can be procured and installed; and

WHEREAS, an advantage of undertaking the sports lighting improvement as the first phase of the Project is the fact that the residents would be able to enjoy night time sports activities, while the rest of the improvements are in progress; and

WHEREAS, the design, permitting process, and installation of the sports lighting package can be performed independently to the rest of the Park's improvements; and

WHEREAS, consequently, it is in the best interest of the City to implement this phase as expeditiously as possible, so the North Beach residents can enjoy the use of the facilities while the Park is being improved; and

WHEREAS, the lighting system should minimize light output above the horizontal plane to the extent possible, while providing safe illumination, as determined by the recommended practices adopted by the Illuminating Engineering Society of North America; and

WHEREAS, Musco Lighting (Musco) has specialized in sports-lighting and has already installed sport lighting systems at the City's North Shore Park and Tennis Center, Flamingo Baseball field, Palm Island Tennis Courts, Crespi, Tatum, and Stillwater Parks Basketball Courts; and

WHEREAS, Musco's proposal for the furnishing and installation of the system includes a 10-year parts and labor warranty for the Fairway Park sports lighting equipment; and

WHEREAS, with the number of City projects already completed, Musco is proposing to extend this warranty to all future projects with the City of Miami Beach, Florida; and

WHEREAS, Musco's own technology will provide monitoring of the sports lighting system which includes the ability to evaluate lamp outages, fuses blown, breaker trips, and lamp recycling; and

WHEREAS, Musco will guarantee lighting levels for 5,000 hours free of maintenance; and

WHEREAS, these functions have been developed by Musco; and

WHEREAS, Musco will provide next business day repair service when an outage has occurred; and

WHEREAS, Musco provides a 24 hour call center with live staff to answer all calls and verify that schedules have processed, real time monitoring of all schedules to insure they have progressed; and

WHEREAS, Musco is an industry leader in controlling unwanted light and glare into surrounding neighborhoods; and

WHEREAS, Musco's design is based on the premise to light the Project with 40% fewer fixtures than other manufacturers in the marketplace, which has the potential` to translate to 40% less energy costs per month and 40% less demand charges from the Florida Power and Light (FPL) ; and

WHEREAS, the light intensity at the Fairway Park's multi-purpose area and tennis courts will be designed for 30 foot-candles and at the basketball court for 20 foot-candles; and .

WHEREAS, the Agreement provides for the lighting system equipment detailed planning, design, permitting, and installation services; and

WHEREAS, funds, in the amount of $311,700.00, are available from the 1995 Parks General Obligation Bond from the construction budget for the Project, and have previously appropriated.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve a waiver, by 5/7ths vote, of the competitive bidding process, finding such waiver to be in the City's best interest; and authorize the Mayor and City Clerk to execute an agreement between the City of Miami Beach, Florida and Musco Lighting to be the provider of a maintenance free sports lighting system at Fairway Park, in an estimated amount of $311,700.00, to be installed at the sports field, basketball court, and two (2) tennis courts.

PASSED and ADOPTED this 16th day of March, 2005.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-9-05 Date

Exhibit "A"

100 1st Ave West • PO Box 808 • Oskaloosa, IA 52577
Phone: (800) 825-6020 • Fax: (888) 397-8736

February 24, 2005

Miami Beach Parks & Recreation
.2100 Washington Ave
Miami Beach, Fla. 33139
ATTN :Julio Magrisso

RE: Sportslighting sole source

Dear Julio,

For more than 25 years, Musco has specialized in sports-lighting. The technology engineered into the system is unsurpassed in the marketplace, making Musco the only manufacturer that provides a factory-tested, reliable, industrial-strength product that can reduce energy costs by 40%. Simply stated, Musco can light your project with 40%fewer fixtures than any other manufacture in the marketplace. That translates to 40% less energy costs per month and 40% less demand charges from FPL.

The following key features are incorporated into our product design and are unavailable from any other manufacturer.

Warranty 10 years parts and labor / includes an insurance certificate for your protection.
Musco from this point on will provide this warranty coverage on all future projects with the City of Miami Beach, Florida. Musco's technology will provide monitoring of your sportslighting system which includes the ability to evaluate lamp outages, fuses blown, breaker trips, and lamp recycling. These functions have been developed only by Musco through years of research. Musco will call the City the next business day via. Phone or fax when on outage has occurred and will send the appropriate manpower and equipment to repair the affected equipment.

Consistent light Levels

Musco will also guarantee the light levels on your fields for 5000 hrs. This technology is unique to the industry, simple stated no one else can provide this type of guarantee for there produce except Musco .This translates to light levels that will be the same year after year.

Light Trespass & Unwanted Glare

Musco is the leader in the industry when it comes to controlling unwanted light and glare into surrounding neighborhoods . Musco's independent testing labratory reports clearly show that Musco is the undisputed leader with this technology. Musco puts the light where you need it to be not in the eyes of the community.

Musco's Control Link
True status feedback available on all manual override switches; Individually fused relays; Two-way high-speed communication system allows constant monitoring of control unit, schedules, switches and contactors.

Scheduling Features

100 1st Ave West • PO Box 808 • Oskaloosa, IA 52577
Phone: (800) 825-6020 • Fax: (888) 397-8736

Simple pass code scheduling via the internet, phone, fax, or email; Ability to schedule multiple fields at one time for multiple days in advance; No limitations to advance scheduling; Ability to add User Group information for tracking field usage

Customer Support
24 hour call center with live staff to answer all calls and verify that schedules have processed; Immediate on/off is processed through call center and validates that correct field is turned on or off; Real time monitoring of all schedules to insure they have processed; Complete control of scheduler information via the website including security codes

Reporting
Complete history of all usage is available via the website. Breakdown by facility, field, date range and user groups; Reports available in electronic format

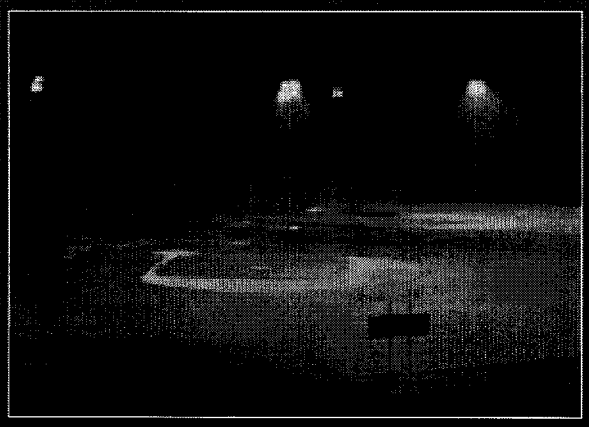
Please note that Musco is the sole provider only of this technology to the marketplace.

If you need additional information or have further questions regarding our products, please contact me at 954/ 727-8443

Sincerely,

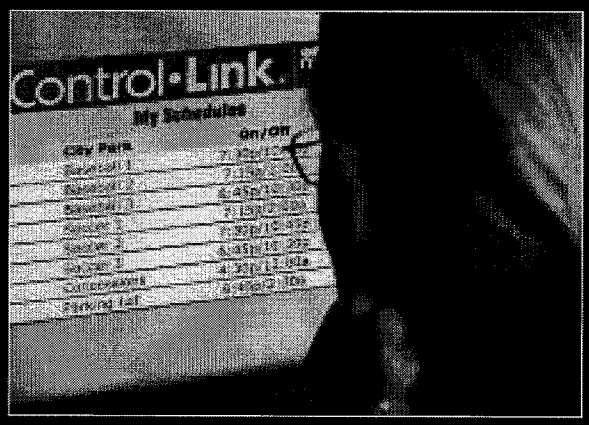
Tim Imhoff
Sales manager

Another Musco Innovation



Control•Link®

Flexible control and solid management of your facility, saves operating cost and improves service



Get fingertip control of your facilities from:

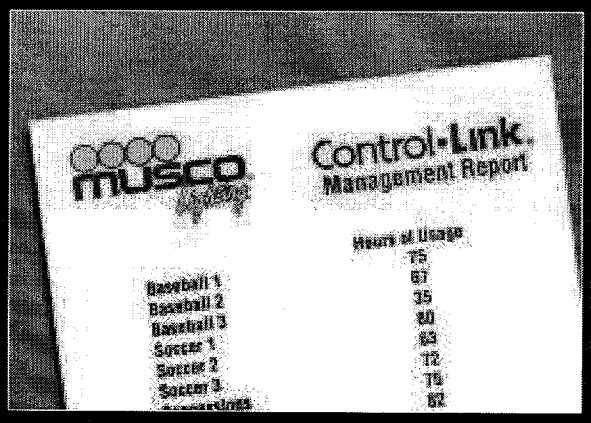
your desk

your field

your home

your phone

... from anywhere



musco Lighting

We Make It Happen.

Introducing Musco's Control-Link® System

for new and existing sports facilities

With cities and recreational needs growing faster than ever, it's critical for schools, city planners, facility managers and park and recreation departments to maximize their available resources and make solid decisions about managing and expanding their facilities.

Control-Link® is a reliable, cost effective system that helps control, monitor and manage your new or existing recreational facility lighting and any other electrically or electronically operated equipment. The Control-Link System includes our exclusive Control-Link Central™ – which is staffed 24/7 to assist in your scheduling and reporting needs, the on-site Control-Link equipment, and an industry leading warranty.

Reduce energy cost and staff legwork

Control-Link reduces energy usage by operating lights and equipment only when needed. This helps curtail taxpayers' concerns about lights operating when fields are not in use.

The automated system reduces staff traveling from field to field to turn lights on and off before and after events. Eliminates the need to distribute and track multiple sets of keys, and reduces the time it takes to coordinate staff and facility schedules.

Flexible control simplifies operational needs

Lighting schedules are entered into an easy to use Control-Link Central web site or by email, phone or fax. Users are set up with passwords that allow varying access levels that you specify. Passwords, unlike keys, can be issued or cancelled at any time making seasonal personnel or volunteer changes easier to manage.

The system is designed to allow long-term scheduling, with the flexibility to switch your lights on or off immediately. Emergency schedule changes can be made through Control-Link Central or an on-site Schedule Override screen, and on-site manual controls are provided for your maintenance staff.

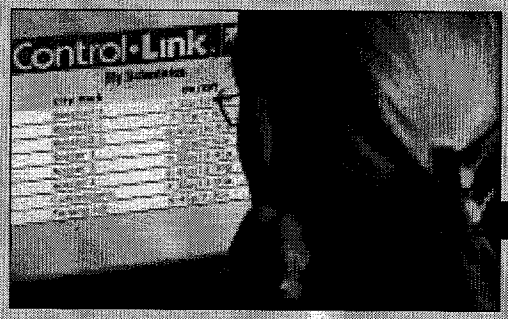
Solid management tools reduce hassle

Control-Link saves you time overseeing facility operations, scheduling staff and planning routine maintenance. Control-Link Central accumulates information for you about your facility usage including operating history by facility and user group, and provides proactive monitoring of your lighting system... reporting fixture outages to help you plan routine maintenance. A preseason light check helps assure your fields are ready for play.

Your Control-Link Central team can assist you in creating reports and analyzing your data to help provide tools for efficient operations, allocation of costs, assessment of user fees, proactive maintenance and facility expansion planning.

These capabilities provide the basis for significant long term cost savings and the potential for providing better customer service and innovative uses of your facilities without adding staff.

How to manage

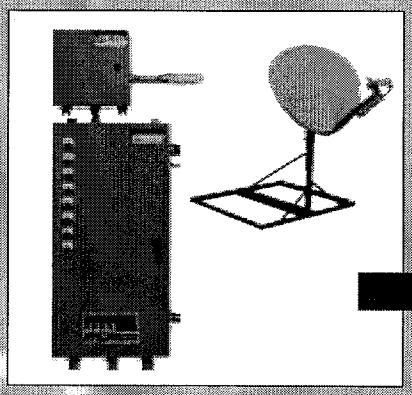


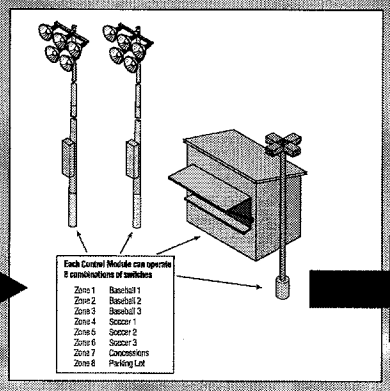
1 Enter schedules at your convenience

Enter schedules from any location via our easy-to-use Control-Link Central web site, phone, fax or email.

- *Saves Energy and Staff Costs*
- *Allows Flexible Control*
- *Provides Usage Data*
- *Increases Security*
- *Provides Reliable Operation*

your lights without the late-night hours





2 Schedules are stored on-site, backed-up at Control-Link Central™

Schedules are transmitted from Control-Link Central via a commercial grade satellite system and stored in the on-site controller.

3 Equipment is controlled automatically

Lights and other equipment such as door locks, concession stands and security lights are operated per your schedules.

4 Control-Link Central™ provides support, monitoring and usage data

Control-Link Central supports you every step of the way. Trained staff provide scheduling support and verification, and monitor your lighting system for fixture outages. Control-Link Central's database stores field usage data by facility and user group.

"Thank you so much for providing such an effective and advanced system for scheduling our lights; it has truly revolutionized the way we work."

— Kelly Barker
Athletic Field Permit Coordinator
Dept of Parks, Recreation and Marine
City of Long Beach, CA

"It's the best thing we ever did. With the savings in energy and labor costs, our Control-Link system will pay for itself in less than 2 years."

— Art Avellino
Athletic Coordinator
City of Cape Coral, FL

"I use Control-Link Central™ to enter the weekly schedules so I can spend my time taking care of other things ... They do a great job, week after week."

— John Banks
Park and Recreation Supervisor
Laguna Niguel, CA

Control•Link® Central

Trained Staff Available 24/7

Operations Support

Control-Link Central provides two options for management and control of your facilities:

- Direct control of the Control-Link Central database and systems via an easy-to-use website;
- Contact Control-Link Central's team of trained operators 24/7 to monitor and enter your schedules and transmit last minute schedule changes.

Management Data

Control-Link Central offers effective tools to operate, manage, and analyze the extensive stored information. Standard reports include usage reports by facility and/or end-user.

System and Schedule Monitoring

The Control-Link Control and Monitoring System checks your system performance each time your lights are turned on. If the system detects fixture outages that affect playability, Control-Link Central is notified and will contact you. Preseason checks can be a part of your proactive maintenance program to help make sure your lights are operating before the first game.

Control-Link Central staff monitor all schedules entered to make sure they are successfully completed.

Control-Link Activation

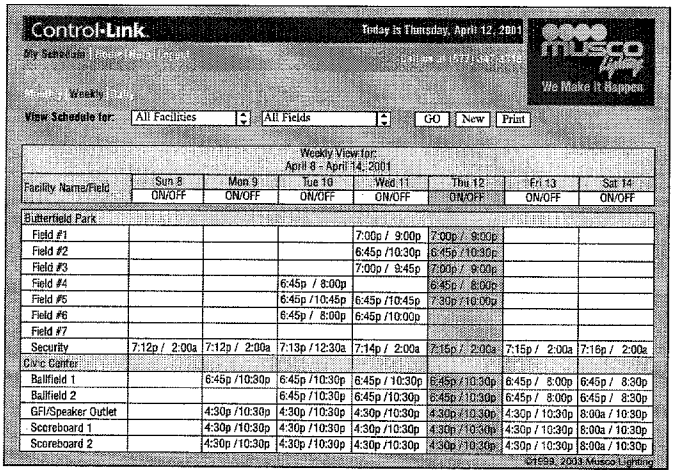
Once the on-site equipment is installed, a Musco technician activates and tests your Control-Link system. The technician programs your specific field configurations and enters astronomic data for your geographic location. Sample commands are sent from Control-Link Central to test each relay/lighting zone.

Customer Training

Control-Link Central staff provides customer training via telephone conference on Control-Link operation, scheduling, website access, and all user functions.

"We greatly appreciate your super friendly service."

— Kelly Barker,
Athletic Field Permit Coordinator
Department of Parks, Recreation and Marine, City of Long Beach, CA



Control•Link. Today is Thursday, April 12, 2001

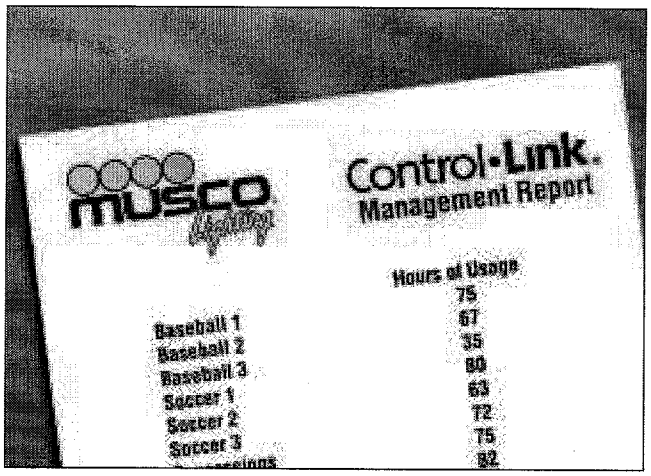
View Schedule for: All Facilities | All Fields | GO | New | Print

Weekly View for: April 8 - April 14, 2001

Facility Name/Field	Sun 8 ON/OFF	Mon 9 ON/OFF	Tue 10 ON/OFF	Wed 11 ON/OFF	Thu 12 ON/OFF	Fri 13 ON/OFF	Sat 14 ON/OFF
Butterfield Park							
Field #1				7:00p / 9:00p	7:00p / 9:00p		
Field #2				6:45p /10:30p	6:45p /10:30p		
Field #3				7:00p / 9:45p	7:00p / 9:00p		
Field #4			6:45p / 8:00p		6:45p / 8:00p		
Field #5			6:45p /10:45p	6:45p /10:45p	7:30p /10:00p		
Field #6			6:45p / 8:00p	6:45p /10:00p			
Field #7							
Security	7:12p / 2:00a	7:12p / 2:00a	7:13p /12:30a	7:14p / 2:00a	7:15p / 2:00a	7:15p / 2:00a	7:16p / 2:00a
Civic Center							
Ballfield 1		6:45p /10:30p	6:45p /10:30p	6:45p / 10:30p	6:45p /10:30p	6:45p / 8:00p	6:45p / 8:30p
Ballfield 2			6:45p /10:30p	6:45p /10:30p	6:45p /10:30p	6:45p / 8:00p	6:45p / 8:30p
GFI/Speaker Outlet		4:30p /10:30p	4:30p /10:30p	4:30p /10:30p	4:30p /10:30p	4:30p / 10:30p	8:00a / 10:30p
Scoreboard 1		4:30p /10:30p	4:30p /10:30p	4:30p /10:30p	4:30p /10:30p	4:30p / 10:30p	8:00a / 10:30p
Scoreboard 2		4:30p /10:30p	4:30p /10:30p	4:30p /10:30p	4:30p /10:30p	4:30p / 10:30p	8:00a / 10:30p

©1999, 2003 Musco Lighting

This is a partial sample of a customer's weekly schedule as entered on Musco's Control-Link website. The current day is always highlighted.



Control-Link Central's database stores usage data by field and user group.

On-Site Equipment Overview

Your factory-built and -tested Control-Link equipment includes:

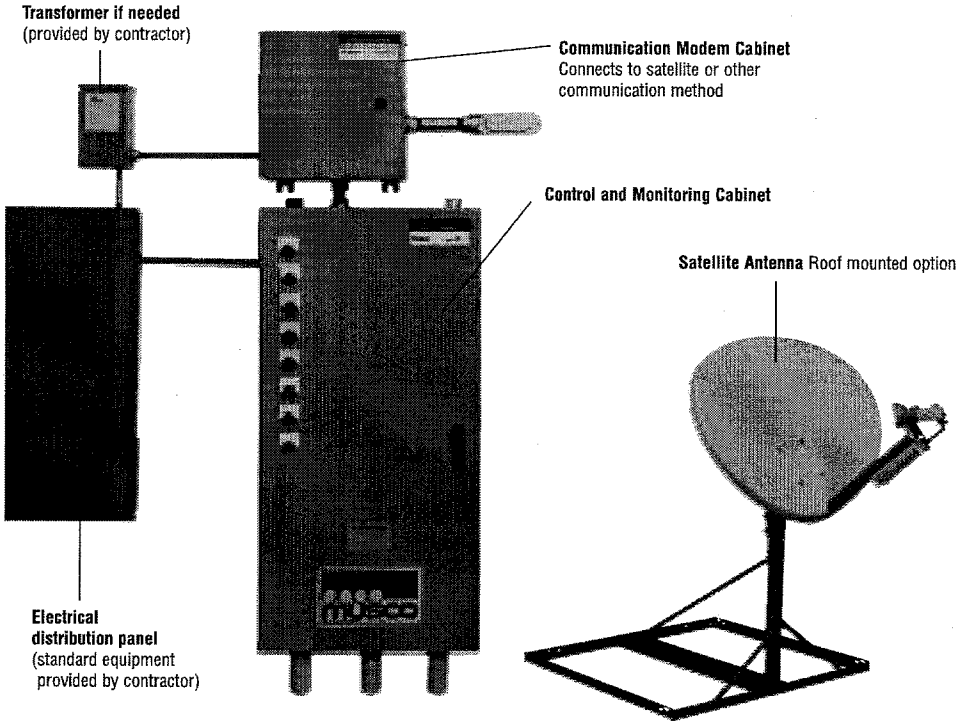
- Satellite antenna
- Communication Modem
- Control and Monitoring cabinet(s)

Optional Equipment

- Remote Manual Switches cabinet
- On-site Schedule Override

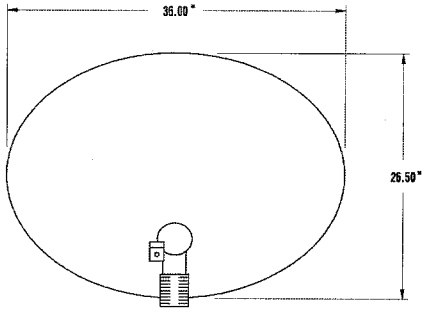
Supplied by Contractor

- Main disconnect (electrical distribution panel), conduit and power wiring
- 120 volt control circuit(s)
- Transformer if 120 volt supply not available
- Mounting hardware for cabinets
- Conduit

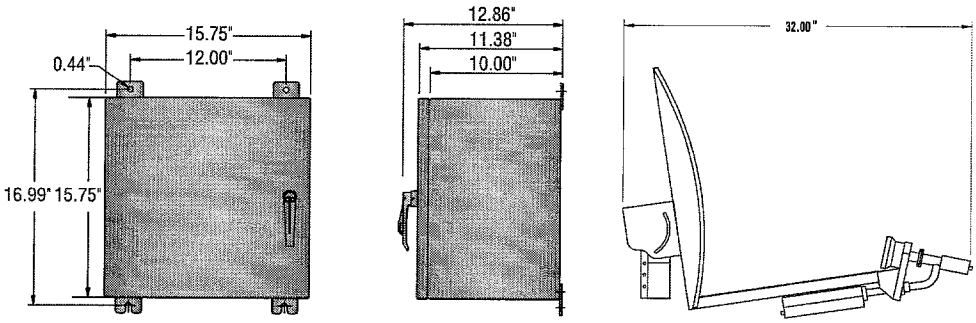


Communication System

Musco provides a reliable, high-speed broadband system that connects Control-Link Central to your on-site equipment. Available nationwide, our commercial grade satellite antenna is installed by a qualified technician and provides real-time "always on" two-way communication.



Satellite Antenna Dimensions



Communication Modem Cabinet

Technical Features

Satellite Antenna

- Wireless broadband Internet communication
- No additional monthly charges
- Bandwidth – Incoming 150 kbps, Outgoing 128 kbps
- EPA 7 sq. ft.
- Mounting options – Roof, Wall, Pole
- Requires southern exposure
- Operating temperature -20°C to +60°C (-4°F to +140°F)
- Locate up to 250 feet from Communication Modem

Communication Modem cabinet

- NEMA Type 4, 5052 H32 aluminum enclosure
- Powder-coat painted after fabrication
- External mounting feet
- Lockable, latching assembly
- Door grounded enclosure
- Contains site-specific communications equipment
- Located up to 300 feet (CAT5e cable) or 6500 feet (fiber optic cable) from Control and Monitoring Cabinet

5

Control and Monitoring Cabinet

Panel

The on-site Control and Monitoring cabinet operates and monitors your lights and equipment on new lighting projects. Existing lighting systems require a retrofit Control Cabinet - contact us for details.

On/Off Control Module

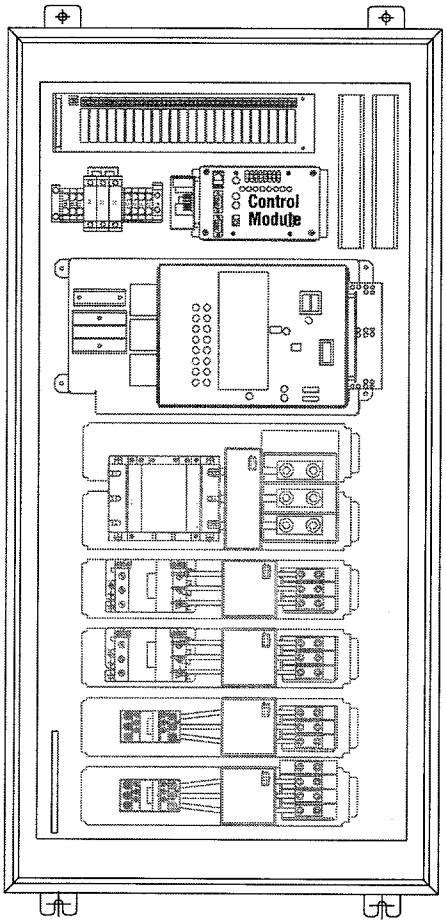
Receives and stores schedules from Control-Link Central, sends signals to contactors to operate your equipment, verifies schedules carried out

Monitoring Module

Monitors your lighting system and reports any fixture outages to help you plan routine maintenance and keep your facilities operating

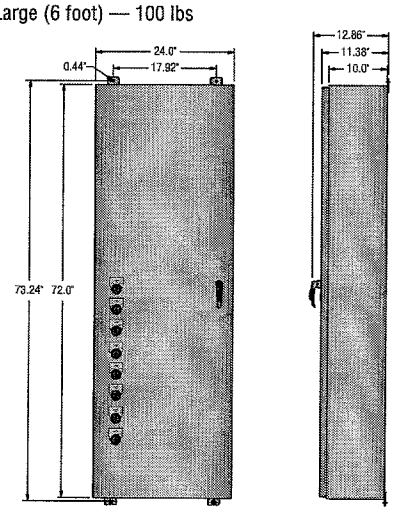
Contactor Switching Modules

Switches your equipment on/off per the schedules from the controller

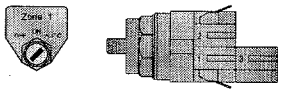


Enclosure

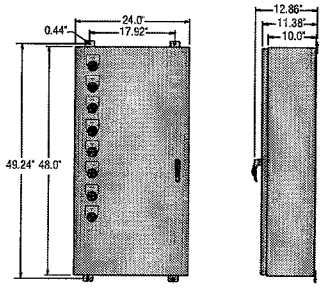
Enclosure and panel weight
Large (6 foot) — 100 lbs



Manual Off-On-Auto Switch detail



Enclosure and panel weight
Small (4 foot) — 70 lbs



Contactor Module Options

Size	Weight	Rated Capacity	Coil Consumption (Contactor in closed position)	Wire Size Range	Maximum Per Small Cabinet	Maximum Per Large Cabinet
30 amp	2 lbs	100%	8.5 VA	2/0-14 ga	6	12
60 amp	4.5 lbs	100%	22 VA	2/0-14 ga	6	12
100 amp	10 lbs	100%	55 VA	350 mcm - 6 ga	3	6

Technical Features

Assembled Cabinet

- Entire assembly UL 508 Listed (Industrial Control Equip.) #E204954
- Meets FCC Part 15 Class A
- Factory wired, programmed and tested
- Controls up to 8 zones per cabinet
- Operating temperature -20°C to +60°C (-4°F to +140°F)
- Battery-backed internal time clock
- Database memory protected from power outages or fluctuations
- Enclosure and panel weight: 6 foot – 100 lbs, 4 foot – 70 lbs

Enclosures

- NEMA Type 4, 5052 H32 aluminum enclosure
- Powder-coat painted after fabrication
- External mounting feet
- Lockable, 3-point latching assembly
- Door grounded enclosure

Panel

- 5052 H32 aluminum
- Pre-punched, modular configuration
- Factory wired plug-in connections to additional cabinets
- Powder-coat painted after fabrication

Contactors

- Rated at full capacity
- Sized at 30, 60, or 100 amps
- Electrically held
- 120 volt coil

Ground Bar

- 15 grounding terminals provided
- Holds size #14 to #4 gauge wires

Internal Control Wiring

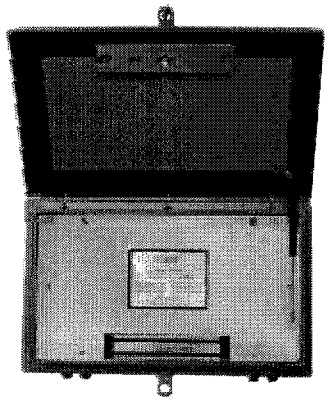
- Type MTW 105 degrees C
- Fuse holder 600 volt 16 amp IEC type
- Control terminal blocks mounted to DIN rail
- Plug-in wire harnesses for multiple cabinets

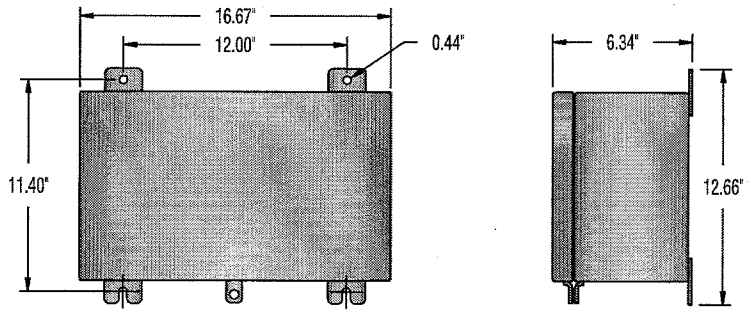
Manual Off-On-Auto Switches

- Keyed, maintain position
- Make-before-break contacts
- Factory wired to terminal blocks
- Mounted to maintain NEMA 4 rating
- Legend plate clearly identifies zone
- Switches may be placed in remote Manual Switches cabinet

Optional Schedule Override Cabinet

The on-site Schedule Override touch screen enables your user groups to extend play or turn the lights off early. Easy to use LCD screen and user access code protection.





Schedule Override Cabinet

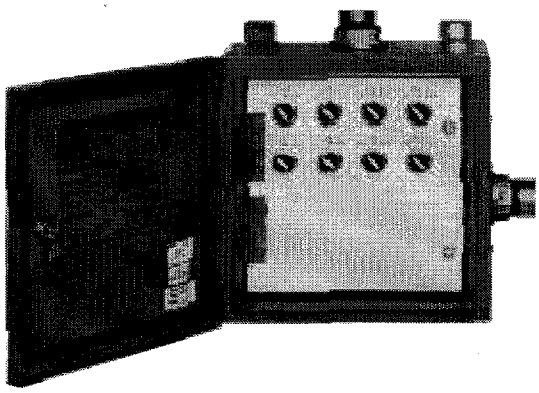
Technical Features

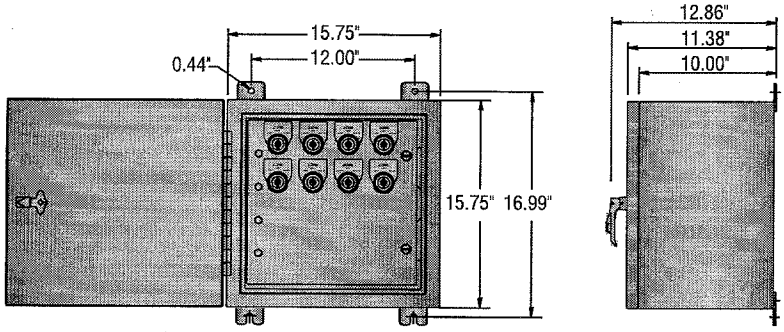
Schedule Override Cabinet

- NEMA Type 3R, 5052 H32 aluminum enclosure
- Powder-coat painted after fabrication
- External mounting feet
- Magnetic lock, disengages when schedule operating
- Operating temperature -20°C to +60°C (-4°F to +140°F)
- Four digit user access code
- Locate up to 175 feet from Control & Monitoring cabinet

Optional Remote Manual Switches Cabinet

The remote Manual Switches cabinet is available for special switching requirements, or for more convenient Off-On-Auto switch location for maintenance staff. Lockable cabinet helps prevent tampering for outdoor mounted equipment.





Manual Switches cabinet

Technical Features

Remote Manual Switches Cabinet

- NEMA Type 4, 5052 H32 aluminum enclosure
- Operating temperature -20°C to +60°C (-4°F to +140°F)
- Powder-coat painted after fabrication
- External mounting feet
- Lockable, latching assembly
- Door electrically bonded to enclosure
- Locate up to 300 feet from Control & Monitoring cabinet

Manual Off-On-Auto Switches

- Maintain position
- Make-before-break contacts
- Factory wired to terminal blocks
- Mounted to maintain NEMA 4 rating
- Legend plate clearly identifies zone

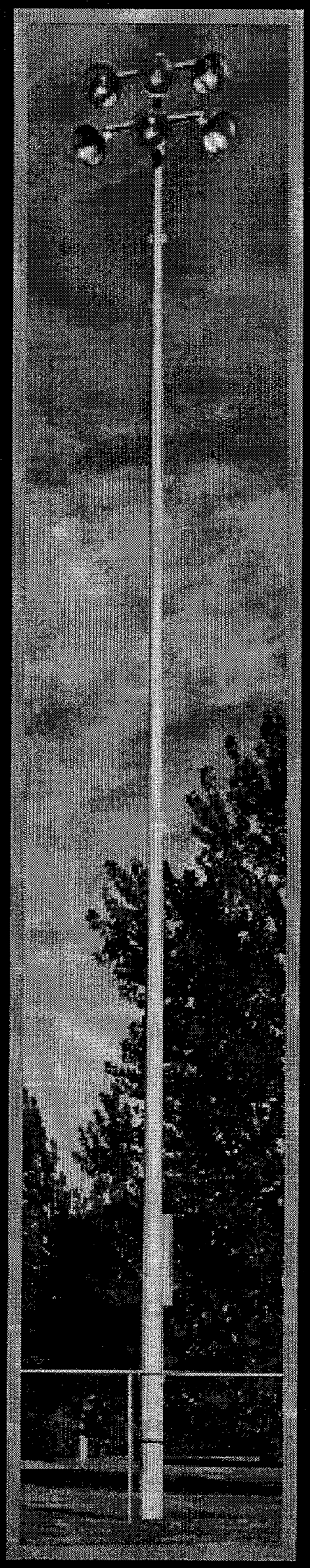
Musco Systems to Meet Your Sports-Lighting Needs

Light-Structure 2™

Outdoor: New Lighting Applications

Engineered as 5 Easy Pieces™ that support the 5 important sports-lighting principles of safety, durability, energy efficiency, environmental sensitivity and cost.

Increases light levels up to 25%
Reduces wasted spill light up to 95%



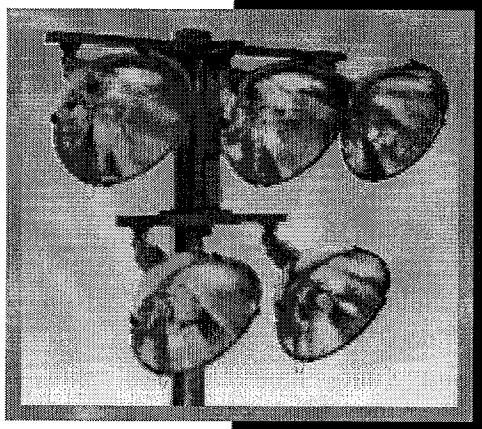
Additional Solutions

SportsCluster-2®

Outdoor: Retrofit Applications

A modular photometric unit factory aimed and tested to perform from your choice of structures — makes retrofit of old equipment easy.

Increases light levels up to 25%
Reduces wasted spill light up to 95%

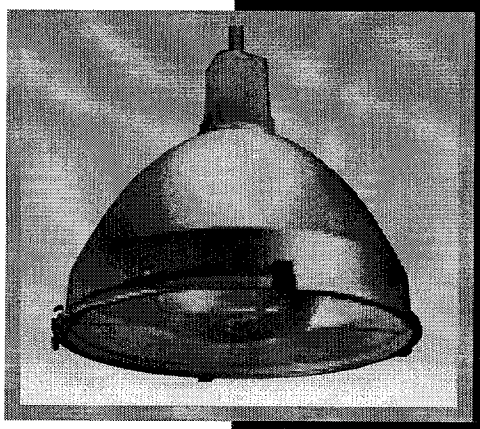


Light-Pak™

Indoor: New and Retrofit Applications

Energy-efficient indoor sports lighting that operates at your choice of two energy levels for improved cost control.

Saves energy costs over alternative systems



We Make It Happen.

www.musco.com

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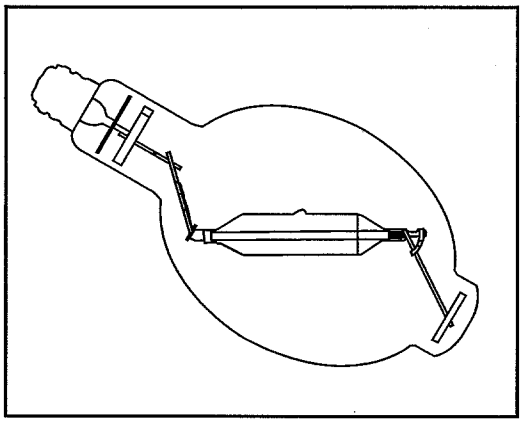
800/825-6030

Patent Pending
©1998, 2003 Musco Lighting
BCL7

Smart Lamp™ Operating System

1500 Watt Metal Halide Lamp (Clear)
Technical Data Sheet

Proprietary to Musco Lighting



Ordering Information

Ordering Code	LA-30Z-1
ANSI Designation	M48
Description	MH1500 MZ
Lamp Type	HID: Metal Halide

Physical Characteristics

Bulb Size	BT-56
Bulb Finish	Clear
Base	Mogul Screw Position Oriented
Maximum Overall Length (MOL)	15⅜" (391mm)
Light Center Length (LCL)	9⅛" (232mm)
Arc Tube Lighted Length	3⁵⁄₁₆" (84mm)
Arc Tube Material	Fused Silica
Maximum Permissible Bulb Temperature	400°C (752°F)
Maximum Permissible Base Temperature	210°C (410°F)

Photometric Operating Characteristics[1]

System Rated Constant Lumens Over Life [2]	134,000
Operating Position	Arc Tube Horizontal
Lamp Replacement Interval, Hours [3]	5000
Correlated Color Temperature (Approximate)	4200K
CIE Chromaticity Coordinates (Approximate)	x-.370, y-.390
Color Rendering Index (R_a)	65-70

Electrical Data

Average Lamp Wattage Over Operating Life [2]	1450
Warm-up Time to 80% of Output	3-5 Minutes
Re-strike Time for Hot Lamp	10-15 Minutes
Lamp Operating Current (Max. rms Amps) [4]	6.0
Ballast Type	ANSI M48
Minimum Starting Temperature	-30°C

Footnotes:

(1) Operating Characteristics are per the Musco Smart Lamp(TM) Operating System on a commercial ballast with arc tube horizontal. Lamp lumen measurements in accordance with IESNA LM-51-00. Lamp color data in accordance with IESNA LM-58-94. Lamp operating cycle of five hours per start to reflect expected field use in the sports lighting industry.

(2) Lamp starts out at a reduced wattage and increases over life to offset lumen loss as lamp ages. Average wattage over life is 1450 watts.

(3) Beyond 5,000 hours is the time when constant lumens are no longer maintained by the Smart Lamp™ Operating System. Average lamp life before failure is substantially greater than 5,000 hours as tested and defined per IESNA LM-47-01 with five hours per start.

(4) Does not include ballast losses.

musco Lighting

We Make It Happen.

800/825-6030

www.musco.com

lighting@musco.com

SSLD1

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Recommended Warnings, Cautions and Operating Instructions

⚠ **WARNING:** These lamps can cause serious skin burn and eye inflammation from short wave ultraviolet radiation if outer envelope of the lamp is broken or punctured. Do not use where people will remain for more than a few minutes unless adequate shielding or other safety precautions are used. Certain lamps that will automatically extinguish when the outer envelope is broken or punctured are commercially available. This lamp complies with FDA radiation performance standard 21 CFR subchapter J. (USA:21CFR 1040.30 Canada:SOR/DORS/80-381)

If the outer bulb is broken or punctured, turn off at once and replace the lamp to avoid possible injury from hazardous short wave ultraviolet radiation. Do not scratch the outer bulb or subject it to pressure as this could cause the outer bulb to crack or shatter. A partial vacuum in the outer bulb could cause glass to fly if the envelope is struck.

⚠ **WARNING:** The arc-tube of metal halide lamps are designed to operate under high pressure and at temperatures up to 1000°C and can unexpectedly rupture due to internal or external factors such as a ballast failure or misapplication. If the arc-tube ruptures for any reason, the outer bulb may break and pieces of extremely hot glass might be discharged into the surrounding environment. If such a rupture were to happen, **THERE IS A RISK OF PERSONAL INJURY, PROPERTY DAMAGE, BURNS AND FIRE.**

RELAMP FIXTURES AT OR BEFORE THE END OF RATED LIFE. Allowing lamps to operate until they fail is not advised and may increase the possibility of inner arc tube rupture.

CAUTION: TO REDUCE THE RISK OF PERSONAL INJURY, PROPERTY DAMAGE, BURNS AND FIRE RESULTING FROM AN ARC TUBE RUPTURE, THE FOLLOWING LAMP OPERATING INSTRUCTIONS MUST BE FOLLOWED.

Hg - LAMP CONTAINS MERCURY
Manage in Accord with Disposal Laws
See www.lamprecycle.org or call 1-800-825-6020

Lamp Operating Instructions:

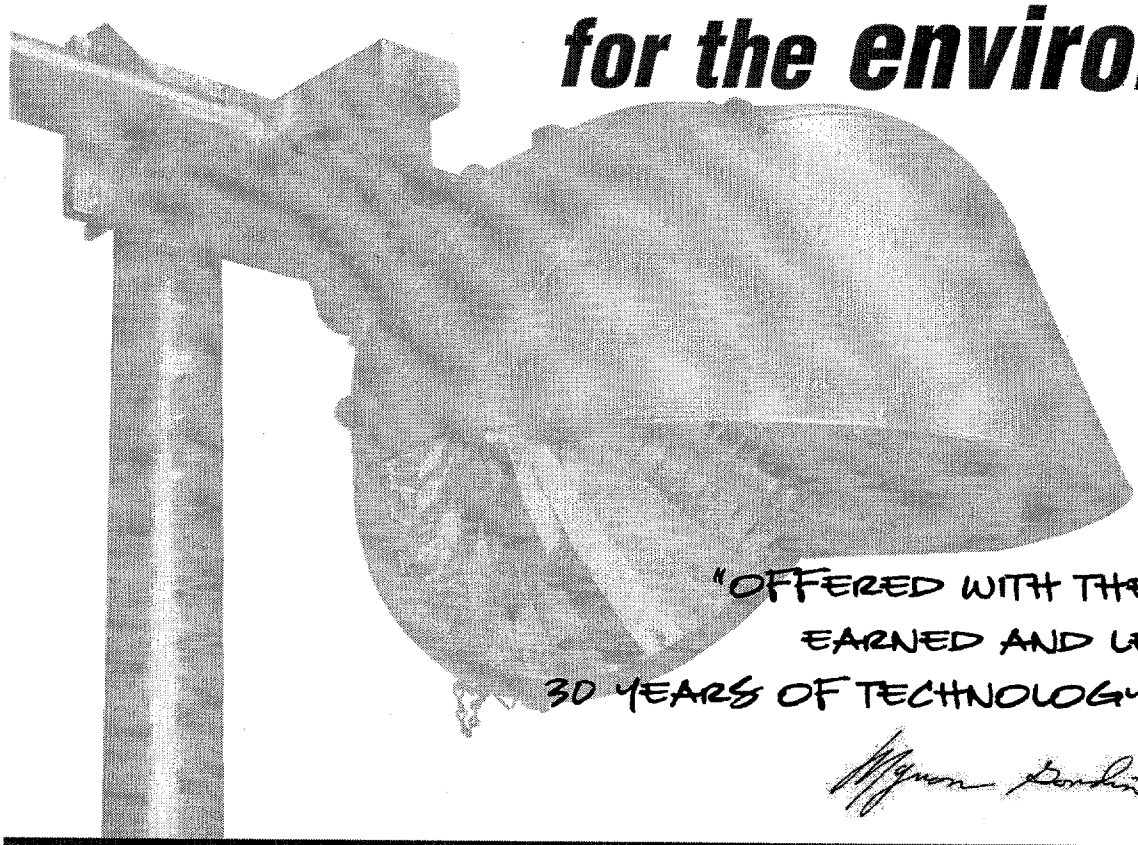
1. Turn off lamps at least once a week for at least 15 minutes in systems which are operating on a continuous basis (24 hours/day-7days/week). FAILURE TO TURN OFF LAMPS FOR THE MINIMUM RECOMMENDED TIME MAY INCREASE THE POSSIBILITY OF AN INNER ARC-TUBE RUPTURE.
2. RELAMP FIXTURES AT OR BEFORE THE END OF RATED LIFE. Allowing lamps to operate until they fail is not advised and may increase the possibility of inner arc tube rupture.
3. Before lamp installation/replacement, shut power off and allow lamp and fixture to cool to avoid electrical shock and potential burn hazards.
4. Use only auxiliary equipment meeting Philips and/or ANSI standards. Use within voltage limits recommended by ballast manufacturer.
   A. Operate lamp only within specified limits of operation.
   B. For total supply load, refer to ballast manufacturers electrical data.
5. Periodically inspect the outer envelope. Replace any lamps that show scratches, cracks or damage.
6. If a lamp bulb support is used, be sure to insulate the support electrically to avoid possible decomposition of the bulb glass.
7. Protect lamp base, socket and wiring against moisture, corrosive atmospheres and excessive heat.
8. Time should be allowed for lamps to stabilize in color when turned on for the first time. This may require several hours of operation, with more than one start. Lamp color is also subject to change under conditions of excess vibration or shock, and color appearance may vary between individual lamps.
9. Lamps may require 10 to 20 minutes to re-light if there is a power interruption.
10. Take care in handling and disposing of lamps. If an arc tube is broken, avoid skin contact with any of the contents or fragments.
11. Do not use this lamp in a fixture that contains a Pulse Start metal halide ballast and is specifically designed for use with Pulse Start metal halide lamps.
12. Use only in an enclosed fixture capable of withstanding particles of glass having temperatures up to 1000°C.

musco Lighting

INTRODUCING...

Light·Structure GREEN™

For your budget, for the environment.



"OFFERED WITH THE CONFIDENCE EARNED AND LEARNED FROM 30 YEARS OF TECHNOLOGY INNOVATION."

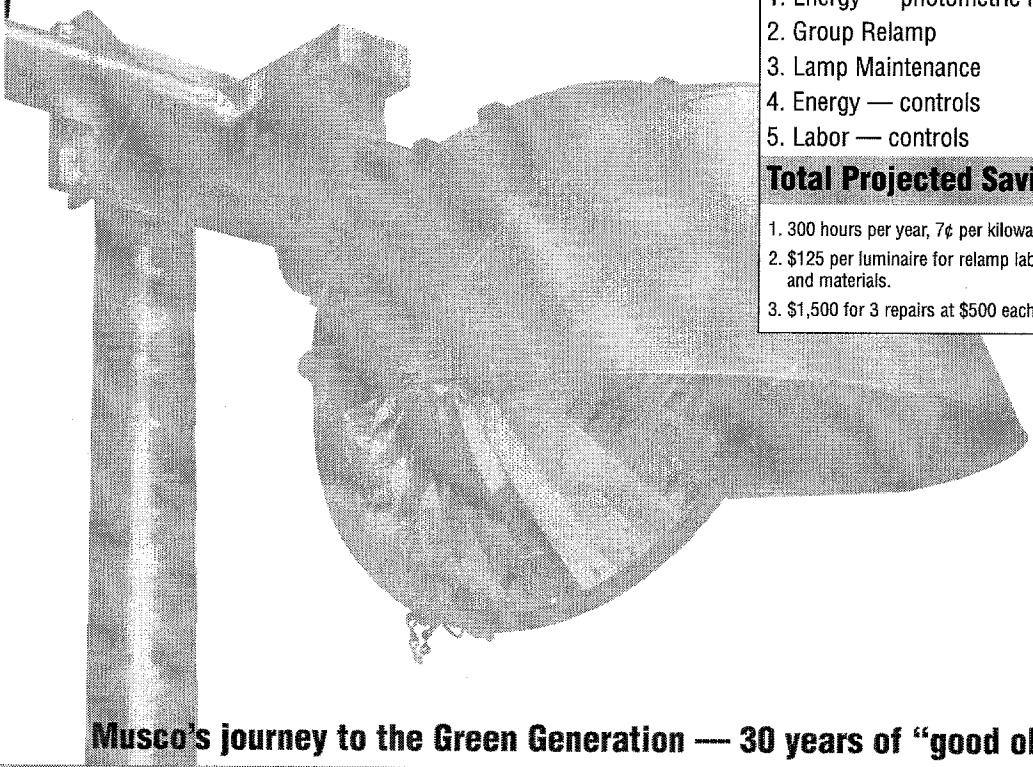
Musco's Light-Structure GREEN™

Musco's Green friendly system will reduce by half or more the cost of operating and maintaining your ballfield lighting system.

For Your Budget

Innovative photometric improvements of the luminaire result in substantially more efficient light control.

Musco's evolution of fundamental lamp principles creates a new operating system — Smart Lamp™.



Savings

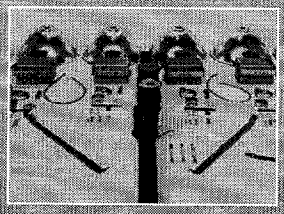
10 Year Life Cycle Cost

Prior Technology Fixture Quantity	52
Light-Structure Green Fixture Quantity	32
1. Energy — photometric improvement	$7,812
2. Group Relamp	$6,500
3. Lamp Maintenance	$1,500
4. Energy — controls	$1,953
5. Labor — controls	$4,000
Total Projected Savings	**$21,765**

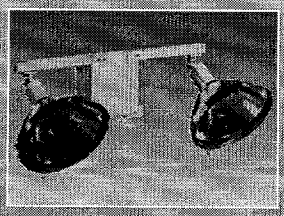
1. 300 hours per year, 7¢ per kilowatt hour
2. $125 per luminaire for relamp labor and materials.
3. $1,500 for 3 repairs at $500 each
4. 25% savings by switching on and off 20 minutes closer to actual usage time.
5. 15 minutes labor for turning on and for off at $8 labor rate--1000 operations.

Musco's journey to the Green Generation — 30 years of "good old fashioned" new technology

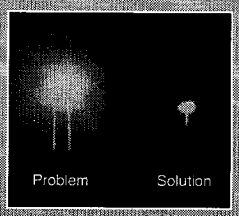
1976
Existing technology



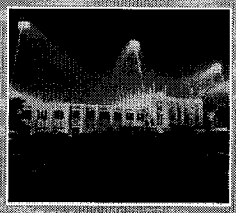
1977
Factory assembled and wired light cluster — SportsCluster®. Predictable results, easier installation.



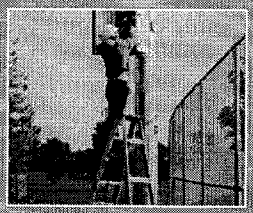
1981
Glare control research



1982
Temporary lighting service and rolling lab — Mobile Lighting System



1987
Easier maintenance — remote ballasts



. . . for a More Energy Conscious Generation.

Amazing new technology . . . same initial price.

And best of all, it does wonderful things for the adjoining environment. It puts much less light on nearby properties. It protects the beauty of the dark night skies.

For The Environment

Spill and glare control features are now a standard part of every luminaire at no extra cost.

This green generation luminaire system cuts spill by half or more, even when compared to Musco's prior industry-leading technology.

Less Spill		
360' x 225' Soccer Field		
30fc Average Maintained		30fc Constant Illumination
Light-Structure with Total Light Control™ photometric option	Fixture Type	Light-Structure Green™
1500W MZ	Lamp Type	1500W MZ
Vertical Illumination		
0.50 fc	Average	0.15 fc
0.74 fc	Maximum	0.26 fc
52	# of Luminaires	32

10 Club Service® Now at No Extra Cost!

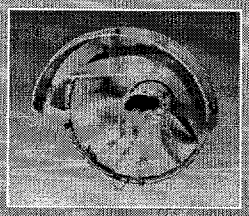
In keeping with Musco tradition **we guarantee all of this, plus a constant light level, for 10 years.** Musco's 10 Club Service includes lamp replacement at end of life . . . is supported by Musco's well established insurance backing . . . and is included at no extra cost*.

System Controls Standard

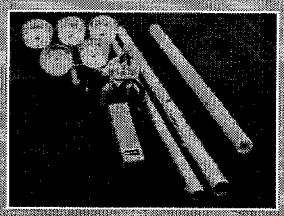
Also included in the base price of Light-Structure Green is Musco's Control-Link® system that gives you solid facility management and flexible control.

*See 10 Club Service warranty for details.

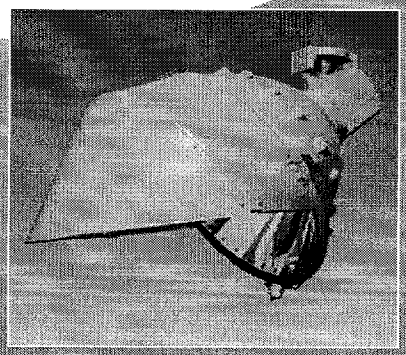
1989
Glare control with efficiency — SportsCluster-2®



1991
Complete lighting and electrical system from foundation-to-poletop. Light-Structure System™

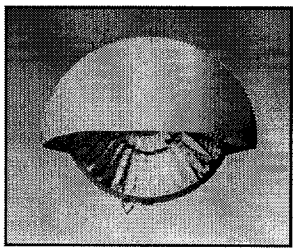


1997
Facility management services — 10 Club Service® and Control-Link®



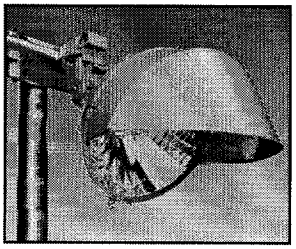
2005
Energy, environment today's prices — Light-Structure Green™

Light-Structure Green™ System — still Five Easy Pieces™ plus:



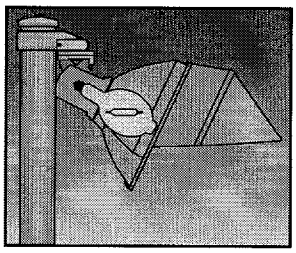
Improved Luminaire Efficiency

1. **Reflector system:** More than 2000 photometric patterns provide optimal energy efficiency and minimal spill light for each project.
2. **Visor System:** Several visor choices provide energy efficient light on the field and minimal spill light. The aerodynamics reduce wind load on the poles.
3. **Side Shift Beam Control:** Beams can be adjusted within the luminaire horizontally as well as vertically. We can now custom fit the light to the corners.



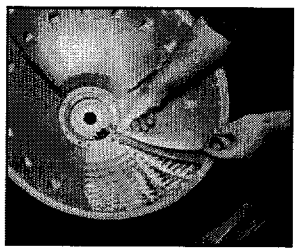
Smart Lamp™ Operating System

1. **Lamp:** 30 years of lamp experience has taught Musco to operate the lamp with less energy and extend its life with a system of timed power adjustments.
2. **Geared tilt adjustment:** With a geared leveling mechanism the lamp arc tube operates in the energy advantageous horizontal position.



Increased Durability, Assured Results

1. **Die-Cast aluminum reflector housing:** Provides a rugged foundation for building and maintaining a sophisticated photometric unit.
2. **Gasketing:** Improved material and gasket system design virtually eliminate "outgasing" and other contamination of the reflectors and lens.
3. **Factory Assembled Luminaires:** The luminaire ships totally assembled: avoids contaminants, saves time, improves aiming accuracy.
4. **Attaching Mechanism:** The factory assembled luminaire connects electrically and structurally to the crossarm with one simple attachment.
5. **Factory Aiming:** Musco's well established service of factory aiming is even better with Light-Structure Green . . . field changes can still be done.

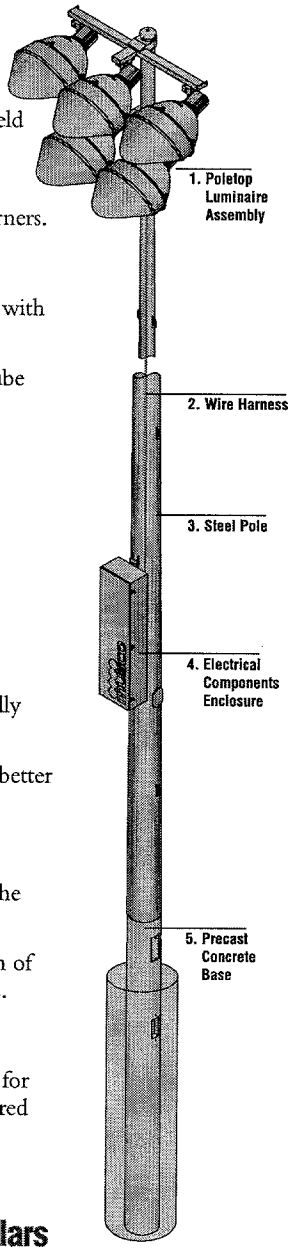


Solid control and flexible management

1. **Controls and monitoring:** This system, in one simple cabinet, included in the base price, saves energy and gives you a solid, flexible management tool.
2. **Control Link Central™:** Real people at Musco, 24/7, support your operation of your lights....from office, field or home . . . benefits field users and neighbors.

Ultimate guarantee . . . at no extra cost

With **Green Generation Lighting,** Musco's 10 Club Service® guarantees it all for 10 years, plus free relamping at the end of the lamps rated life. All of this is assured by Musco's field service department and their technicians.



Light Structure Green™ is the result of more than a dozen inventions and innovations from more than 10 million dollars of research and capital investment by Musco.

We Make It Happen.

800/825-6030
www.musco.com
e-mail: lighting@musco.com

Musco products referenced or shown are protected by one or more of the following U.S. Patents: 4450507; 4725934; 4729077; 4816974; 4947303; 4994718; 5075826; 5134557; 5161883; 5211473; 5229681; 5377611; 5398478; 5423281; 5426577; 5600537; 5707142; 5800048; 5816691; 5856721; 6036338; 6203176; 6250596; 6340790; 6398392; 6576277; 6681110; D337163; D353797; D353911; D411096. Canada Patents: 70479; 79755; 74939; 89366; 2009749; 2026850; 2027033; 2035014; 2058261; 2110014; 2200511; 2200515; 2378279; 2378283. EPC Patents: 440531. Mexico Patents: 175869; 183225. Other patents pending.

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Exhibit "B"

1600 SW 52nd Way ● Plantation, FL ● 33317
Phone: 954-583-9756 ● Fax: 954-629-8446

Quotation: Fairway Park

Date: 2/25/05

To: Alexandra Rolandelli
Fax: 305-673-7073

TERMS: Net 30

We are pleased to submit the following quotation for your consideration:

QUANTITY	DESCRIPTION	Price
	Main Multi purpose area lit to 30 foot-candles. Installation of Light Structure poles and fixtures are included. Breakdown: 1.$72,000.00 includes all conduit, wire, and switchgear. Also includes Electrical Engineering 2) $24,500.. 3)$128,500.00 Tennis courts lit to 30 footcandles. Installation of Light Structure poles and fixtures are included. Breakdown; 1)$22,000.00 includes conduit, wire, and switchgear. Electrical engineering includes. 2)$15,000.00 includes unloading poles and setting poles.	**$ 225,000.00** **$69,300.00**
	3) Basketball courts lit to 20 footcandles. Installation of Light Structure poles and fixtures are included. 1)) $7200.00. 2) $3800.00 includes unloading all pole and setting poles and aiming all fixtures. Also includes structure engineering 3) $6400includes all poles, fixtures ,lamps, remote ballast, disconnects, pull-boxes, and 10 year warranty including all lamp change --outs.	**$17,400.00**

IMPORTANT: Prices are good for acceptance and delivery for 90 days only, unless such time is extended in writing.
*Please add applicable sales taxes to above prices, freight charges have been included.
The above price is for a complete turnkey installation including conduit, wire, switch gear, and drawings.
Price does not include any FPL charges, nor does it include permitting if applicable.

Sincerely,

Tim Imhoff
District Sales Manager

N-FairwayPK-01f - 02252005-01

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Accepting the City Manager's Recommendation Relative to the Ranking of Firms and Authorizing Negotiations Pursuant to Request for Qualifications (RFQ) No. 42-03/04 for Engineering, Urban Design, Landscape Architecture for Design, Bid and Award and Construction Administration Services for the Biscayne Point Right of Way Infrastructure Improvement Project.

Issue:

Shall the City Commission accept the City Manager's recommendation relative to the ranking of firms and authorize negotiations?

Item Summary/Recommendation:

On September 8, 2004, the City Commission authorized the issuance of an RFQ to solicit the qualifications from professional firms with the capability and experience to provide the restoration and enhancement of the Biscayne neighborhood streets, consistent with identified needs. The Biscayne Point Right of Way (ROW) Infrastructure Improvement Project will include stormwater management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's hardscape, landscape, streetscape irrigation and lighting, as practicable within specified budget parameters.

RFQ No. 42-03/04 was issued on November 9, 2004 with an opening date of December 17, 2004. The City received responses from the following 8 firms:

- Beiswenger, Hoch and Associates, Inc.;
- Chen and Associates;
- Consul Tech Transportation, Inc.;
- EAC Consulting, Inc.;
- H.J. Ross;
- Miller Legg & Associates, Inc.;
- R. J. Behar & Company, Inc.; and
- Serralta, Rebull, Serig, Inc.

The City Manager via Letter to Commission (LTC) No. 303-2004, appointed an Evaluation Committee ("the Committee") to review and rank the qualifications of the firms who responded. Consensus at the end of the 1st Committee meeting was to invite the top five (5) short listed firms to provide a 15 minute presentation, followed by a 15 minute question and answer session.

During deliberations at the 2nd Committee meeting, the Committee members ranked and arrived at the following ranking order:

- First: EAC Consulting, Inc.
- Second: Consul Tech Transportation, Inc.
- Third: Miller Legg & Associates, Inc.

The firm of EAC Consulting, Inc. was deemed to be the first ranked firm based on their experience and qualifications as well as their team.

ACCEPT THE MANAGER'S RECOMMENDATION AND AUTHORIZE NEGOTIATIONS.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez

Sign-Offs:

Department Director	Assistant City Manager	For City Manager
GL JC	RCM	JMG

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AGENDA ITEM C7C

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF QUALIFICATIONS RECEIVED PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 42-03/04, FOR ENGINEERING, URBAN DESIGN, AND LANDSCAPE ARCHITECTURE FOR DESIGN, BID AND AWARD AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BISCAYNE POINT RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROJECT; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF EAC CONSULTING, INC.; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF CONSUL TECH TRANSPORTATION, INC.; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, FURTHER AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE THIRD-RANKED FIRM OF MILLER LEGG AND ASSOCIATES, INC.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach has implemented various programs to improve the quality of life of residents in the City's 13 neighborhoods via 24 capital improvement projects. The Capital Improvement Planned Progress Initiative is funded by Series 2000 Water and Sewer Revenue Bonds, Series 2000 Stormwater Revenue Bonds, 1999 General Obligation Bonds and, where geographically permissible, by Section 108 Funds. The Biscayne Point Project will be implemented using the Capital Improvement Projects Office standard Planned Progress Initiative model for Right of Way projects and will be funded by General Obligation, Water and Stormwater Bond Funds. The purpose of the Planned Progress Initiative model is to facilitate community involvement and information as well as to coordinate construction citywide.

Previously, another Consultant performed a variety of forensic and community planning tasks culminating in the creation of the Biscayne Point Basis of Design Report (BODR), which was approved by the City of Miami Beach Commission on October 15, 2003. This BODR serves as the definitive Master Plan for the proposed ROW improvements to be designed, bid, awarded and constructed under the scope of this RFQ. Negotiations with the consultant to undertake design, bid and award construction administration services were unsuccessful. Accordingly, a new RFQ was issued to perform these services.

BISCAYNE POINT NEIGHBORHOOD

The Biscayne Point Right of Way (ROW) Infrastructure Improvement Project is a $7.38 million infrastructure project which includes restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable City Departments and community preferences. The proposed project will include stormwater management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's hardscape, landscape, streetscape irrigation and lighting, as practicable within specified budget parameters. At this point, sanitary sewer upgrades are not anticipated as part of the Project.

ALLOCATED BUDGET

CONSTRUCTION BUDGET	
• Streetscape:	$ 3,230,000
• Stormwater Improvements	$ 1,500,000
• Water Improvements:	$ 1,031,000
TOTAL CONSTRUCTION BUDGET:	$ 5,761,000

RFQ PROCESS

On September 8, 2004, the City Commission authorized the issuance of an RFQ to solicit the qualifications from professional firms with the capability and experience to provide the restoration and enhancement of the Biscayne neighborhood streets, consistent with identified needs.

RFQ No. 42-03/04 was issued on November 9, 2004 with an opening date of December 17, 2004. A pre-proposal conference to provide information to firms considering submitting a response was held on December 3, 2004. BidNet issued bid notices to 91 prospective proposers, resulting in 40 firms requesting RFQ packages, which resulted in the receipt of the following eight (8) proposals from:

- Beiswenger, Hoch and Associates, Inc.;
- Chen and Associates;
- Consul Tech Transportation, Inc.;
- EAC Consulting, Inc.;

- H.J. Ross;
- Miller Legg & Associates, Inc.;
- R. J. Behar & Company, Inc.; and
- Serralta, Rebull, Serig, Inc.

The City Manager via Letter to Commission (LTC) No. 303-2004, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Barry Klein, Board Member, North Beach Development Corp. (Committee Chair)
- Lucero Levy, Homeowner Association Board Member
- Mark Weithorn, President, Stillwater Drive Homeowners Association
- Nuccio Nobel, Neighborhood Activist, Biscayne Beach Resident
- Joyce Meyers, Principal Planner, Planning Department
- Alex Rolandelli, North Beach District Construction Coordinator, CIP Office
- Elie Fakie, Capital Projects Coordinator, Public Works Department

On January 19, 2005, the Committee convened. The Committee was provided information in reference to the project by Keith Mizell, Senior Capital Projects Planner, CIP Office, and a representative from the Procurement Division.

Additionally, the Committee reviewed references secured by Procurement staff, and discussed the following RFQ evaluation criteria and weighted score, which was used to evaluate and rank the respondents:

A. The Principal Firm's Qualifications and Experience with renovating existing, urban Right of Ways (ROWs) including coordinating drainage, water, and streetscape work; (15 points)
B. Project Manager's Experience renovating existing urban Right of Ways, community presentations, and urban planning; (10 points)
C. References provided by prior Project Owners; (10 points)
D. Experience and Qualifications of the Project Team with renovating existing, urban Right of Ways (ROWs) coordinating drainage, water, and streetscape work;(15 points)
E. Methodology, Approach and Understanding of Tasks 1-6; (10 points)
F. Willingness to meet time and budget requirements as demonstrated by past performance; (5 points)
G. Certified minority business enterprise participation; (5 points). Either the Prime Consultant or the sub-Consultant team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County.
H. Location; (5 points)
I. Recent, current, and projected workloads of the firms; (5 points)
J. Volume of work previously awarded to each firm by the agency, with the object; of effecting an equitable distribution of contracts among qualified firms. (20 points)

The Committee's consensus at the end of the meeting was to invite the top five (5) firms to provide a 15-minute presentation, followed by a 15-minute question and answer session. The four firms that were shortlisted were: Consul Tech Transportation, Inc.; EAC Consulting, Inc.; H.J. Ross; Miller Legg & Associates, Inc.; and R. J. Behar & Company, Inc.

Procurement staff coordinated and scheduled presentations for February 11, 2005. The Committee members convened on February 11, 2005, and were provided 15-minute presentations followed by a question/answer session by all five (5) short listed firms.

After the firms' presentations, the Committee members conducted question and answer session, and deliberation, which resulted in the following ranking of firms:

Company Name	**Barry Klein**	**Lucero Levy**	**Mark Weithorn**	**Nuccio Nobel**	**Joyce Meyers**	**Alex Rolandelli**	**Elie Fakie**
Consul Tech Transportation, Inc.; **(2)**	80 (3)	99 (2)	90 (3)	61 (3)	88 (3)	92 (1)	74 (2)
EAC Consulting, Inc.;**(1)**	98 (1)	100 (1)	95 (1)	100 (1)	95 (1)	85 (4)	72 (3)
H.J. Ross; **(4)**	70 (4)	96 (5)	84 (4)	55 (4)	81 (5)	89 (2)	82 (1)
Miller Legg & Associates, Inc.; **(3)**	83 (2)	98 (3)	92 (2)	72 (2)	90 (2)	87 (3)	70 (4)
R. J. Behar & Company, Inc.; **(5)**	65 (5)	97 (4)	95 (1)	53 (5)	85 (4)	83 (5)	69 (5)

As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act (CCNA), the Committee ranked no less than the top three (3) firms as follows:

EAC Consulting, Inc.

5-1st place votes = 5x1=5
1-3rd place vote = 1x3=3
1-4th place vote = 1x4=4
TOTAL = **12=Ranked 1st**

Consul Tech Transportation, Inc.

1-1st place votes = 1x1=1
2-2nd place vote = 2x2=4
4-3rd place vote = 4x3=12
TOTAL = **17=Ranked 2nd**

Miller Legg & Associates, Inc.

4-2nd place votes = 4x2=8
2-3rd place vote = 2x3=6
1-4th place vote = 1x4=4
TOTAL = **18=Ranked 3rd**

The firm of EAC Consulting, Inc. was deemed to be the first ranked firm based on their experience and qualifications as well as their team. EAC possess a vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida.

EAC Consulting, Inc. was founded in Miami-Dade County to provide engineering consulting services for infrastructure improvement and development projects for public and private sector agencies. Their overall commitment to the practice of engineering as well as their objective in maintaining excellence in the quality of their services has led to their impressive growth rate. As a result of this EAC Consulting has developed into a multi-service organization providing a wide variety of engineering services including planning, development of design, construction documents, construction administration, document control, peer review, inspections and expert opinion studies.

EAC Consulting, Inc. has a staff of 50 professionals, all located in South Florida. Through the years EAC has been able to develop excellent working relationships with many municipalities and governmental agencies such as:

- City of North Miami Beach
- City of Miami
- Village of Islamorada
- City of Hialeah
- Village of Palmetto Bay
- City of Fort Lauderdale
- City of Oakland
- Miami-Dade County Public Works
- Miami-Dade Water and Sewer Department
- Miami-Dade DERM
- Miami-Dade Parks Department
- Miami-Dade Aviation Department
- Florida Department of Transportation

EAC's team is comprised of several highly specialized, locally recognized firms: 1) Savino Miller Design Studio, they will provide Urban Design and Streetscape Improvements; 2) Hilliers Electrical, they will provide electrical design services; 3) F.R. Aleman & Associates, they will provide traffic studies and survey and mapping subsurface utility exploration; 4) GEOSOL, Inc., they will provide Geotechnical services as needed; 5) E. Sciences, they will provide environmental services; 6) Protocole Corporation, they will assist in public involvement for this project. These firms have been selected to provide their expertise on specific items that have been identified by the City of Miami Beach and/or existing site conditions.

EAC's Team will offer the following to the City of Miami Beach:

- 19 years of professional experience in South Florida

- Assigned experienced staff who are able to meet the project demands and schedules within the required budget
- All team members have worked together before on successful project completions
- Past and present high profile project experience gathered through the continuous projects performed throughout South Florida
- Assist the City, as required, with public involvement events to build consensus and support for the project
- Develop realistic project schedule that meets the City's needs and includes sufficient time for reviews and in-house quality control procedures

RELATED EXPERIENCE
PROJECT MANAGER

Rick Crooks, P.E.

Mr. Crooks has over 19 years of engineering experience. His engineering experience is extensive and yet diverse. Mr. Crooks has successfully held positions that range from design engineer to project manager, and as such is familiar with every aspect of consulting engineering. His proven skills as project manager, his diverse engineering experience, and his public involvement skills, make him well suited for the management of this project. Some similar project experience includes:

- Venetian Causeway Project, Florida Department of Transportation
- State Road A1A/Collins Avenue Improvements, Florida Department of Transportation
- Miami-Dade Water and Sewer Neighborhood Improvements
- Meridian Avenue Improvements, City of Miami Beach
- Snake Creek Bike Path, City of North Miami Beach
- NW 41st Street Beautification Project, Florida Department of Transportation
- Key Deer Preservation & US 1Improvements
- Miscellaneous Drainage Design Services, Miami-Dade County DERM
- U.S. Federal Courthouse, Miami, Florida

The following references were secured by the Procurement staff for EAC Consulting, Inc., they are follows:

Mr. Carl C. Thompson, City Project Manager
Public Works Department
City of North Miami Beach, Florida

"EAC Consulting, Inc. has met all deadlines and milestone submittals"

Ms. Zully Williams, Project Manager
Civil Engineering and Permitting for two projects
Village of Islamorada, Florida

"Our overall experience with EAC Consultants has been very positive. Islamorada still has an agreement with them to provide civil engineering services. The staff at EAC was very attentive to our needs, conducted business professionally and with enthusiasm and provided quality documents."

Mr. John Bowles, P.E., Project Manager
Florida Department of Transportation District 4
District Wide Plans Review/Design Support Services Contract

"EAC has maintained consistent quality and were on time when they deliver the engineering services."

CONCLUSION

The City Manager concurs with the Evaluation Committee's recommendation and recommends that the Mayor and City Commission approve the ranking of firms, and authorize the Administration to enter into negotiations with the top-ranked firm of EAC Consulting Inc.; and should the Administration not be able to negotiate an agreement with the top ranked firm, authorizing the Administration to negotiate with second-ranked firm of Consul Tech Transportation, Inc; and should the Administration not be able to negotiate an agreement with the second-ranked firm, further authorizing the Administration to negotiate with the third-ranked firm of Miller Legg & Associates, Inc..

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RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution approving the settlement of a City lien on real property owned by Mr. Ricardo F. Raphael located at 2062 Alton Road, Miami Beach, Florida, resulting from Special Master Case No. JC00000291 and providing that the lien in the amount of $115,910.54 plus interest be settled for the amount of $0.00.

Issue:

Shall the City Commission approve the settlement of a City lien on real property owned by Mr. Ricardo F. Raphael?

Item Summary/Recommendation:

In 1996 when Mr. Raphael purchased the property, there was no permitting or Code deficiencies disclosed. Subsequently, Mr. Raphael proceeded to obtain a Building Permit to re-roof the principal structure on the property. During the inspection process associated with the re-roofing, it was discovered that an existing structure on the property had apparently been constructed without a Building Permit. Unfortunately, in order to comply with current Building Codes, Mr. Raphael was unable to provide a properly engineered solution that was cost effective to obtain a permit to legalize the structure and was forced to demolish the accessory structure in 2002. The total fines associated with the property is $115, 910.54 which covers the period from violation to compliance in 2002. The Administration recommends that a 100% reduction in fines associated with this property be approved by the City Commission and that the lien be settled by reducing the amount from $115,910.54 to $0.00.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Bob Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C7D

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY OWNED BY MR. RICARDO F. RAPHAEL LOCATED AT 2062 ALTON ROAD, MIAMI BEACH, FLORIDA, RESULTING FROM SPECIAL MASTER CASE NO. JC00000291 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF $115,910.54 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF $0.00.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS

In 1996, Mr. Raphael purchased the property at 2062 Alton Road. At the time of the purchase of the property there was no permitting or Code deficiencies disclosed.

Subsequent to the purchase of the property, Mr. Raphael proceeded to obtain a Building Permit to re-roof the principal structure on the property. The permit was appropriately obtained and the work commenced. During the inspection process associated with the re-roofing, it was discovered that an existing structure on the property had apparently been constructed without a Building Permit.

The accessory structure which is a small open sided structure over a concrete slab was in existence at the time of the purchase of the property and apparently had been in place and a part of the property for some twenty year period of time. Mr. Raphael was cited for having a non-permitted structure on his property in March 1999.

There is correspondence subsequent to 1999 between Mr. Raphael and the City that indicates he diligently made an effort to work through the Special Master Hearing process and also to obtain a Building Permit to legalize the structure in the rear of his property. During the time period from the citation until 2002, Mr. Raphael was scheduled to appear before the Special Master on several occasions but was unable to appear due to a series of schedule conflicts. There is a record of the correspondence in this time period.

Unfortunately, in order to comply with current Building Codes, Mr. Raphael was unable to provide a properly engineered solution that was cost effective to obtain a permit to legalize the structure and was forced to demolish the accessory structure in 2002.

While the property is now in compliance as a result of the demolition, fines that accumulated from the citation until compliance total $115, 910.54.

As Mr. Raphael clearly had no knowledge of the non-permitted status of the accessory structure at the time that he purchased the property and did make diligent efforts which unfortunately were unsuccessful to obtain a permit to legitimize the structure, no fine should have been assessed against Mr. Raphael and his property at 2062 Alton Road. Mr. Raphael has been forced to demolish the structure which was not permitted by a previous owner and beyond the loss of value he associated with the structure, he incurred some $10,000.00 in attorney's fees associated with the years of efforts in an attempt to permit the accessory structure. In light of the facts, it is recommended that a 100% reduction in fines associated with this property be approved by the City Commission and that the lien be settled by reducing the amount from $115,910.54 to $0.00.

To avoid this type of issue in the future, administratively the City will require that when a property is cited for working without or not having a permit, Code will notify the department that should have permitted the activity before assessing or running a fine. If the property owner is cooperating with the department that needs to issue a permit, fines will be withheld pending the permit issuance, at which point the two departments will review the file and determine an appropriate fine, if any, to be assessed.

JMG\RGM\sam
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RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY OWNED BY MR. RICARDO F. RAPHAEL LOCATED AT 2062 ALTON ROAD, MIAMI BEACH, FLORIDA, RESULTING FROM SPECIAL MASTER CASE NO. JC00000291 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF $115,910.54 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF $0.00.

WHEREAS, the property located at 2062 Alton Road has accumulated Code fines resulting from Special Master Case No. JC00000291 in the amount of $115,910.54 plus interest; and,

WHEREAS, in 1996 when Mr. Raphael purchased the property there was no permitting or Code violations disclosed; and,

WHEREAS, when Mr. Raphael proceeded to obtain a Building Permit to re-roof the principal structure on the property it was discovered that an existing accessory structure on the property had apparently been constructed without a Building Permit; and,

WHEREAS, in order to comply with current Building Codes, Mr. Raphael was unable to obtain a permit to legalize the accessory structure and was forced to demolish the accessory structure in 2002; and,

WHEREAS, the Code case was never appropriately closed and fines continued to run against the property and at the present time, the total amount of the fines associated with the property is $115,910.54; and,

WHEREAS, in light of the fact that Mr. Raphael clearly had no knowledge of the non-permitted status of the accessory structure at the time that he purchased the property and did make diligent efforts to rectify the situation, the Administration recommends that a 100% reduction in the fines; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a settlement for an outstanding City lien at the property located at 2062 Alton Road, in the amount of $115,910.54 is hereby approved (Special Master Case No. JB00000291/Code Violation No. ZV990686, Recorded on June 27, 2002 at Book 20493, Page 1747 and Affidavit on Non-Compliance on June 27, 2002 at Book 20493 at Page 1748) is reduced to $0.00; and further that the City Manager shall be authorized to execute any and all necessary documents to complete such lien releases and settlement subject to the approval of the Special Master.

PASSED and **ADOPTED** this ____ day of _____, 2005.

_____
Mayor David Demer

ATTEST:

_____
City Clerk

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney RTD — Date 2/18/05

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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 And Authorizing The Mayor And City Clerk To Execute An Intergovernmental Agreement For Fleet Maintenance And Repair Services Between The City Of Miami Beach, Florida And The Village Of Key Biscayne, Florida.

Issue:

Shall the Mayor and City Commission adopt the Resolution?

Item Summary/Recommendation:

The Village of Key Biscayne has no current fleet service facilities for its small fleet. The Village of Key Biscayne wishes to enter into an Intergovernmental Agreement with the City of Miami Beach to provide fleet maintenance and repair services at the City's Fleet Management facility. The Village of Key Biscayne will pay for all labor and materials for fleet services based on the City of Miami Beach Fleet Management's current published rate schedule. The City's Fleet Management Department does not expect an impact on its current level of customer service to internal customers, anticipates additional revenue, and an increase in its commitment to providing excellent customer service.

The Administration recommends adopting the Resolution.

Advisory Board Recommendation:

n/a

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET_____ GL_____	RCM_____	JMG_____

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AGENDA ITEM C7E

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR FLEET MAINTENANCE AND REPAIR SERVICES BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND THE VILLAGE OF KEY BISCAYNE, FLORIDA.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Village of Key Biscayne, Florida, a municipal corporation within Miami-Dade County, currently has no fleet service facilities and wishes to enter into an Intergovernmental Agreement with the City of Miami Beach, Florida, providing fleet maintenance and repair service of approximately forty (40) vehicles and two (2) all terrain vehicles through the City of Miami Beach's Fleet Management Department.

The City of Miami Beach Fleet Management Department has the capacity to service and maintain the Village of Key Biscayne Fleet of approximately forty (40) vehicles and Two (2) all terrain vehicles. Fleet Management currently services over 1,175 pieces of rolling stock and has a budget of $5.7 million. The annual billing to the Village of Key Biscayne is projected to be between $38,000 and $50,000 annually.

The servicing of the Village of Key Biscayne's fleet will not impact our current level of customer service to internal customers and its day to day operations. All proposed fleet maintenance and repair services for the Village of Key Biscayne will be performed at the City of Miami Beach Fleet Management facility during regular operating hours. By proposing to offer the City's fleet services to the Village of Key Biscayne, the Fleet Management Department anticipates not only additional revenue, but also an increase in its commitment to providing excellent customer service. Fleet Management will be solely responsible for the scheduling and prioritizing of work to be performed. The City of Miami Beach fleet will always have priority service. In all cases, Fleet Management will make every effort to timely complete work and minimize down time.

As part of the Intergovernmental Agreement, the Village of Key Biscayne will pay for all labor and materials provided by the City of Miami Beach's Fleet Management Department based on the City of Miami Beach-Fleet Management's current published rate schedule. These rates are reviewed quarterly and are subject to change at the City's sole discretion.

Attached, please find a draft copy of the Intergovernmental Agreement for Fleet Maintenance and Repair Services between the Village of Key Biscayne, Florida, and the City of Miami Beach, Florida. The Administration requests the Commission approve the substance of this Agreement as presented, subject to finalization of language with reference to indemnification, and signed off by both attorneys. The scope of services will not be affected.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, adopt the resolution to authorize an Intergovernmental Agreement for fleet maintenance and repair services between the Village of Key Biscayne, Florida, and the City of Miami Beach, Florida.

JMG/RCM/GL/AET/mo
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR FLEET MAINTENANCE AND REPAIR SERVICES BETWEEN THE VILLAGE OF KEY BISCAYNE, FLORIDA, AND THE CITY OF MIAMI BEACH, FLORIDA.

WHEREAS, the City of Miami Beach and the Village of Key Biscayne are municipal corporations within Miami-Dade County and share common goals and objectives; and

WHEREAS, the Village of Key Biscayne does not have a fleet maintenance facility and wishes to utilize the City of Miami Beach's Fleet Management Department to accommodate its fleet maintenance and repair requirements; and

WHEREAS, the Village of Key Biscayne and the City of Miami Beach mutually agree to all of the provisions in the Intergovernmental Agreement providing fleet maintenance and repair services to the Village of Key Biscayne for an agreed upon sum; and

WHEREAS, all proposed fleet maintenance and repair services for the Village of Key Biscayne will be performed at the City of Miami Beach Fleet Management facility.

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 an Intergovernmental Agreement for fleet maintenance and repair services between the Village of Key Biscayne, Florida, and the City of Miami Beach, Florida.

PASSED and **ADOPTED** this _____ day of _____, 2005.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 2/18/05 Date

INTERGOVERNMENTAL AGREEMENT FOR FLEET MAINTENANCE AND REPAIR SERVICES

BETWEEN THE VILLAGE OF KEY BISCAYNE, FLORIDA, AND THE CITY OF MIAMI BEACH, FLORIDA

This Intergovernmental Agreement is entered into this _____ day of _____, 2005, by and between the City of Miami Beach, a municipal corporation within Miami-Dade County, Florida (hereinafter "Miami Beach") and the Village of Key Biscayne, a municipal corporation within Miami-Dade County, Florida (hereinafter "the Village").

WITNESSETH:

WHEREAS, the Village recognizes that Miami Beach Fleet Management Department is an efficient and effective tool for the Village to use in accomplishing its fleet maintenance and repair needs; and

WHEREAS, the Village is desirous of utilizing Miami Beach's Fleet Management Department, and Miami Beach agrees to provide, through its Fleet Management Department, certain fleet maintenance and repair services to the Village for an agreed upon sum.

SECTION 1 SCOPE OF WORK

Miami Beach, through its Fleet Management Department, shall be the designated provider of fleet management maintenance and repair services for the Village. Miami Beach shall provide the following general administrative and support services:

Miami Beach shall provide trained qualified technicians, supervision and necessary personnel to perform the services required by this Agreement.

Miami Beach shall maintain its Fleet Management facility, located at 140 MacArthur Causeway, Miami Beach, and such office shall be open to provide service from 7:00am to 5:00pm, Monday through Friday, except for legal holidays. The City will respond to emergency call outs as needed. A list of contacts and phone numbers will be provided.

Maintain an automated equipment inventory, history of vehicle repairs, and any reports of damage or accidents and their associated repairs.

Perform all vehicle preventative maintenance and repairs, as necessary. A safety inspection is included during each visit.

Provide a schedule of maintenance for each vehicle.

Ensure all work performed is consistent with manufacturer and industry standards with officer and vehicle safety being paramount.

Maintain complete and accurate records for any and all work performed on each vehicle. These records are available upon request.

Provide access to Miami Beach's suppliers and providers of fleet services for vehicle public safety equipment and automotive parts. This includes, but is not limited to, outside services for vehicle manufacturer's warranty work.

SECTION 2 TERM OF THE AGREEMENT

The term of this Agreement shall be for a period of two (2) years following the execution of this Agreement by the Village and Miami Beach and may be renewed by mutual agreement of the parties for an additional two (2) years. Either party may terminate this Agreement, without cause and for its convenience, upon sixty (60) days prior written notice to the other party.

SECTION 3 COMPENSATION

The Village shall pay Miami Beach for all services as provided in this Agreement (see Exhibit "A" = Rate Schedule).

Technician hourly rates, parts, materials and third party (sublet) work are billed at current rates as, published by Miami Beach Fleet Management. Rates are reviewed quarterly and are subject to change.

Repairs over $500 will be made only with prior written authorization from the Village.

Each month an invoice will be prepared for all work completed by the last day of the month and submitted to the Village for payment.

Payments are expected within thirty (30) days of receipt of invoice.

SECTION 4 MODIFICATIONS

This Agreement may only be amended in writing, through a written document by duly authorized representatives of the signatories to this Agreement.

SECTION 5 NOTICES

All notices, requests, demands, consents, approvals and other communication(s) which are required to be served or given hereunder, shall be in writing and shall be sent by Registered Mail or U.S. Mail, Return Receipt Requested, addressed to the parties to receive such notices as follows:

To the Village: Village of Key Biscayne
Charles R. Press, Chief of Police
88 W. McIntyre Street
Village of Key Biscayne, Florida 33149

To Miami Beach: City of Miami Beach – Fleet Management
Att: Andrew Terpak, Fleet Director
140 MacArthur Causeway
Miami Beach, Florida 33139

Each notice sent in accordance with the requirements of this section shall be deemed effectively given upon actual receipt. Each person designated herein to receive any notice or a copy thereof may change the address at which, or the person to whom notice or a copy thereof is to be delivered, by notice given in accordance with the requirements of this section.

SECTION 6 VENUE AND WAIVER OF JURY TRIAL PROVISION

This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, both substantive and remedial, without regard to principles of conflict of laws. The exclusive venue for any litigation arising out of this Agreement shall be Miami-Dade County, Florida, if in State court, and the U.S. District Court, Southern District of Florida, if in Federal court. BY ENTERING INTO THIS AGREEMENT, THE VILLAGE OF KEY BISCAYNE AND THE CITY OF MIAMI BEACH EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF THIS AGREEMENT; and

SECTION 7

To the extent provided under Florida law, the Village shall indemnify, defend, and hold harmless the City of Miami Beach, its officers, agents, and employees from any and all claims, losses, liabilities, injuries, or damages, demands and actions arising out of or resulting from the performance of this Agreement, caused in whole or in part by any negligent or willful act or omission of the Village, its officers, agents, employees, representatives or anyone directly or indirectly acting on behalf of the Village.

If any claim, action or proceeding is made or brought against Miami Beach by reason of any event hereunder, then, upon demand by Miami Beach, the Village, at its sole cost and expense, will resist or defend such claim, action or proceeding in Miami Beach's name, if necessary, by such attorneys as Miami Beach shall approve, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective and duly authorized officers as of the day and year first above written.

AGREED AND ACKNOWLEDGED this _____ day of _____, 2005.

_____	_____
Village Manager, Village of Key Biscayne	City Manager, City of Miami Beach
ATTEST:	ATTEST:
_____	_____
Village Clerk, Village of Key Biscayne	City Clerk, City of Miami Beach

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 2/18/05 Date

City of Miami Beach - Fleet Services Exhibit "A" Rate Schedule

INTERAGENCY COOPERATION.
Miami Beach and the Village shall cooperate and will recognize the common goals and objectives of this Agreement. Fleet Management shall work to avoid any duplication of services and, where appropriate, shall provide for coordination, referral and assistance to and among any external vendor or sublet for the betterment and efficiency of the Village.

FACILITIES/EQUIPMENT/INVENTORY.
Miami Beach shall provide such facilities, equipment, and inventory of supplies as are necessary to fully provide the required herein. Miami Beach shall maintain all field equipment necessary for its fleet management functions in good repair and maintain all current licenses and registrations required by State and County Law. Such equipment shall be available for inspection by the Village during the term of this Agreement.

RATE Schedule - Sedans and Light Trucks

PM A*	$24.00	(Filter and 10w-40w or 5w-30w (5 or 6 quarts))
PM A* (Ford Pursuit)	$29.00	(Filter and 5w-20w semi-synthetic and 7 quarts)
PM B*	$59.00	PM A expanded (pull wheels inspect brakes etc)
* Replace wipers as needed - additional		
Mechanic Labor Rate	$50.00	per hour
Parts @ Cost plus	20%	
Sublet Mark-up	10%	
Fuel @ Plus	0.08	per gallon

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Authorizing The City Manager To Apply For And Accept/Support The Following Four (4) Grant Applications.

Issue:

Shall the City Apply And Accept/Support The Following Grants?

Item Summary/Recommendation:

The Administration Requests Approval To Authorize The City Manager Or His Designee Retroactively To Submit Grant Applications To The Following Agencies: 1) The Children's Trust, Fiscal Year 2005/06 Out-Of-School Program, For Funding, In An Amount Not To Exceed $1,250,000, For The City's Year Round Programs; And, 2) Federal Emergency Management Agency (FEMA), Fiscal Year 2005/06 Pre-Disaster Mitigation Program, For Funding, In An Amount Not To Exceed $2,000,000, For Pre-Disaster Hazard Mitigation Activities; 3) Miami-Dade County Tourist Development Council, In An Amount Not To Exceed $20,000 For The City's Fourth Of July Event; And, 4) Miami-Dade County Tourist Development Council, In An Amount Not To Exceed $20,000 For The City's Camp Miami Beach Program; Further Appropriating The Grants If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications While Leveraging Previously Appropriated City Funds As Needed.

Financial Information:

Source of Matching Funds:	Grant Name/Project	Grant Amount	Match Amount/Source
	1-The Children's Trust: Out-of-Schools Programs	$1,250,000	$2,491,629 Parks and Recreation Department Operating Budget
	2-FEMA Pre-Disaster Mitigation Program: Storm Shutters And Protective Glass For City Buildings	$2,000,000	$765,000 Matching Funds From The Miami-Dade County 2004 General Obligation Bonds Approved By The Voters On November 2, 2004
Finance Dept.	3 – Miami-Dade County TDC July 4, 2005	$20,000	$20,000 Corporate Support
	4 – Miami Dade County TDC Camp Miami Beach	$20,000	$20,000 Corporate Support

City Clerk's Office Legislative Tracking:

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

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM C7F

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE RETROACTIVELY TO SUBMIT APPLICATIONS FOR GRANT FUNDS TO THE FOLLOWING AGENCIES: 1) THE CHILDREN'S TRUST, FISCAL YEAR 2005/06 OUT-OF-SCHOOL PROGRAM, FOR FUNDING, IN AN AMOUNT NOT T O E XCEED $ 1,250,000, F OR T HE CITY'S YEAR ROUND PROGRAMS; AND, 2) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FISCAL YEAR 2005/06 PRE-DISASTER MITIGATION PROGRAM, FOR FUNDING, IN AN AMOUNT NOT TO EXCEED $2,000,000, FOR PRE-DISASTER HAZARD MITIGATION ACTIVITIES; 3) MIAMI-DADE COUNTY TOURIST DEVELOPMENT COUNCIL, IN AN AMOUNT NOT TO EXCEED $20,000 FOR THE CITY'S FOURTH OF JULY EVENT; AND, 4) MIAMI-DADE COUNTY TOURIST DEVELOPMENT COUNCIL, IN AN AMOUNT NOT TO EXCEED $20,000 FOR THE CITY'S CAMP MIAMI BEACH PROGRAM; FURTHER APPROPRIATING THE GRANTS IF APPROVED AND ACCEPTED BY THE CITY; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THIS APPLICATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1) Retroactive approval to submit a grant application to The Federal Emergency Management Agency (FEMA), FY 2005/06 Pre-Disaster Mitigation Program, For Funding, In An Amount Not To Exceed $2,000,000, For Pre-Disaster Hazard Mitigation Activities

The Pre-Disaster Mitigation (PDM) program was authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 USC. Funding for the program is provided through the National Pre-Disaster Mitigation Fund to assist States and local governments in implementing cost-effective hazard mitigation activities that complement comprehensive mitigation programs, reduce injuries, loss of life, and damage and destruction of property. As required, the City has a FEMA-approved mitigation plan and is eligible to receive project grant funding under the PDM program.

The City has submitted an application for funding through the PDM program for Storm shutters and protective glass for City buildings in order to mitigate potential future damage to these properties. The buildings include: Historic City Hall, Police Station, City Hall, Fire Station #3, Fire Station #1, Fleet Management, 777 building (1701 Meridian Avenue), 21st Street Recreation Office, 555 17th Street, Byron Carlyle Theater and the North Shore Community Center.

The buildings listed above require protection for windows during a significant weather event. As a barrier island, Miami Beach is subject to high winds, missile hazards and significant impact damage. The City is replacing many of the existing, and deteriorated shutters with new shutters; installing new shutters on facilities that currently do not have protection; and will install protective glass at Historic City Hall. The City intends to apply to Pre Disaster Mitigation funding for hazard mitigation at buildings that will be constructed/renovated in the future.

The deadline for this grant application was March 9, 2005, as such, the application has been submitted and retroactive approval is requested. A 25% match is required of this grant. The City will utilize matching funds from the Miami-Dade County 2004 General Obligation Bonds approved by the voters on November 2, 2004 for the restoration of Historic City Hall.

2) Retroactive approval to apply for a grant from the Children's Trust for funding in an amount not to exceed $1,250,000 for Funds for the City's Parks and Recreation Department Year-Round Programs

The Children's Trust Summer Program provides resources for quality year-round programs across Miami-Dade County. The City of Miami Beach Parks and Recreation Department is committed to providing quality recreation activities and facilities for people of all cultures, ages and abilities. This includes the following out-of-school programs: (summer camp, after-school and year-round continuation funding) for youth between the ages of 5-17 years old. The Miami Beach Parks and Recreation strives to offer youth programs that meet the physical, mental, and social growth of all its participants. Approximately 1,500 children participate in year-round programs. Since most of our year-round programs are subsidized by the City of Miami Beach general fund, all Miami Beach residents are encouraged to enroll. The year-round programs take place at the City of Miami Beach parks, playgrounds and youth centers.

The deadline for this grant was March 1, 2005. The City has applied for funding in the amount of $1,250,000 to provide operating funds for the year-round program. No match is required. The City proposes to collaborate with UNIDAD of Miami Beach, Inc. for data processing and billing modules related to the grant; and with AYUDA, Inc. for development and delivery of a social skills curriculum for the summer 2005 and after-school 2005-06 programs.

In addition to this grant, the Children's Trust will also release funding for Miami Beach organizations only, as a separate Request for Proposals, funded from tax revenues generated from the Redevelopment Agency.

3) Approval to submit a grant application in an amount not to exceed $20,000 to Miami-Dade County Tourist Development Council for the City's Fourth of July Event

In 1991, the City of Miami Beach launched the first "An American Celebration" as a means to attract visitors to Miami Beach. This celebration, due to its grand success, was carried on subsequent years as a vehicle to continue to bring visitors to the City. This year, the event will feature a Swearing-In Ceremony for children from all parts of the world who have become newly naturalized American citizens and a fireworks display. Matching funds will be funded by the City through Corporate Support.

4) Approval to submit a grant application in amount not to exceed $20,000 to the Miami-Dade County Tourist Development Council (TDC) for the City's Camp Miami Beach Program

Funds are also requested from the TDC to support the City's Camp Miami Beach Program. Camp Miami Beach is a family vacation package that will include an enriching program of arts and cultural activities, sports and recreation, visits to local attractions, movies and more. The niche population that this package is aimed at is families. The package includes an overnight stay at Miami Beach boutique hotels. Participants include boutique hotels, the Greater Miami Convention and Visitors Bureau and the City (includes parks and recreation department facilities).

This is the second year of the program, which is marketed heavily in the Northeastern areas of the country. Matching funds for this grant will be provided from corporate support.

CONCLUSION

The Administration recommends approval of this Resolution authorizing the City Manager or his designee to submit four (4) applications for grant funds.

JMG/KB/JH
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RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE RETROACTIVELY TO SUBMIT APPLICATIONS FOR GRANT FUNDS TO THE FOLLOWING AGENCIES: 1) THE CHILDREN'S TRUST, FISCAL YEAR 2005/06 OUT-OF-SCHOOL PROGRAM, FOR FUNDING, IN AN AMOUNT NOT TO EXCEED $1,250,000, FOR THE CITY'S YEAR ROUND PROGRAMS; AND, 2) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FISCAL YEAR 2005/06 PRE-DISASTER MITIGATION PROGRAM, FOR FUNDING, IN AN AMOUNT NOT TO EXCEED $2,000,000, FOR PRE-DISASTER HAZARD MITIGATION ACTIVITIES; 3) MIAMI-DADE COUNTY TOURIST DEVELOPMENT COUNCIL, IN AN AMOUNT NOT TO EXCEED $20,000 FOR THE CITY'S FOURTH OF JULY EVENT; AND, 4) MIAMI-DADE COUNTY TOURIST DEVELOPMENT COUNCIL, IN AN AMOUNT NOT TO EXCEED $20,000 FOR THE CITY'S CAMP MIAMI BEACH PROGRAM FURTHER APPROPRIATING THE GRANTS IF APPROVED AND ACCEPTED BY THE CITY; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THIS APPLICATION.

WHEREAS, the Pre-Disaster Mitigation (PDM) program was authorized by §203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 USC, and funding for the program is provided through the National Pre-Disaster Mitigation Fund to assist States and local governments in implementing cost-effective hazard mitigation activities that complement comprehensive mitigation programs, reduce injuries, loss of life, and damage and destruction of property; and

WHEREAS, as required, the City has a FEMA-approved mitigation plan and is eligible to receive project grant funding under the PDM program; and

WHEREAS, the City has submitted an application for funding through the PDM program for Storm shutters and protective glass for the following City buildings: Historic City Hall, Police Station, City Hall, Fire Station #3, Fire Station #1, Fleet Management, 777 building (1701 Meridian Avenue), 21st Street Recreation Office, 555 17th Street, Byron Carlyle Theater and the North Shore Community Center; and

WHEREAS, as a barrier island, Miami Beach is subject to high winds, missile hazards and significant impact damage, and the buildings listed above require protection for windows during a significant weather event, therefore, the City is replacing many of the existing, and deteriorated shutters with new shutters; installing new shutters on facilities that currently do not have protection; and will install protective glass at Historic City Hall; and

WHEREAS, the deadline for this grant application was March 9, 2005, as such, the application has been submitted and retroactive approval is requested; and

WHEREAS, a 25% match is required of this grant, and the City will utilize matching funds from the Miami-Dade County 2004 General Obligation Bonds approved by the voters on November 2, 2004 for the restoration of Historic City Hall; and

WHEREAS, the Children's Trust Summer Program provides resources for quality year-round programs across Miami-Dade County and the City of Miami Beach Parks and Recreation Department is committed to providing quality recreation activities and facilities for people of all cultures, ages and abilities; and

WHEREAS, the City's programs that are eligible for this grant include the following out-of-school programs: (summer camp, after-school and year-round continuation funding) for youth between the ages of 5-17 years old for approximately 1,500 children, at the City of Miami Beach parks, playgrounds and youth centers; and

WHEREAS, No match is required, however, the City is able to leverage the Parks and Recreation Department operating budget for these programs in the amount of $2,491,629 as a match for this grant; and

WHEREAS, the City proposes to collaborate with UNIDAD of Miami Beach, Inc. for data processing and billing modules related to the grant; and with AYUDA, Inc. for development and delivery of a social skills curriculum for the summer 2005 and after- school 2005-06 programs; and

WHEREAS, the deadline for this grant was March 1, 2005, as such, the City has applied for funding in the amount of $1,250,000 to provide operating funds for the year-round program; and

WHEREAS, funds are also requested from the TDC to support the City's Camp Miami Beach Program; and

WHEREAS, in 1991, the City of Miami Beach launched the first "An American Celebration" as a means to attract visitors to Miami Beach, and, this celebration, due to its grand success, was carried on subsequent years as a vehicle to continue to bring visitors to the City; and

WHEREAS, matching funds will be funded by the City through Corporate Support and the deadline for this grant is April 7, 2005; and

WHEREAS, funds are also requested from the TDC to support the City's Camp Miami Beach Program; and

WHEREAS, Camp Miami Beach is a family vacation package that will include an enriching program of arts and cultural activities, sports and recreation, visits to local attractions, movies and more; and

WHEREAS, matching funds for this grant will be provided from corporate support, and the deadline for this grant is April 7, 2005.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby retroactively authorize the City Manager or his designee to submit applications for grant funds to the following agencies: 1) The Children's Trust, Fiscal Year 2005/06 Out-of-School Program, for funding, in an amount not to exceed $1,250,000, for the City's year-round programs; and, 2) Federal Emergency Management Agency (FEMA), Fiscal Year 2005/06 Pre-Disaster Mitigation Program, for funding, in an amount not to exceed $2,000,000, for Pre-Disaster Hazard Mitigation activities; 3) Miami-Dade County Tourist Development Council, in an amount not to exceed $20,000 For The City's Fourth Of July Event; And, 4) Miami-Dade County Tourist Development Council, in an amount not to exceed $20,000 for the City's Camp Miami Beach Program; further appropriating the grants if approved and accepted by the City; and authorizing the execution of all necessary documents related to this application.

PASSED and ADOPTED this _____ day of _____, 2005

ATTEST:

_____

MAYOR

_____

CITY CLERK

JMG/KB/JH

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 4/11/05 Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB) for their Five Year Plan for Fiscal Years 2005-2009 and Annual Plan for Fiscal Year 2005 to be submitted to the U.S. Department of Housing and Urban Development.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to HACMB for their Five Year Plan for Fiscal Years 2005-2009 and Annual Plan for Fiscal Year 2005.

Item Summary/Recommendation:

HACMB requested a Certification of Consistency with the Consolidated Plan as part of their Five Year Plan for Fiscal Years 2005-2009 and their Annual Plan for Fiscal Year 2005. HACMB is required by the Public Housing Reform Act of 1998, to submit a Five Year Plan and Annual Plan and obtain a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

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

City Clerk's Office Legislative Tracking:

Vivian Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C7G

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) FOR THEIR FIVE YEAR PLAN FOR FISCAL YEARS 2005-2009 AND THEIR ANNUAL PLAN FOR FISCAL YEAR 2005, TO BE SUBMITTED BY HACMB TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD).**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On February 16, 2005, the Housing Authority of the City of Miami Beach (HACMB) requested a Certification of Consistency with the Consolidated Plan as part of their Five Year Plan for Fiscal Years 2005-2009 and their Annual Plan for Fiscal Year 2005. HACMB submits documents to U.S. HUD annually to enable them to continue receiving federal funding for their housing programs. HACMB is required by the Public Housing Reform Act of 1998, to submit a Five Year Plan and Annual Plan.

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

The Housing Authority's Five Year Plan for Fiscal Years 2005-2009 includes a mission statement and delineates main goals to be implemented by HACMB. The mission stated by the plan is "... to provide those in need with quality affordable housing in economically mixed setting while promoting resident self-sufficiency and fostering strong neighborhoods." The Plan enumerates seven goals for HACMB:

- Continue to be a high performing housing authority as measured by both Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP);

- Create or partner in the creation of 200 new affordable rental and/or homeownership units by June 30, 2006;
- Establish and develop a non-profit organization;
- Play an active role in advocating affordable housing and address the housing challenges in Miami Beach;
- Continue to bring new supportive services either internally or through partnerships each year for the next five years;
- Promote maximum diversity within the HACMB staff to reflect the composition of the community;
- Play an active role with the surrounding community and various public and private groups interested in the activities of HACMB.

The Housing Authority's Plan does not include a plan for an assisted living facility. A copy of the Housing Authority's Five Year Plan for Fiscal Years 2005-2009 and Annual Plan for Fiscal Year 2005 is attached.

The City's Consolidated Plan identifies long term objectives in Chapter 4, "Five Year Strategy." Under the Housing Strategy, page 4-21, the Consolidated Plan identifies HACMB as an integral part of the institutional structure, with HACMB partnering with the City through an interlocal agreement. HACMB provides many services to low and moderate income populations, such as daycare services, homeownership opportunities, and transitional housing

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB) for their Five Year Plan for Fiscal Years 2005-2009 and their Annual Plan for Fiscal Year 2005 to be submitted by HACMB to U.S. HUD.

JMG/RCM/VPG/TU
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACOMB) FOR THEIR FIVE YEAR PLAN FOR FISCAL YEARS 2005-2009 AND THEIR ANNUAL PLAN FOR FISCAL YEAR 2005, TO BE SUBMITTED BY HACOMB TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD).

WHEREAS, on July 30, 2003, the Mayor and City Commission approved the City's Consolidated Plan; and

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

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

WHEREAS, HACOMB has submitted to the City its Five Year Plan for Fiscal Years 2005-2009, and its Annual Plan for Fiscal Year 2005; and

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

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

WHEREAS, HACOMB's Five Year Plan for Fiscal Years 2005-2009 includes a mission statement and delineates main goals to be implemented by HACOMB, and the mission stated by the plan is "to provide those in need with quality affordable housing in economically mixed setting while promoting resident self-sufficiency and fostering strong neighborhoods."

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission authorize the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACOMB)

for its Five Year Plan for Fiscal Years 2005-2009 and its Annual Plan for Fiscal Year 2005, to be submitted by the HACOMB to the U.S. Department of Housing and Urban Development (U.S. HUD).

PASSED AND ADOPTED this _____ day of _____, 2005.

ATTEST:

_____ _____

CITY CLERK MAYOR

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-9-05 Date

HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH

Agenda Item No. VII. A.
March 8, 2005

RESOLUTION NO. 2005 - 03

A RESOLUTION ADOPTING THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) FIVE-YEAR PLAN FOR FY 2005-2009 AND ANNUAL PLAN FOR FY 2005 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT THE PLANS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD) IN ACCORDANCE WITH FEDERAL REGULATIONS

Whereas, the HACMB is required by the Public Housing Reform Act of 1998 to submit the Five-Year Plan for FY 2005-2009 and Annual Plan for FY2005 to U.S. HUD before the deadline of April 17, 2005; and

Whereas, the HACMB held the required public hearing on March 4, 2005 to discuss and receive public comments on the Plans after making said Plans available for public review for 45 days, and

Whereas, the HACMB Board of Commissioners have reviewed the Plans and all public comments received on said Plans.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH that the HACMB adopt the Five-Year Plan for FY 2005-2009 and Annual Plan for FY2005 and that the Executive Director submit the Plans to U.S. HUD in accordance with federal regulations.

The foregoing resolution was offered by Commissioner Turkel, who moved its adoption. The motion was seconded by Commissioner Lopez, and upon being put to a vote, the vote was as follows:

	Yes	No
Maria Beatriz Gutierrez, Chairperson	X	
Steven Chaykin, Vice-Chair *(Absent)*		
Milli Membiela *(Absent)*		
Rosalia Lopez	X	
Leonard Turkel	X	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of March 2005.

Miguell Del Campillo, Secretary
Housing Authority of the City of Miami Beach

Maria Beatriz Gutierrez, Chairperson
Housing Authority of the City of Miami Beach

PHA Plans

Streamlined 5-Year/Annual Version

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

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

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

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

Streamlined 5-Year Plan for Fiscal Years 2005 - 2009
Streamlined Annual Plan for Fiscal Year 2005

NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue. Full reporting for each component listed in the streamlined Annual Plan submitted with the 5-year plan is required.

Streamlined Five-Year PHA Plan
Agency Identification

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

PHA Fiscal Year Beginning: (07/2005)

PHA Programs Administered:

☒ **Public Housing and Section 8**
Number of public housing units: 200
Number of S8 units: 2,834

☐ **Section 8 Only**
Number of S8 units:

☐ **Public Housing Only**
Number of public housing units:

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

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

Public Access to Information

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

☒ Main administrative office of the PHA
☐ PHA development management offices
☐ PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans and attachments (if any) are available for public inspection at: (select all that apply)

☒ Main administrative office of the PHA
☐ PHA development management offices
☐ PHA local offices
☐ Main administrative office of the local government
☐ Main administrative office of the County government
☐ Main administrative office of the State government
☐ Public library
☐ PHA website
☐ Other (list below)

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

☒ Main business office of the PHA
☐ PHA development management offices

☐ Other (list below)

Streamlined Five-Year PHA Plan

PHA FISCAL YEARS 2005 - 2009

[24 CFR Part 903.12]

A. Mission

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

☐ The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

☒ The PHA's mission is: **The mission of the Housing Authority of the City of Miami Beach is to provide those in need with quality, affordable housing in an economically mixed settings while promoting resident self-sufficiency and fostering strong neighborhoods.**

B. Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAs ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

☒ PHA Goal: Expand the supply of assisted housing
Objectives:
- ☒ Apply for additional rental vouchers:
- ☒ Reduce public housing vacancies:
- ☒ Leverage private or other public funds to create additional housing opportunities:
- ☒ Acquire or build units or developments
- ☐ Other (list below)

☒ PHA Goal: Improve the quality of assisted housing
Objectives:
- ☒ Improve public housing management: (PHAS score)
- ☒ Improve voucher management: (SEMAP score)
- ☒ Increase customer satisfaction:
- ☒ Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
- ☒ Renovate or modernize public housing units:
- ☐ Demolish or dispose of obsolete public housing:
- ☐ Provide replacement public housing:
- ☐ Provide replacement vouchers:

☐ Other: (list below)

☒ PHA Goal: Increase assisted housing choices
Objectives:
- ☒ Provide voucher mobility counseling:
- ☒ Conduct outreach efforts to potential voucher landlords
- ☐ Increase voucher payment standards
- ☒ Implement voucher homeownership program:
- ☐ Implement public housing or other homeownership programs:
- ☐ Implement public housing site-based waiting lists:
- ☐ Convert public housing to vouchers:
- ☐ Other: (list below)

HUD Strategic Goal: Improve community quality of life and economic vitality

☐ PHA Goal: Provide an improved living environment
Objectives:
- ☐ Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
- ☐ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- ☐ Implement public housing security improvements:
- ☐ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- ☒ Other: (list below) **Continue elderly designation for Rebecca Towers South.**

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

☒ PHA Goal: Promote self-sufficiency and asset development of assisted households
Objectives:
- ☒ Increase the number and percentage of employed persons in assisted families:
- ☒ Provide or attract supportive services to improve assistance recipients' employability:
- ☒ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- ☐ Other: (list below)

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

☒ PHA Goal: Ensure equal opportunity and affirmatively further fair housing
Objectives:
- ☒ Undertake affirmative measures to ensure access to assisted housing regardless of

race, color, religion national origin, sex, familial status, and disability:

☒ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:

☒ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:

☐ Other: (list below)

Other PHA Goals and Objectives: (list below)

Goal One: Continue to a be a high performing authority as measured by both PHAS and SEMAP.

- Resolve all CMR/OIG findings by December 2005.
- Resolve all existing IPA audit findings except for the bond audit submission deadline finding by June 30, 2006.
- Receive a finding-free audit (except for the bond audit submission deadline) for the fiscal year ending June 30, 2006.
- Continue all programs operating self-sustaining, unless otherwise specifically authorized by the Board of Commissioners.
- Continue to promote landlord participation in the Section 8 Program on an on-going basis.
- Improve communication between staff and public housing residents and Section 8 participants.

Goal Two: Create or partner in the creation of 200 new Affordable rental and/or homeownership units by June 30, 2010.

- HACMB vacant buildings will be rehabilitated to provide affordable housing by June 30, 2007.
- All HACMB vacant land will be developed by June 30, 2010.
- Apply for any new competitive HUD funds for additional affordable housing, including vouchers.
- Engage in joint ventures or partnerships with both for-profit and not for pro-profit entities to create additional affordable housing opportunities.

Goal Three: Establish and develop a non-profit organization.

- Leverage private or other public funds to create additional housing opportunities and complementary services.

Goal Four: Play a active role in advocating affordable housing and addressing the Housing challenges in Miami Beach.

- Promote the creation of a mechanism to fund Affordable Housing units in Miami

Beach with the collaboration of the City of Miami Beach.

Goal five: Continue to bring new supportive services either internally or through partnerships each year for the next five years.

- Continue to encourage participation in HACMB affairs by resident organizations that represent participants in all programs.

Goal six: Promote maximum diversity within the HACMB staff to reflect the composition of the community.

Goal seven: Play an active role with the surrounding community, public and private groups interested in the activities of HACMB.

- Establish a Web-site for HACMB by December 31, 2005.

Streamlined Annual PHA Plan
PHA Fiscal Year 2005
[24 CFR Part 903.12(b)]

Table of Contents
Provide the following table of contents for the streamlined Annual Plan submitted with the Five-Year Plan, including all streamlined plan components, and additional requirements, together with the list of supporting documents available for public inspection.

A. ANNUAL STREAMLINED PHA PLAN COMPONENTS

☒ 1. Housing Needs
☒ 2. Financial Resources
☒ 3. Policies on Eligibility, Selection and Admissions
☒ 4. Rent Determination Policies
☒ 5. Capital Improvements Needs
☐ 6. Demolition and Disposition
☒ 7. Homeownership
☒ 8. Civil Rights Certifications (included with PHA Certifications of Compliance)
☒ 9. Additional Information
  a. PHA Progress on Meeting 5-Year Mission and Goals
  b. Criteria for Substantial Deviations and Significant Amendments
  c. Other Information Requested by HUD
    i. Resident Advisory Board Membership and Consultation Process
    ii. Resident Membership on the PHA Governing Board
    iii. PHA Statement of Consistency with Consolidated Plan
    iv. (Reserved)
☒ 10. Project-Based Voucher Program
☒ 11. Supporting Documents Available for Review
☒ 12. FY **2005** Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
☒ 13. Capital Fund Program 5-Year Action Plan
☒ 14. Other (List below, providing name for each item)
  Single Residency Occupancy-Mod. Rehab (Sun South)

B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;*
Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.
For PHAs APPLYING FOR CAPITAL FUND PROGRAM (CFP) GRANTS:
Form HUD-50070, *Certification for a Drug-Free Workplace;*
Form HUD-50071, *Certification of Payments to Influence Federal Transactions;*
Form SF-LLL & SF-LLLa, *Disclosure of Lobbying Activities.*

Executive Summary (optional)

[903.7(r)]. If desired, provide a brief overview of the contents of the streamlined 5-Year/Annual Plan.

1. Statement of Housing Needs [24 CFR Part 903.12 (b), 903.7(a)]

A. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA's waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the PHA's Waiting Lists

Waiting list type: (select one)
- ☐ Section 8 tenant-based assistance
- ☒ Public Housing
- ☐ Combined Section 8 and Public Housing
- ☐ Public Housing Site-Based or sub-jurisdictional waiting list (optional)

If used, identify which development/subjurisdiction:

	# of families	% of total families	Annual Turnover
Waiting list total	242		
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children			
Elderly families			
Families with Disabilities	72	29.75	
Race/ethnicity (white)	234	96.69	
Race/ethnicity (black)	8	3.30	
Race/ethnicity (hisp)	223	92.14	
Race/ethnicity (non-hisp)	19	7.85	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	180	74.38	
2 BR	26	10.74	
3 BR			
4 BR			
5 BR			
5+ BR			

Is the waiting list closed (select one)? ☐ No ☒ Yes

If yes:

How long has it been closed (# of months)? 36

Does the PHA expect to reopen the list in the PHA Plan year? ☐ No ☒ Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed? ☒ No ☐ Yes

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one) ☒ Section 8 tenant-based assistance ☐ Public Housing ☐ Combined Section 8 and Public Housing ☐ Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	734		
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children			
Elderly families			
Families with Disabilities			
Race/ethnicity (white)	318	43.32	
Race/ethnicity (black)	412	56.13	
Race/ethnicity (hisp.)	323	44.00	
Race/ethnicity (non-hisp.)	411	55.99	
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? ☐ No ☒ Yes If yes: How long has it been closed (# of months)? 29 Does the PHA expect to reopen the list in the PHA Plan year? ☐ No ☒ Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? ☒ No ☐ Yes			

B. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families on the PHA's public housing and Section 8 waiting lists **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:
Select all that apply

- ☒ Employ effective maintenance and management policies to minimize the number of public housing units off-line
- ☒ Reduce turnover time for vacated public housing units
- ☒ Reduce time to renovate public housing units
- ☐ Seek replacement of public housing units lost to the inventory through mixed finance development
- ☐ Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- ☒ Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- ☒ Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- ☒ Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- ☒ Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- ☒ Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- ☐ Other (list below)

Strategy 2: Increase the number of affordable housing units by:
Select all that apply

- ☒ Apply for additional section 8 units should they become available
- ☒ Leverage affordable housing resources in the community through the creation of mixed - finance housing
- ☒ Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- ☐ Other: (list below)

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI
Select all that apply

- ☒ Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- ☒ Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- ☐ Employ admissions preferences aimed at families with economic hardships
- ☒ Adopt rent policies to support and encourage work

☐ Other: (list below)

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI
Select all that apply

☒ Employ admissions preferences aimed at families who are working
☒ Adopt rent policies to support and encourage work
☐ Other: (list below)

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:
Select all that apply

☐ Seek designation of public housing for the elderly
☒ Apply for special-purpose vouchers targeted to the elderly, should they become available
☒ Other: (list below) **Continue elderly designation for Rebecca Towers South.**

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:
Select all that apply

☐ Seek designation of public housing for families with disabilities
☒ Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
☒ Apply for special-purpose vouchers targeted to families with disabilities, should they become available
☒ Affirmatively market to local non-profit agencies that assist families with disabilities
☐ Other: (list below)

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:
Select if applicable

☒ Affirmatively market to races/ethnicities shown to have disproportionate housing needs
☐ Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing
Select all that apply

☒ Counsel section 8 tenants as to location of units outside of areas of poverty or minority

concentration and assist them to locate those units
☒ Market the section 8 program to owners outside of areas of poverty /minority concentrations
☐ Other: (list below)

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

☒ Funding constraints
☒ Staffing constraints
☒ Limited availability of sites for assisted housing
☒ Extent to which particular housing needs are met by other organizations in the community
☒ Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
☒ Influence of the housing market on PHA programs
☒ Community priorities regarding housing assistance
☒ Results of consultation with local or state government
☒ Results of consultation with residents and the Resident Advisory Board
☒ Results of consultation with advocacy groups
☐ Other: (list below)

2. Statement of Financial Resources

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

List on the following table the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8

supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
1. **Federal Grants (FY 2005 grants)**		
a) Public Housing Operating Fund	$444,694.00	
b) Public Housing Capital Fund	$247,702.00	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	$19,016,634.00	
f) Resident Opportunity and Self-Sufficiency Grants	$60,600.00	
g) Community Development Block Grant		
h) HOME		
Other Federal Grants (list below)		
Sub Rehab Villa Maria	$159,338.00	
Sub Rehab Edwards	$843,260.00	
Sub Rehab Shep Davis	$318,082.00	
Mod Rehab Blackstone	$1,004,094.00	
Mod Rehab SRO-SunSouth	$319,704.00	*upon completion of rehab
New Construction Dwelling Rental Income	$1,363,680.00	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
3. Public Housing Dwelling Rental Income	$335,340.00	P.H. operations
4. Other income (list below)		
Section 8 Investments	$60,500.00	
New Construction Investments	$188,000.00	
Misc. Income New Construction	$30,000.00	
4. Non-federal sources (list below)		
211 Collins Avenue	$140,000.00	Maintenance/HACMB oper.
Total resources	$24,531,628.00	

3. PHA Policies Governing Eligibility, Selection, and Admissions

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

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)
☒ When families are within a certain number of being offered a unit: (state number) **6**
☐ When families are within a certain time of being offered a unit: (state time)
☐ Other: (describe)

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?
☒ Criminal or Drug-related activity
☐ Rental history
☐ Housekeeping
☒ Other (describe) **Credit History**

c. ☒ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
d. ☐ Yes ☒ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
e. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)
☒ Community-wide list
☐ Sub-jurisdictional lists
☐ Site-based waiting lists
☐ Other (describe)

b. Where may interested persons apply for admission to public housing?
☐ PHA main administrative office
☐ PHA development site management office
☒ Other (list below)
Interested persons may apply as indicated in public notices which will contain date, time, location(s) and how families may apply.

c. Site-Based Waiting Lists-Previous Year

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

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

2. What is the number of site based waiting list developments to which families may apply at one time?

3. How many unit offers may an applicant turn down before being removed from the site-based waiting list?

4. ☐ Yes ☐ No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

d. Site-Based Waiting Lists – Coming Year

If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2. ☐ Yes ☐ No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
   If yes, how many lists?

3. ☐ Yes ☐ No: May families be on more than one list simultaneously
   If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
   ☐ PHA main administrative office
   ☐ All PHA development management offices
   ☐ Management offices at developments with site-based waiting lists

☐ At the development to which they would like to apply
☐ Other (list below)

(3) Assignment

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

☒ One
☐ Two
☐ Three or More

b. ☒ Yes ☐ No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

a. Income targeting:

☒ Yes ☐ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

☒ Emergencies
☒ Over-housed
☒ Under-housed
☒ Medical justification
☒ Administrative reasons determined by the PHA (e.g., to permit modernization work)
☐ Resident choice: (state circumstances below)
☐ Other: (list below)

c. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
☐ Victims of domestic violence
☐ Substandard housing

☐ Homelessness
☐ High rent burden (rent is > 50 percent of income)

Other preferences: (select below)
☐ Working families and those unable to work because of age or disability
☐ Veterans and veterans' families
☐ Residents who live and/or work in the jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☒ Other preference(s) (list below)
-Veterans preference- US veterans or surviving spouses of US veterans
-Residents who live or work in Miami Beach

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

☒ **(2)**-Date and Time

Former Federal preferences:
☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
☐ Victims of domestic violence
☐ Substandard housing
☐ Homelessness
☐ High rent burden

Other preferences (select all that apply)
☐ Working families and those unable to work because of age or disability
☐ Veterans and veterans' families
☐ Residents who live and/or work in the jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☒ Other preference(s) (list below)
(1)-Veterans preference- US veterans or surviving spouses of US veterans
(1)-Residents who live or work in Miami Beach

4. Relationship of preferences to income targeting requirements:
☐ The PHA applies preferences within income tiers
☒ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)
☒ The PHA-resident lease
☒ The PHA's Admissions and (Continued) Occupancy policy
☒ PHA briefing seminars or written materials
☐ Other source (list)

b. How often must residents notify the PHA of changes in family composition? (select all that apply)
☐ At an annual reexamination and lease renewal
☒ Any time family composition changes
☐ At family request for revision
☐ Other (list)

(6) Deconcentration and Income Mixing

a. ☐ Yes ☒ No: Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.

b. ☐ Yes ☐ No: Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete. If yes, list these developments on the following table:

Deconcentration Policy for Covered Developments			
Development Name	**Number of Units**	**Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]**	**Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]**

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B.
Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).

(1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)
☒ Criminal or drug-related activity only to the extent required by law or regulation
☐ Criminal and drug-related activity, more extensively than required by law or regulation
☐ More general screening than criminal and drug-related activity (list factors):
☐ Other (list below)

b. ☒ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c. ☐ Yes ☒ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

e. Indicate what kinds of information you share with prospective landlords? (select all that apply)
☐ Criminal or drug-related activity
☒ Other (describe below)
current address and last address of applicant upon landlord request

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
☐ None
☐ Federal public housing
☒ Federal moderate rehabilitation
☒ Federal project-based certificate program
☐ Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)
☐ PHA main administrative office
☒ Other (list below)
Interested persons may apply as indicated in public notices which will contain date, time, location(s) and how families may apply.

(3) Search Time

a. ☒ Yes ☐ No: Does the PHA give extensions on standard 60-day period to search for a unit?
If yes, state circumstances below:

Extensions are permissible at the discretion of the PHA, up to a maximum of an additional 60 days primarily for these reasons:

- **Extenuating circumstances such as hospitalization or a family emergency for an extended period of time that has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.**
- **The family was prevented from finding a unit due to disability accessibility requirements or a large size (4) bedroom unit. Verification is required.**
- **If the vacancy rate for rental housing in the jurisdiction is less than five (5) percent, extensions will be granted automatically on request up to a total of 60 days.**

(4) Admissions Preferences

a. Income targeting

☒ Yes ☐ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
☐ Victims of domestic violence
☐ Substandard housing
☐ Homelessness
☐ High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

☐ Working families and those unable to work because of age or disability
☐ Veterans and veterans' families
☐ Residents who live and/or work in your jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☒ Other preference(s) (list below)

- **Working families that live or work on Miami Beach (head, spouse and sole member) However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disability.**
- **Families currently enrolled in educational training or upward mobility programs and live or work in Miami Beach.**

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

☒ **(2)**-Date and Time

Former Federal preferences:
☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
☐ Victims of domestic violence
☐ Substandard housing
☐ Homelessness
☐ High rent burden

Other preferences (select all that apply)
☐ Working families and those unable to work because of age or disability
☐ Veterans and veterans' families
☐ Residents who live and/or work in your jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☒ Other preference(s) (list below)
(1) -Working families that live or work on Miami Beach (head, spouse and sole member) However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disability.
(1) -Families currently enrolled in educational training or upward mobility programs and live or work in Miami Beach.

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)
☒ Date and time of application
☐ Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)
☒ This preference has previously been reviewed and approved by HUD
☐ The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)
☐ The PHA applies preferences within income tiers
☒ Not applicable: the pool of applicant families ensures that the PHA will meet income

targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

☒ The Section 8 Administrative Plan
☒ Briefing sessions and written materials
☐ Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

☒ Through published notices
☐ Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.12(b), 903.7(d)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one of the following two)

☐ The PHA will not employ any discretionary rent-setting policies for income-based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

☒ The PHA employs discretionary policies for determining income-based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

☒ $0
☐ $1-$25
☐ $26-$50

2. ☐ Yes ☒ No: Has the PHA adopted any discretionary minimum rent hardship exemption

policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% of adjusted income

1. ☐ Yes ☒ No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

☐ For the earned income of a previously unemployed household member
☐ For increases in earned income
☐ Fixed amount (other than general rent-setting policy)
If yes, state amount/s and circumstances below:

☐ Fixed percentage (other than general rent-setting policy)
If yes, state percentage/s and circumstances below:

☐ For household heads
☐ For other family members
☐ For transportation expenses
☐ For the non-reimbursed medical expenses of non-disabled or non-elderly families
☐ Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

☐ Yes for all developments
☐ Yes but only for some developments
☒ No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

☐ For all developments
☐ For all general occupancy developments (not elderly or disabled or elderly only)
☐ For specified general occupancy developments
☐ For certain parts of developments; e.g., the high-rise portion
☐ For certain size units; e.g., larger bedroom sizes

☐ Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

☐ Market comparability study
☐ Fair market rents (FMR)
☐ 95th percentile rents
☐ 75 percent of operating costs
☐ 100 percent of operating costs for general occupancy (family) developments
☐ Operating costs plus debt service
☐ The "rental value" of the unit
☐ Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

☐ Never
☐ At family option
☒ Any time the family experiences an income increase
☐ Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
☐ Other (list below)

g. ☐ Yes ☒ No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

a. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)
☐ The section 8 rent reasonableness study of comparable housing
☐ Survey of rents listed in local newspaper
☒ Survey of similar unassisted units in the neighborhood
☐ Other (list/describe below)

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)
- ☐ At or above 90% but below100% of FMR
- ☐ 100% of FMR
- ☒ Above 100% but at or below 110% of FMR
- ☐ Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)
- ☐ FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☐ The PHA has chosen to serve additional families by lowering the payment standard
- ☐ Reflects market or submarket
- ☐ Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)
- ☒ FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☒ Reflects market or submarket
- ☒ To increase housing options for families
- ☐ Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)
- ☒ Annually
- ☐ Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)
- ☒ Success rates of assisted families
- ☒ Rent burdens of assisted families
- ☒ Other (list below)

Budgetary Constraint

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)
- ☒ $0
- ☐ $1-$25
- ☐ $26-$50

b. ☐ Yes ☒ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

5. Capital Improvement Needs

[24 CFR Part 903.12(b), 903.7 (g)]
Exemptions from Component 5: Section 8 only PHAs are not required to complete this component and may skip to Component 6.

A. Capital Fund Activities

Exemptions from sub-component 5A: PHAs that will not participate in the Capital Fund Program may skip to component 5B. All other PHAs must complete 5A as instructed.

(1) Capital Fund Program

a. ☒ Yes ☐ No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 12 and 13 of this template (Capital Fund Program tables). If no, skip to B.

b. ☐ Yes ☒ No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

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

Applicability of sub-component 5B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

(1) Hope VI Revitalization

a. ☐ Yes ☒ No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to next component; if yes, provide responses to questions on chart below for each grant, copying and completing as many times as necessary)

b. Status of HOPE VI revitalization grant (complete one set of questions for each grant)
Development name:
Development (project) number:
Status of grant: (select the statement that best describes the current status)
☐ Revitalization Plan under development
☐ Revitalization Plan submitted, pending approval
☐ Revitalization Plan approved

☐ Activities pursuant to an approved Revitalization Plan underway

c. ☐ Yes ☒ No: Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year? If yes, list development name/s below:

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

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

6. Demolition and Disposition

[24 CFR Part 903.12(b), 903.7 (h)]
Applicability of component 6: Section 8 only PHAs are not required to complete this section.

a. ☐ Yes ☒ No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 or 24 (Hope VI)of the U.S. Housing Act of 1937 (42 U.S.C. 1437p) or Section 202/Section 33 (Mandatory Conversion) in the plan Fiscal Year? (If "No", skip to component 7; if "yes", complete one activity description for each development on the following chart.)

Demolition/Disposition Activity Description
1a. Development name: 1b. Development (project) number:
2. Activity type: Demolition ☐ Disposition ☐
3. Application status (select one) Approved ☐ Submitted, pending approval ☐ Planned application ☐
4. Date application approved, submitted, or planned for submission: (DD/MM/YY)
5. Number of units affected: 6. Coverage of action (select one) ☐ Part of the development ☐ Total development
7. Timeline for activity: a. Actual or projected start date of activity: b. Projected end date of activity:

7. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program

[24 CFR Part 903.12(b), 903.7(k)(1)(i)]

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

(2) Program Description

a. Size of Program

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

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

b. PHA-established eligibility criteria

☒ Yes ☐ No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria? If yes, list criteria below:

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

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

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

(3) Capacity of the PHA to Administer a Section 8 Homeownership Program

The PHA has demonstrated its capacity to administer the program by (select all that apply):
a. ☒ Establishing a minimum homeowner downpayment requirement of at least 3 percent of purchase price and requiring that at least 1 percent of the purchase price comes from the family's

resources.
b. ☒ Requiring that financing for purchase of a home under its Section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.
c. ☒ Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below).

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

d. ☐ Demonstrating that it has other relevant experience (list experience below).

8. Civil Rights Certifications

[24 CFR Part 903.12 (b), 903.7 (o)]

Civil rights certifications are included in the *PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans*, which is submitted to the Field Office in hard copy—see Table of Contents.

9. Additional Information

[24 CFR Part 903.12 (b), 903.7 (r)]

A. PHA Progress in Meeting the Mission and Goals Described in the 5-Year Plan

B.

The HACMB has made significant progress against the goals and objectives established in the previous 5-year plan for Fiscal Years 2000-2004. The HACMB has achieved high performer status as measured by PHAS and SEMAP for Fiscal Years 2003 and 2004. All outstanding CMR and OIG findings have been closed, with one exception. All HACMB programs areas are currently self sustaining.

B. Criteria for Substantial Deviations and Significant Amendments

(1) Amendment and Deviation Definitions

24 CFR Part 903.7(r)

PHAs are required to define and adopt their own standards of substantial deviation from the 5-year Plan and Significant Amendment to the Annual Plan. The definition of significant amendment is important because it defines when the PHA will subject a change to the policies or activities described in the Annual Plan to full public hearing and HUD review before implementation.

a. Substantial Deviation from the 5-Year Plan

Substantial deviations are defined as discretionary changes in plans or policies of the housing authority that fundamentally change the mission, goals, objectives, or plans of the agency and

which require formal approval of the Board of Commissioners.

b. **Significant Amendment or Modification to the Annual Plan**
Significant amendments or modifications are defined as discretionary changes in plans or policies of the housing authority that fundamentally change the mission, goals, objectives, or plans of the agency and which require formal approval of the Board of Commissioners

C. Other Information

[24 CFR Part 903.13, 903.15]

(1) Resident Advisory Board Recommendations

a. ☒ Yes ☐ No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
If yes, provide the comments below:

b. In what manner did the PHA address those comments? (select all that apply)

☐ Considered comments, but determined that no changes to the PHA Plan were necessary.
☐ The PHA changed portions of the PHA Plan in response to comments
List changes below:

☐ Other: (list below)

(2) Resident Membership on PHA Governing Board
The governing board of each PHA is required to have at least one member who is directly assisted by the PHA, unless the PHA meets certain exemption criteria. Regulations governing the resident board member are found at 24 CFR Part 964, Subpart E.

a. Does the PHA governing board include at least one member who is directly assisted by the PHA this year?

☒ Yes ☐ No:

If yes, complete the following:

Name of Resident Member of the PHA Governing Board: **Rosalia Lopez**

Method of Selection:
☒ Appointment
The term of appointment is (include the date term expires): Four year term (expires 10/11/08)

☐ Election by Residents (if checked, complete next section--Description of Resident

Election Process)

Description of Resident Election Process
Nomination of candidates for place on the ballot: (select all that apply)
- ☐ Candidates were nominated by resident and assisted family organizations
- ☐ Candidates could be nominated by any adult recipient of PHA assistance
- ☐ Self-nomination: Candidates registered with the PHA and requested a place on ballot
- ☐ Other: (describe)

Eligible candidates: (select one)
- ☐ Any recipient of PHA assistance
- ☐ Any head of household receiving PHA assistance
- ☐ Any adult recipient of PHA assistance
- ☐ Any adult member of a resident or assisted family organization
- ☐ Other (list)

Eligible voters: (select all that apply)
- ☐ All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- ☐ Representatives of all PHA resident and assisted family organizations
- ☐ Other (list)

b. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

- ☐ The PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis
- ☐ The PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.
- ☐ Other (explain):

Date of next term expiration of a governing board member: **10/11/2005**

Name and title of appointing official(s) for governing board (indicate appointing official for the next available position): **Mayor David Dermer**

(3) PHA Statement of Consistency with the Consolidated Plan
[24 CFR Part 903.15]
For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

Consolidated Plan jurisdiction: City of Miami Beach

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

- ☒ The PHA has based its statement of needs of families on its waiting list on the needs expressed in the Consolidated Plan/s.
- ☒ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- ☒ The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- ☒ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- ☒ Other: (list below)

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

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

-see letter of consistency

(4) (Reserved)

Use this section to provide any additional information requested by HUD.

10. Project-Based Voucher Program

a. ☒ Yes ☐ No: Does the PHA plan to "project-base" any tenant-based Section 8 vouchers in the coming year? If yes, answer the following questions.

b. ☒ Yes ☐ No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option?

If yes, check which circumstances apply:

- ☐ Low utilization rate for vouchers due to lack of suitable rental units
- ☒ Access to neighborhoods outside of high poverty areas
- ☐ Other (describe below:)

c. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts): **85 units located on Miami Beach**

11. List of Supporting Documents Available for Review for Streamlined Five-Year/ Annual PHA Plans

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

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Related Plan Component**
X	*PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans.*	Standard 5 Year and Annual Plans; streamlined 5 Year Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan.	5 Year Plans
X	Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5 Year and Annual Plans
X	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA's public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. ☐ Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the method for setting public housing flat rents. ☒ Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development. ☒ Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. ☐ Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
X	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
X	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
X	Any policies governing any Section 8 special housing types ☒ check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Related Plan Component**
	Consortium agreement(s).	Annual Plan: Agency Identification and Operations/ Management
X	Public housing grievance procedures ☒ Check here if included in the public housing A & O Policy.	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. ☒ Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
X	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
X	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs ☐ Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
X	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
X	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). ☒ Check here if included in the public housing A & O Policy.	Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Consortium agreement(s), if a consortium administers PHA programs.	Joint PHA Plan for Consortia
	Consortia Joint PHA Plans ONLY: Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection	Joint PHA Plan for Consortia
	Other supporting documents (optional). List individually.	(Specify as needed)

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

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

PHA Name: Housing Authority of the City of Miami Beach	Grant Type and Number Capital Fund Program Grant No: FL14PO17502-05 Replacement Housing Factor Grant No:	Federal FY of Grant: 2005

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

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	10,000			
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable	13,702			
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment	224,000			
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)				
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name: Housing Authority of the City of Miami Beach		Grant Type and Number Capital Fund Program Grant No: FL14PO17502-05 Replacement Housing Factor Grant No:			Federal FY of Grant: 2005
☐Original Annual Statement ☐Reserve for Disasters/ Emergencies ☐Revised Annual Statement (revision no:) ☐Performance and Evaluation Report for Period Ending: ☐Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
26	Amount of line 21 Related to Energy Conservation Measures				

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages								
PHA Name: Housing Authority of the City of Miami Beach		Grant Type and Number Capital Fund Program Grant No: FL14PO17502-05 Replacement Housing Factor Grant No:				Federal FY of Grant: 2005		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
FL017	Renovation	1475		224,000				
	Consult. (Elevators)	1430		10,000				
	Refrigerator	1465 .1	40	13702				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-05 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2005		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	

13. Capital Fund Program Five-Year Action Plan

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name:	**Grant Type and Number** Capital Fund Program No: Replacement Housing Factor No:	**Federal FY of Grant:**

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	

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

Capital Fund Program Five-Year Action Plan Part I: Summary					
PHA Name Housing Authority of the City of Miami Beach				☐Original 5-Year Plan ☐Revision No:	
Development Number/Name/HA-Wide	Year 1 2005	Work Statement for Year 2 FFY Grant: PHA FY: 2006	Work Statement for Year 3 FFY Grant: PHA FY: 2007	Work Statement for Year 4 FFY Grant: PHA FY: 2008	Work Statement for Year 5 FFY Grant: PHA FY: 2009
	Annual Statement				
FL017		247,702	247,702	247,702	247,702
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

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

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
See						
Annual						
Statement						
Total CFP Estimated Cost			$			$

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

Capital Fund Program Five-Year Action Plan Part II: Supporting Pages—Work Activities					
Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
Total CFP Estimated Cost		$			$

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

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

PHA Name: Housing Authority of the City of Miami Beach	Grant Type and Number Capital Fund Program Grant No: FL14PO17502-06 Replacement Housing Factor Grant No:	Federal FY of Grant: 2006

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

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	167,084			
11	1465.1 Dwelling Equipment—Nonexpendable	49,740			
12	1470 Nondwelling Structures	30,878			
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)				
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-06 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
FL 017				Original	Revised	Funds Obligated	Funds Expended	
	Refrigerator	1465 .1	30	10,200				
	Air conditioners	1465 .1	60	32,700				
	Stove	1465 .1	30	6,840				
Lunch/acct/lobby	Tile ground floor (ceramic)	1460		40,000				
	Paint occupied units	1460	30	11,000				
	Window repair/replacement	1470		30,878				
	Kitchen cabinets	1460	40	44,600				
Apartments	Floor tiles	1460	60	71,484				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-06 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
FL 017				Original	Revised	Funds Obligated	Funds Expended	

13. Capital Fund Program Five-Year Action Plan

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name:	**Grant Type and Number** Capital Fund Program No: Replacement Housing Factor No:	**Federal FY of Grant:**

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	

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

Capital Fund Program Five-Year Action Plan **Part I: Summary**					
PHA Name				☐**Original 5-Year Plan** ☐**Revision No:**	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

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

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
See						
Annual						
Statement						
Total CFP Estimated Cost			$			$

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

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
Total CFP Estimated Cost		$			$

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

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

PHA Name: Housing Authority of the City of Miami Beach	Grant Type and Number Capital Fund Program Grant No: FL14P017502-07 Replacement Housing Factor Grant No:	Federal FY of Grant: 2007

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

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration	15,000			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	80,000			
10	1460 Dwelling Structures	119,742			
11	1465.1 Dwelling Equipment—Nonexpendable	32,960			
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)				
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security -- Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-07 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2007		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
FL017	Fence/Wall (entrance)	1450	1	80,000				
	Architect	1410	1	15,000				
	Resurface/striping parking	1460	1	40,000				
	Cabinets	1460	40	44,000				
	Stoves	1465 .1	20	4,560				
	Refrigerator	1425 .1	20	6,800				
	A/C	1465 .1	40	21,600				
	Floor tiles	1460	30	35,742				

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

Annual Statement/Performance and Evaluation Report **Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)** **Part II: Supporting Pages**								
PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-07 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2007		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	

13. Capital Fund Program Five-Year Action Plan

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name:	**Grant Type and Number** Capital Fund Program No: Replacement Housing Factor No:	**Federal FY of Grant:**

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	

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

Capital Fund Program Five-Year Action Plan **Part I: Summary**					
PHA Name				☐**Original 5-Year Plan** ☐**Revision No:**	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

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

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
See						
Annual						
Statement						
Total CFP Estimated Cost			$			$

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

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
Total CFP Estimated Cost		$			$

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

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

PHA Name: Housing Authority of the City of Miami Beach	Grant Type and Number Capital Fund Program Grant No: FL14PO17502-08 Replacement Housing Factor Grant No:	Federal FY of Grant: 2008

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

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration	15000			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	204,320			
11	1465.1 Dwelling Equipment—Nonexpendable	28,400			
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)				
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-08 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2008		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
FL066	Roofing	1460		150,000				
	Architect	1410		15,000				
	A/C	1465 .1	40	21,600				
	Floor tiles	1460	30	30,380				
	Cabinets	1460	20	24,000				
	Refrigerator	1465 .1	20	6,800				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-08 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2008		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	

13. Capital Fund Program Five-Year Action Plan

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name:	**Grant Type and Number** Capital Fund Program No: Replacement Housing Factor No:	**Federal FY of Grant:**

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	

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

Capital Fund Program Five-Year Action Plan **Part I: Summary**					
PHA Name				☐**Original 5-Year Plan** ☐**Revision No:**	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

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

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
See						
Annual						
Statement						
Total CFP Estimated Cost			$			$

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

Capital Fund Program Five-Year Action Plan Part II: Supporting Pages—Work Activities					
Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
Total CFP Estimated Cost		$			$

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

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

PHA Name: Housing Authority of the City of Miami Beach	Grant Type and Number Capital Fund Program Grant No: FL14PO17502-09 Replacement Housing Factor Grant No:	Federal FY of Grant: 2009

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

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	247,702			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
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26	Amount of line 21 Related to Energy Conservation Measures				

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Annual Statement/Performance and Evaluation Report
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Part II: Supporting Pages

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-09 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2009		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
FL017	Pressure wash/repair crack	1460		100,000				
	Paint/stucco							
	Upgrade sprinkler sys.	1460		47,702				
	Fire alarm system	1460		100,000				

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

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

PHA Name: Housing Authority of the City of Miami Beach		**Grant Type and Number** Capital Fund Program Grant No: FL14PO17502-09 Replacement Housing Factor Grant No:				**Federal FY of Grant:** 2009		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost 247,702		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	

13. Capital Fund Program Five-Year Action Plan

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name:	**Grant Type and Number** Capital Fund Program No: Replacement Housing Factor No:	**Federal FY of Grant:**

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	

13. Capital Fund Program Five-Year Action Plan

Capital Fund Program Five-Year Action Plan Part I: Summary					
PHA Name				☐ Original 5-Year Plan ☐ Revision No:	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

13. Capital Fund Program Five-Year Action Plan

Capital Fund Program Five-Year Action Plan Part II: Supporting Pages—Work Activities						
Activities for Year 1	Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
See						
Annual						
Statement						
Total CFP Estimated Cost			$			$

13. Capital Fund Program Five-Year Action Plan

Capital Fund Program Five-Year Action Plan Part II: Supporting Pages—Work Activities					
Activities for Year :____ FFY Grant: PHA FY:			Activities for Year: ___ FFY Grant: PHA FY:		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
Total CFP Estimated Cost		$			$

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing the Mayor and the City Clerk to execute a professional services agreement between the City of Miami Beach, Florida and PN Investments, Inc. for $62,500 for unique law enforcement and investigative services.

Issue:

Shall the City Commission authorize a professional services agreement between the City and PN Investments, Inc. for $62,500 for unique law enforcement and investigative services?

Item Summary/Recommendation:

The Scope of Services ("Services") of this agreement shall be generally for PN Investments to provide Miami Beach Police Department with consulting services regarding terrorism activities; analysis of data as needed; and, documentation and reports of those contributions provided to other law enforcement agencies on MBPD's behalf. PN Investments will provide transportation and incidental costs associated with consultation services at no additional cost to MBPD.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Don DeLucca

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		Jorge

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AGENDA ITEM C7H

DATE 3-16-05

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: March 16, 2005

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 THE CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND PN INVESTMENTS, INC. FOR $62,500 FOR UNIQUE LAW ENFORCEMENT AND INVESTIGATIVE SERVICES.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Scope of Services ("Services") of this agreement shall be generally for PN Investments to provide Miami Beach Police Department with consulting services regarding terrorism activities; analysis of data as needed; and, documentation and reports of those contributions provided to other law enforcement agencies on MBPD's behalf. PN Investments will provide transportation and incidental costs associated with consultation services at no additional cost to MBPD.

CONCLUSION

The Administration recommends that the Mayor and City Commission authorize the signing of this Professional Services Agreement that will provide for effective anti-terrorism capability.

JG:DD:RM:PS:MG

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PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MIAMI BEACH
AND PN INVESTMENTS, INC.

This Professional Services Agreement ("Agreement") is entered into this _____ day of _____, 2005, between the City of Miami Beach, Florida, a municipal corporation organized and existing under the laws of the State of Florida ("City"), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida, 33139, and PN Investments, Inc. (Contractor) C/O 1100 Washington Avenue, Miami Beach, FL 33139.

SECTION 1
DEFINITIONS

Agreement:	This Agreement between the City and Contractor.
City Manager:	The Chief Administrative Officer of the City.
Contractor:	For the purposes of this Agreement, Contractor shall be deemed to be an independent contractor, and not an agent or employee of the City.
Services:	All services, work and actions by the Contractor performed pursuant to or undertaken under this Agreement, as described in Section 2.
Fee:	Amount paid to the Contractor to cover the costs of the Services as more specifically described in Section 3.
Risk Manager:	The Risk Manager of the City, with offices at 1700 Convention Center Drive, Third Floor, Miami Beach, Florida 33139, telephone number (305) 673-7000, Ext. 6435, and fax number (305) 673-7023.

SECTION 2
SCOPE OF SERVICES

2.1 SERVICES

Since the terrorist attacks of September 11, 2001, law enforcement agencies have been acutely aware of the need to gather timely and accurate information relative to terrorism. Miami-Dade County has been identified by intelligence experts as an area vulnerable to terrorist attacks. Intelligence gathered on organized groups that engage in terrorist activities or align with these organizations, have focused their attacks towards airports and seaports.

In light of this situation, it is incumbent upon the Miami Beach Police Department (MBPD) to enlist the services of the Contractor. The Contractor shall provide professional consulting services regarding terrorism activities, analysis of data, documentation and reports. The Contractor employs a recognized expert in anti-terrorism; an expertise and capability that does not currently exist within the MBPD.

The MBPD will provide reasonable work accommodations including: a desk, chair, telephone, and consumable office supplies, as needed. The MBPD, Strategic Investigations Unit, will determine and advise the Contractor of the required work hours; outline specific intentions for performance of the Contractor on a monthly, weekly or daily basis; authorize the monthly invoice for payment; maintain all attendance or assignment records of the Contractor's activities; and provide documentation to all authorized and inquiring sources with regards to the Contractor's attendance and assignment records, as needed.

2.2 DURATION AND EXTENT OF AGREEMENT

The term of this Agreement shall commence upon execution of this Agreement, by all parties hereto, and shall terminate twelve months from such effective date, unless terminated as otherwise provided in Section 4 of this Agreement.

2.3 AUDIT AND INSPECTIONS

At anytime during normal business hours and as often as the City may deem necessary, there shall be made available to the City and/or such representatives as the City may deem to act on its behalf, 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. Contractor shall maintain any and all records necessary to document compliance with the provisions of this Agreement.

2.4 ACCESS TO RECORDS

Contractor agrees to allow access during normal business hours to all financial records to the City and/or such authorized representatives as it may deem to act on its behalf, and agrees to provide such assistance as may be necessary to facilitate financial audit by the City or its representatives when deemed necessary to insure compliance with applicable accounting and financial standards.

Contractor shall allow access during normal business hours to all other records, forms, files, and documents which have been generated in performance of this Agreement, to those personnel as may be designated by the City.

2.5 ASSIGNMENT, TRANSFER OR SUBCONSULTING

Neither this Agreement nor any term nor provision hereof or right hereunder shall be assignable by any parties and any attempt to make such assignment shall be void.

2.6 SUB-CONTRACTORS

The Contractor shall be liable for the Contractor's services, responsibilities and liabilities under this Agreement and the services, responsibilities and liabilities of sub-contractors, and any other person or entity acting under the direction or controls of the Contractor. When the term "Contractor" is used in this Agreement, it shall be deemed to include any sub-contractors and any other person or entity acting under the direction or control of the Contractor. All sub-contractors must be approved in writing prior to their engagement by the Contractor.

3.1 COST OF SERVICES

The City of Miami Beach agrees to pay the Contractor the total amount of sixty-two thousand, five hundred dollars ($62,500) to be payable in twelve (12) monthly installments of $5,208.33 commencing on the effective date of this Agreement, and payable upon receipt of a satisfactory invoice from the Contractor.

3.2 INVOICING

The Contractor will provide the MBPD Financial Management Unit with an invoice for services on, or before, the fifth (5th) day of each month.

The Contractor shall mail all invoices to:

City of Miami Beach Police Department
Financial Management Unit – 3rd Floor
1100 Washington Ave
Miami Beach, FL 33139
Attn: Ingrid Carries – Police Financial Assistant

3.3 METHOD OF PAYMENT

Within thirty (30) days of the approval by the City of an appropriately filed Invoice, the City shall provide the Contractor, a check for payment of the

approved amount. Payments shall only be made for approved Invoices only for services satisfactorily performed.

SECTION 4
TERMINATION, SUSPENSION AND SANCTIONS

4.1 TERMINATION FOR CAUSE

If the Contractor shall fail to fulfill in a timely manner, or otherwise violate any of the covenants, agreements, or stipulations material to this Agreement, the City shall thereupon have the right to terminate the Services then remaining to be performed. Prior to exercising its option to terminate for cause, the City shall notify the Contractor of its violation of the particular terms of this Agreement and shall grant the Contractor seven (7) days to cure such default. If such default remains uncured after seven (7) days, the City, upon three (3) days notice to the Contractor may terminate this Agreement and the City shall be fully discharged from any and all liabilities, duties and terms arising out of/or by virtue of this Agreement.

Notwithstanding the above, the Contractor shall not be relieved of liability to the City for damages sustained by the City by any breach of the Agreement by the Contractor. The City, at its sole option and discretion, shall additionally be entitled to bring any and all legal/equitable actions that it deems to be in its best interest in order to enforce the City's right and remedies against the defaulting party. The City shall be entitled to recover all costs of such actions, including reasonable attorneys' fees. To the extent allowed by law, the defaulting party waives its right to jury trial and its right to bring permissive counter claims against the City in any such action.

4.2 TERMINATION FOR CONVENIENCE OF THE CITY

THE CITY MAY ALSO, FOR ITS CONVENIENCE AND WITHOUT CAUSE, TERMINATE THE SERVICES THEN REMAINING TO BE PERFORMED AT ANY TIME DURING THE TERM HEREOF BY GIVING WRITTEN NOTICE TO THE CONTRACTOR OF SUCH TERMINATION, WHICH SHALL BECOME EFFECTIVE FIFTEEN (15) DAYS FOLLOWING RECEIPT BY THE CONTRACTOR OF THE WRITTEN TERMINATION NOTICE. IF THE AGREEMENT IS TERMINATED BY THE CITY AS PROVIDED IN THIS SUBSECTION, THE CONTRACTOR SHALL BE PAID FOR ANY SERVICES SATISFACTORILY PERFORMED, AS DETERMINED BY THE CITY AT ITS DISCRETION, UP TO THE DATE OF TERMINATION.

4.3 TERMINATION FOR INSOLVENCY

The City also reserves the right to terminate the Agreement in the event the Contractor is placed either in voluntary or involuntary bankruptcy or makes an assignment for the benefit of creditors.
In such event, the right and obligations for the parties shall be the same as provided for in Section 4. 2.

4.4 SANCTIONS

In the event of the Contractor's noncompliance with the non-discrimination provisions of this Agreement, the City shall impose such sanctions as the City or State of Florida may determine to be appropriate, including but not limited to, withholding of payments to the Contractor under the Agreement until the Contractor complies and/or cancellation, termination or suspension of the Services. In the event the City cancels or terminates the Services pursuant to this Subsection the rights and obligations of the parties shall be the same as provided in Section 4.2.

SECTION 5
INDEMNIFICATION

5.1 INDEMNIFICATION

Contractor agrees to indemnify and hold harmless the City of Miami Beach and its officers, employees and agents, from and against any and all actions, claims, liabilities, losses, and expenses, including, but not limited to, attorneys' fees and costs, for personal, economic or bodily injury, wrongful death, loss of or damage to property, at law or in equity, which may arise or be alleged to have arisen from the negligent acts, errors, omissions, or other wrongful conduct of the Contractor, its employees, agents, sub-contractors, or any other person or entity acting under the Contractor's control, in connection with the Contractor's performance of the Services pursuant to this Agreement; and to that extent, the Contractor shall pay all such claims and losses and shall pay all such costs and judgments which may issue from any lawsuit arising from such claims and losses, including appeals. The parties agree that one percent (1%) of the total compensation to the Contractor for performance of the Services under this Agreement is the specific consideration from the City to the Contractor for the Contractor's Indemnity Agreement.

The Contractor's obligation under this subsection shall not include the obligation to indemnify the City of Miami Beach and its officers, employees and agents, from and against any actions or claims which arise or alleged to have arisen from negligent acts or omissions or other wrongful conduct of the City and its officers, employees and agents.

The parties each agree to give the other party prompt notice of any claim coming to its knowledge that in any way directly or indirectly affects the other party.

5.2 LITIGATION JURISDICTION/VENUE/JURY TRIAL WAIVER

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 of the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida. By entering into this Agreement, the Contractor and the City expressly waive any rights either party may have to a trial by jury of any civil litigation related to or arising out of this Agreement. Contractor shall specifically bind its employees, sub-contractors, and agents to the provisions of this Agreement. This Agreement shall be construed in accordance with the laws of the State of Florida.

5.3 LIMITATION OF CITY'S 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 $1,000. The Contractor hereby expresses its willingness to enter into this Agreement with the Contractor's recovery from the City for any damage action for breach of contract to be limited to a maximum of $1,000.

Accordingly, and notwithstanding any other term or condition of this Agreement, the Contractor hereby agrees that the City shall not be liable to the Contractor for damages in amount in excess of $1,000 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 Section 768.28, Florida Statutes.

5.4 ATTORNEY'S FEES

In the event that any party to this Agreement should seek legal or administrative recourse to enforce the terms of this Agreement, the breaching party shall be obligated to pay the prevailing party the reasonable attorney's fees and costs incurred by the prevailing party.

SECTION 6
GENERAL PROVISIONS

6.1 PUBLIC ENTITY CRIMES

Prior to commencement of the Services, the Contractor shall file a State of Florida Form PUR 7068, Sworn Statement, under Section 287.133(3)(a) Florida Statute on Public Entity Crimes with the City's Procurement Division.

6.2 EQUAL EMPLOYMENT OPPORTUNITY

In connection with the performance of this Agreement, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, age, and national origin, place of birth, marital status, sexual orientation or physical handicap. The Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their race, color, religion, ancestry, sex, age, national origin, place of birth, marital status, physical handicap, or sexual orientation. Such action shall include but not be limited to the following: employment, upgrading, demotion, or termination; recruitment or recruitment advertising; layoff or termination; rates of pay, or other forms of compensation; and selection for training, including apprenticeship.

6.3 CONFLICT OF INTEREST

The Contractor herein agrees to adhere to and be governed by all applicable Miami-Dade County Conflict of Interest Ordinances and Ethics provisions, as set forth in the Miami-Dade County Code, and as may be amended from time to time; and by the City of Miami Beach Charter and Code; both of which are incorporated by reference herein as if fully set forth herein.

The Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirectly which should conflict in any manner or degree with the performance of the Services. The Contractor further covenants that in the performance of this Agreement, no person having any such interest shall knowingly be employed by the Contractor. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefits arising there from.

SECTION 7
NOTICES

7.1 All notices and communications in writing required or permitted hereunder, may be delivered personally to the representatives of the Contractor and the City listed below or may be mailed by U.S. Certified Mail, return receipt requested, postage prepaid, or by a nationally recognized overnight delivery service.

Until changed by notice in writing, all such notices and communications shall be addressed as follows:

TO CONTRACTOR:	PN Investments, Inc. (Peter Smolyanski) C/O 1100 Washington Avenue Miami Beach, FL 33139
TO CITY:	City of Miami Beach Police Department Chief of Police Donald W. De Lucca 1100 Washington Avenue Miami Beach, FL 33139 (305) 673-7925

Notice may also be provided to any other address designated by the party to receive notice if such alternate address is provided via U.S. certified mail, return receipt requested, hand delivered, or by overnight delivery. In the event an alternate notice address is properly provided, notice shall be sent to such alternative address which notice would otherwise be sent, unless other delivery instruction as specifically provided for by the party entitled to notice.

7.2 **EFFECTIVE DATE OF NOTICE**

Notice shall be deemed given on the day on which personally served, or the day of receipt by either U.S. certified mail or overnight delivery.

SECTION 8
ENTIRE AGREEMENT, AMENDMENT, SEVERABILTY

8.1 **ENTIRITY OF AGREEMENT**

The City and the County agree that this is the entire Agreement between the parties. This Agreement supersedes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document.

Title and Paragraph headings are for convenient reference and are not intended to confer any rights or obligations upon the parties to this Agreement.

8.2 CHANGES AND ADDITIONS

This Agreement cannot be modified or amended without the express written consent of the parties. No modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

8.3 SEVERABILITY

If any term or provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall not be affected and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

8.4 COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement executed by their appropriate officials, as of the date first entered above.

FOR CITY: **CITY OF MIAMI BEACH**

ATTEST:

By: _____
Robert Parcher
City Clerk

By: _____
David Dermer
Mayor

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-8-05
Date

FOR CONTRACTOR:

ATTEST:

By: _____
Signature

Patricia Schneider
Print Name/Title

PN Investments, Inc.

By: _____
Signature

PETER SMOLYANSKY (PRESIDENT)
Print Name/Title

Corporate Seal

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

On this 8 day of March, 2005, before me personallyappeared, before me, as Contractor, of PN Investments, Inc., who is personally known to me or produced identification as identification and who did/did not take an oath and deposes and says that he/she executed the above instrument and he/she acknowledged to me that he/she executed the same with lawful authority to do so.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES:

Patricia Schneider
My Commission DD282530
Expires January 20, 2008

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution to adopt and appropriate the First Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2004/05, in the amount of $292,200 to be funded from the proceeds of State ($21,700) and Federal-Justice ($270,500) Confiscated Funds.

Issue:

Should the First Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2004/05 be adopted?

Item Summary/Recommendation:

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

The Administration recommends authorization to adopt and appropriate the First Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2004/05.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1		Confiscation Funds:	
2	$ 21,700	607.8000.351210 State funds	
3	270,500	603.8000.351211 Federal funds	
4			
Total	**$ 292,200**		

Sign-Offs:

Department Director	Assistant City Manager	City Manager

B:\ICARRIES\COMMISSION\CONFISCATIONS\2005\MARCH 16, 2005\POLICE Confiscation 1ST Amen

AGENDA ITEM C7I

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR THE FISCAL YEAR 2004/05 IN THE AMOUNT OF $292,200 TO BE FUNDED FROM THE PROCEEDS OF STATE ($21,700) AND FEDERAL-JUSTICE ($270,500) CONFISCATED FUNDS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

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

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

The Administration requests authorization to adopt and appropriate the First Amendment to the operating budget for the Police Confiscation Trust Fund for Fiscal Year 2004/05 and to appropriate $292,200 ($21,700 from State and $270,500 from Federal-Justice Funds) to provide for the expenditures listed in Exhibit "A".

JMG/DB/ic

AFFIDAVIT

I, Donald De Lucca, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Confiscation Trust Fund, for the 2004/05 fiscal year providing funds for expenditures as indicated on Exhibit "A", complies with the provisions of Section 932.7055(4)(a), Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

Donald De Lucca
Chief of Police
Miami Beach Police Department

Date

RESOLUTION No._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2004/05 IN THE AMOUNT OF $292,200 TO BE FUNDED FROM THE PROCEEDS OF STATE ($21,700) AND FEDERAL-JUSTICE ($270,500) CONFISCATED FUNDS.

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

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

WHEREAS, funds in the amount of $292,200 are available in the Police Confiscation Trust Fund, and the current budget, increases and amended budget are as follows:

	CURRENT BUDGET	INCREASE	AMENDED BUDGET
STATE-	$ 162,843	$ 21,700	$ 184,543
FEDERAL-	326,553	270,500	597,053
TOTAL-	$ 489,396	$ 292,200	$ 781,596.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt the First Amendment to the FY 2004/05 Police Confiscation Trust Fund Budget for the City of Miami Beach, in the amount of $292,200, to be funded from the proceeds of State ($21,700) and Federal-Justice ($270,500) Confiscation Funds as reflected in the attached Exhibit "A".

PASSED AND ADOPTED THIS _____ day of _____, 2005

_____
Mayor

ATTEST BY:

_____
City Clerk

FUNDING APPROVED BY:

_____
Office of Management & Budget

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-8-05 Date

EXHIBIT "A"

MIAMI BEACH POLICE DEPARTMENT
CONFISCATION TRUST FUND
FIRST AMENDMENT
FISCAL YEAR 2004/05

STATE FUNDS:

DADE COUNTY CHIEF'S OF POLICE ANNUAL BANQUET This meeting is the principal forum in Miami-Dade County for the discussion of matters of interest to the law enforcement community. In attendance are local dignitaries, the Chiefs and those staff members that are members of the Dade County Chief's of Police Association.	$	9,700
SWAT Team Equipment This equipment is required for training and deployment purposes and includes simunition, sub-machine gun conversion kits, munitions rounds, face shields and throat protection devices required for officer safety.	$	7,000
LESS THAN LETHAL MUNITIONS (TASER) RESEARCH AND ANALYSIS	$	5,000
SUB-TOTAL STATE FUNDS	$	21,700

FEDERAL FUNDS:

Automatic Fingerprint Identification System- AFIS Replacement of AFIS equipment due to the expired lifetime of existing equipment.	$	93,000
MIAMI BEACH POLICE ATHLETIC LEAGUE Annual Summer Job Program	$	12,000
COLOR PROCESSOR, NORITZU MINILAB EQUIPMENT Replacement of existing film lab equipment and processor which are essential to the Criminal investigations Division and Crime Scene Unit.	$	103,000
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) Funds required to facilitate preliminary initiatives or preparations of the upcoming, September 2005, host city event.	$	10,000
ADDITIONAL FUNDS REQUIRED FOR REPLACEMENT OFFICE FURNITURE FOR PATROL DIVISION'S SUPERVISORS' AREAS throughout the Police Station. The existing furniture was provided with the completion of the Police building in 1987. This purchase will replace the seventeen-year-old, worn furniture for this twenty-four (24) hour, seven (7) days a week operation area.	$	30,000
REPLACEMENT TILE FOR THE INTERNAL AFFAIRS UNIT The existing carpet is badly soiled due to ongoing structural problems which have caused water leaks throughout the Internal Affairs Suite. The Internal Affairs office is located in the Old City Hall building at 1130 Washington Avenue.	$	7,500
SUB-TOTAL OF FEDERAL FUNDS	$	255,500

GRANT MATCHES:

BULLETPROOF VEST PARTNERSHIP GRANT, Year 2004* *estimated- Please note that $8,000 funding was adopted (See Confiscation Budget; Resolution No. 2004-25693 dated September 28, 2004) as an estimate. This increase to the grant match will provide increased funds to procure additional protective vest equipment for the SWAT team.	$	15,000
SUB-TOTAL OF FEDERAL FUNDS	$	270,500
TOTAL STATE AND FEDERAL FUNDS	$	292,200

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution to adopt the First Budget Amendment to the Police Special Revenue Account for Fiscal Year 2004/05 in the amount of $14,500.

Issue:

Shall funds be provided for the purchase of miscellaneous items for the Miami Beach Police Department?

Item Summary/Recommendation:

Unclaimed evidence totaling $14,500 has been in the custody of the Police Property Management Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund as provided by Resolution 90-19931, passed on March 7, 1990.

The Administration recommends that the Mayor and City Commission adopt and appropriate the First Amendment to the Police Special Revenue Account for Fiscal Year 2004/05.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$ 14,500	195.8000.369993	
2			
3			
4			
Total	$ 14,500		

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM C7J

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FIRST BUDGET AMENDMENT TO THE POLICE SPECIAL REVENUE ACCOUNT FOR FISCAL YEAR 2004/05 IN THE AMOUNT OF $14,500, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE ACCOUNT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Florida Statute 705.105 "Procedure for Unclaimed Evidence" provides that unclaimed evidence in the custody of the court from a criminal proceeding, or seized as evidence by and in the custody of a law enforcement agency, shall become the property of that law enforcement agency 60 days after the conclusion of the proceedings.

In March 1990, a special account was established titled "Police Special Revenue Account" in the Special Revenue Fund. Funds for this account are made available in the Police Property Management Unit, as unclaimed evidence, in accordance with Florida Statute 705.105 outlined above.

Unclaimed evidence totaling $14,500 has been in the custody of the Police Property Management Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund, as provided in Resolution 90-19931, passed on March 7, 1990.

The Administration recommends that the Mayor and City Commission adopt the First Budget Amendment to the Police Special Revenue Account for Fiscal Year 2004/05, and appropriate the amount of $14,500 to provide funds for the purchase of miscellaneous items for the Police Department listed on Exhibit "A".

JMG:DD:ic

EXHIBIT "A"

MIAMI BEACH POLICE DEPARTMENT
SPECIAL REVENUE ACCOUNT
FIRST AMENDMENT
FISCAL YEAR 2004/05

PROMOTIONAL ACTIVITIES- additional funds required and related to law enforcement programs sponsored by the Chief of Police including items/programs which are not funded with general funds. These items/ programs including, but not limited to, Big Brothers/Big Sisters, Take Your Child to Work Day, miscellaneous expenses such as activities related to the Police Memorial Services, Miami Beach Chamber of Commerce, the American Heart Association, Annual Read Aloud Crowd, Learning For Life, Muy Bien Bilingual Program Community Crusade Against Drugs, the South Beach Hispanic Chamber of Commerce, Unidad, Kiwanis Special Activities, and Boys and Girls Club events. The primary purpose of these funds are for miscellaneous expenses related to activities for Police initiatives, memorial services, special youth programs, and other philanthropic, community organizations.	**$**	**7,500**
MISCELLANEOUS OPERATING SUPPLIES, EQUIPMENT AND BUILDING ITEMS which were unforeseen and not budgeted for during FY 2004/05.	**$**	**7,000**
TOTAL	**$**	**14,500**

RESOLUTION No._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FIRST BUDGET AMENDMENT TO THE POLICE SPECIAL REVENUE ACCOUNT FOR FISCAL YEAR 2004/05 IN THE AMOUNT OF $14,500, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE ACCOUNT.

WHEREAS, Section 705.105, Florida Statutes, "Procedures for Unclaimed Evidence", provides that title to unclaimed evidence in the custody of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency, shall vest permanently in the law enforcement agency sixty (60) days after the conclusion of the proceedings; and

WHEREAS, such funds have been in the custody of the Police Property Management Unit past the sixty (60) day waiting period, and these funds have now been placed in the Police Special Revenue Account Fund, as provided by Resolution No. 90-19931, adopted on March 7, 1990.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that $14,500, which is currently being held in the Police Special Revenue Account, be appropriated for the First Budget Amendment to the Police Special Revenue Budget for the 2004/05 fiscal year for the purchase of items listed on Exhibit "A".

CURRENT BUDGET	INCREASE	AMENDED BUDGET
$ 29,200	$ 14,500	$ 43,700

PASSED AND ADOPTED THIS_____DAY OF_____, 2005

_____
MAYOR

ATTEST BY:

_____
City Clerk
Funding approved:

_____
Office of Management and Budget

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-8-05 Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing the appropriation of funds from the Resort Tax and Gulf Breeze Interest to complete remediation work at the Bayshore (Miami Beach Golf Club) and Normandy Shores Golf Course for Fiscal Year 2004/2005 in the amount of $667,582.

Issue:

Shall the Mayor and City Commission appropriate $667,582 from the Resort Tax and Gulf Breeze Interest to pay for remediation work at the Bayshore and Normandy Golf Courses?

Item Summary/Recommendation:

The soil and groundwater beneath the Bayshore (Miami Beach Golf Club) and Normandy Shores Golf Course Maintenance Yards were determined to be contaminated with unacceptable levels of arsenic; resulting from the improper discharge and improper handling of agricultural chemical products by the maintenance contractor, American Golf Corporation. Due to unforeseen circumstances, such as an abandoned fuel tank, repair to a sewer line, and additional remediation requirements from DERM, an additional $667,582 is required to complete the remediation and unforeseen work at the Bayshore and Normandy Shores Golf Courses.

On January 27, 2005 this item was discussed at the Finance and Citywide Projects Committee meeting as it related to an item for financing a change order settlement and other construction costs for the Miami Beach Golf Course Club House project. At the time the $1,081,286 mediated settlement item was discussed, the Committee was also made aware of additional funding requirements to pay for unforeseen conditions encountered during remediation work preceding the construction of the Bayshore and Normandy Shores Golf Course Maintenance Yards. At the time of the meeting no funding source had yet been identified for the $667,582 in change orders. Since that meeting, the Finance Department has indicated that interest earned from the Gulf Breeze Loan and the Resort Tax can be used to pay the expenses.

The Administration recommends approval.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	310,920	Gulf Breeze Interest	
2	356,662	Resort Tax	
3			
4			
Total	667,582		

City Clerk's Office Legislative Tracking:

Bob Halfhill – Public Works x7080; Jordanna Rubin – Environmental Division x6121

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB	RCM	JMG

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AGENDA ITEM C7K

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE RESORT TAX AND GULF BREEZE INTEREST TO COMPLETE REMEDIATION WORK FOR THE BAYSHORE (MIAMI BEACH GOLF CLUB) AND NORMANDY SHORES GOLF COURSE FOR FISCAL YEAR 2004/2005 IN THE AMOUNT OF $667,582.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The soil and groundwater beneath the Bayshore (Miami Beach Golf Club) and Normandy Shores Golf Course Maintenance Yards were determined to be contaminated with unacceptable levels of arsenic; which was the result of the improper handling of agricultural chemical products at the facility.

In 1991, during the performance of a routine compliance inspection by the Dade-County Department of Environmental Resources Management (DERM), evidence of industrial and agricultural waste contamination was discovered at the Bayshore Golf Course Maintenance Yard. DERM cited American Golf Corporation (AGC), then management company for Bayshore Golf Course, with an initial notice of violation for discharge of industrial waste at the Bayshore Maintenance Yard. From 1991 until February 1995, DERM repeatedly ordered American Golf to institute the appropriate corrective actions. Because of AGC's continued failure to properly respond, DERM initiated enforcement actions. DERM's enforcement actions included the issuance of a Final Notice to Court Action directly to the property owner, the City. Upon learning of the situation, the City immediately conducted an investigation into the actions of AGC, implemented emergency actions to remove large quantities of improperly stored agricultural wastes from the site, and hired an environmental contractor to implement the required corrective actions.

As a result of the discovery of extensive agricultural waste contamination at the Bayshore Golf Course Maintenance Yard, the subsequent enforcement actions taken by DERM, and the resulting dispute that has developed between the City and the City's former golf course operator, American Golf Corporation, the City engaged the environmental engineering firm of Metcalf & Eddy to initiate an assessment of the Normandy Shores Golf Course maintenance yard to determine if the soil and groundwater in the area were also

contaminated. The results of the initial phase of assessment did reveal that the soil and groundwater beneath the maintenance yard were contaminated with arsenic and other agricultural chemicals.

On December 22, 2004, an amended complaint was filed and served to the American Golf Corporation with a demand of $1,135,331.40 to reclaim damages to the Bayshore Golf Course. AGC has been granted additional time to review this demand since the company was recently sold and is under new ownership. AGC has until April 22, 2005 to respond to this demand letter.

While the City has made a request for reimbursement of the required clean up expenses, it was necessary for the City to undertake and complete remediation for both facilities as the property owner. While the Remedial Action Plan (RAP) was being executed for both facilities, unforeseen conditions were also found that required immediate action, without an option to stop work. The abandoned tank and sewer line repairs required for the sewer line had to be completed to get Miami-Dade DERM certification of RAP completion. The RAP for both facilities has been completed and the remediation projects are in their final stages of monitoring.

The following is a list of unfunded remediation work or other unforeseen work that has been completed:

BAYSHORE

Invoice Amount	Work
81,300.00	Material Testing; ERP permit; environmental services
4,046.60	Arsenic analysis of soil and wood from golf course.
180,000.00	Asbestos abatement; project monitoring; project administration
17,547.15	Medley Landfill, removal of hazardous materials
24,230.00	Removal of hazardous materials from Bayshore.
3,796.25	Monitoring at Bayshore. Require by DERM.
Total Bayshore	$310,920.00

To be funded by Gulf Breeze Interest

NORMANDY

Invoice Amount	Work
141,000.00	Construction of drainage system; environmental services
80,000.00	Repair of sewer line. Not correctly marked by PW.
121,347.00	Professional services at Normandy.
3,715.00	Monitoring at Normandy. Required by DERM.
10,600.00	Abandoned fuel tank
Total Normandy:	$356,662.00

To be funded by the Resort Tax

TOTAL BAYSHORE & NORMANDY $667,582.00

On January 27, 2005 this item was discussed at the Finance and Citywide Projects Committee meeting as it related to an item for financing a change order settlement and other construction costs for the Miami Beach Golf Course Club House project. At the time the $1,081,286 mediated settlement item was discussed, the Committee was also made aware of additional funding requirements to pay for unforeseen conditions encountered

during remediation work preceding the construction of the Bayshore and Normandy Golf Course Maintenance Yards. At the time of the meeting no funding source had yet been identified for the $667,582 in change orders so action was not requested of the Commission.

The Finance Department has since indicated that funds are available from interest earned from the Gulf Breeze Loan (the original funding source for the golf course construction)and Resort Tax for the Golf Course expenses.

The Administration recommends approval.

JG/RM/FB/RH/JZR

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RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida accepting a donation of $5,000 from Coastal Planning & Engineering, Inc. and additional sponsorships from other environmental and socially responsible businesses to be used for the City's E.A.R.T.H. EXPO '05 in celebration of Earth Day.

Issue:

Shall the Mayor and City Commission appropriate $5,000 from a donation made by Coastal Planning & Engineering as well as other smaller registration donations to the E.A.R.T.H. Expo'5 event hosted by the City of Miami Beach in honor of Earth Day?

Item Summary/Recommendation:

The City of Miami Beach will be host to the first annual E.A.R.T.H. Expo '5 at South Pointe Park on Sunday, April 10, 2005. The E.A.R.T.H. Expo '5 is a community-oriented event designed to raise awareness on local and global environmental issues. The E.A.R.T.H. Expo '5 will provide a forum for sustainable businesses and non-profit environmental organizations. There will be exhibits on hybrid cars, green investing, energy efficient and water conservation products for the home, natural cosmetics, and organic foods. Attendees will also have the opportunity to participate in xeroscape and native plant identification workshops. Together these exhibits will address some of the more pressing environmental issues of our time – economic, social, and environmental.

The Environmental Division coordinated with the Special Events Division and has received a special events permit for this event. The hours of the E.A.R.T.H. Expo'5 are from 12-6pm in South Pointe Park.

Administration recommends adopting the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

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

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB	RCM	JMG

AGENDA ITEM C7L

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A DONATION OF $5,000 FROM COASTAL PLANNING & ENGINEERING, INC., AND ADDITIONAL SPONSORSHIPS FROM OTHER ENVIRONMENTAL AND SOCIALLY RESPONSIBLE BUSINESSES, TO BE USED FOR THE CITY'S E.A.R.T.H. EXPO'5 IN CELEBRATION OF EARTH DAY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach will be host to the first annual E.A.R.T.H. Expo'5 at South Pointe Park on Sunday, April 10, 2005. The E.A.R.T.H. Expo'5 is a community-oriented event designed to raise awareness on local and global environmental issues. The E.A.R.T.H. Expo'5 will provide a forum for sustainable businesses and non-profit environmental organizations. There will be exhibits on hybrid cars, green investing, energy efficient and water conservation products for the home, natural cosmetics, and organic foods. Attendees will also have the opportunity to participate in xeriscape and native plant identification workshops. Together these exhibits will address some of the more pressing environmental issues of our time – economic, social, and environmental. The E.A.R.T.H. Expo'5 is being coordinated by the Environmental Division of Public Works and the Department of Parks & Recreation.

Coastal Planning & Engineering, a coastal engineering firm, has donated $5,000 for the E.A.R.T.H. Expo'5 and will be a founding sponsor for this event. Additional local businesses have contributed to this event and have registered as exhibitors. Money collected will be used to cover the costs associated with this event and for planning of next year's E.A.R.T.H. Expo'6. Over 30 exhibitors will provide educational materials and presentations to the public on "earth friendly technologies". Four local bands will provide free entertainment, and it is estimated that approximately 500 people will attend this event. The Environmental Division coordinated with the Special Events Division and has received a special events permit for this event. The hours of the E.A.R.T.H. Expo'5 are from 12-6pm in South Pointe Park.

The Administration recommends adopting the Resolution.

Non-Profit Organizations	Environmental Companies	Food Vendors	Performances
Miami Beach Patrol	Coastal Planning and Engineering	Ben & Jerry's	Spam Allstars
DERM	Green Mountain Energy	The Shack	DJ Lance O
Earth Save Miami	Niagara Conservation	Organic Chocolate/Raw Food Diet	10 Sheen
ECOMB	SOBE Film and Animation Center	The Shack	Earthman and the Planet
Green Map Booth	The Urban Tour Host	Tap Tap	Project H20 Concert Tour
Miami Dade County Sanitation	Yoga Inbound		The Maji
Miami Dade Transit	Butt Bags		
Officer Snook	Coastal Systems		
Sierra Club	Shackley Soaps		
Surfrider Foundation	Universal Taste		
Tropical Audubon Society	Via Viente		
Xeroscaping and Native Plants Workshop	The Organic Produce Buying Club of South Florida		
Natural Resouce Defense Council	The Masters Miracle		
	EDAW		
	Metcalf & Eddy		

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, setting a Public Hearing on April 20, 2005 to hear public comment, regarding the vacation of an alley adjacent to lots 2 through 7 of the amended plat of Aquarium Site Subdivision, containing approximately 4,200 square feet, in favor of the applicant (and developer of the Vitri Project), 535 West Avenue, LLC, and approving and accepting the dedication by 535 West Avenue LLC, of portions of lots 8, 9, 10 and 13 of the same subdivision, containing approximately 4,200 square feet, for perpetual use as a public alley.

Issue:

Shall the Mayor and City Commission approve the resolution setting the Public Hearing?

Item Summary/Recommendation:

535 West Avenue LLC, owns Lots 1 through 10 and Lots 13 to 19 of the Aquarium Subdivision. In November 2004, 535 West Avenue LLC, obtained the required approval from the City's Design Review Board for the "Vitri", a project extending over the Lots mentioned above. In order to unify the pedestal of the project which includes the parking spaces for the development, the proposed project had to include a portion of the platted alley.

535 West Avenue LLC, the developer, has submitted an application requesting the City for the vacation of that portion of this alley which would be incorporated within the footprint of the proposed project, containing approximately 4200 square feet, and a proposal to grant the City portions from their Lots 8,9,10 and 13, containing the same approximate square footage, to be dedicated as an alley for public use within the same block. The new alley would be reconfigured to connect Sixth Street and West Avenue instead of Alton Road.

Administration recommends approving setting the Public Hearing.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB	RCM	JMG

AGENDA ITEM C7M

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING FOR APRIL 20, 2005, TO HEAR PUBLIC COMMENT, AS REQUIRED BY THE CITY'S GUIDELINES FOR VACATION OR ABANDONMENT OF STREETS OR OTHER RIGHTS OF WAY AND PURSUANT TO SECTION 82-37 OF THE CITY CODE (ORDINANCE NO. 92-2783), REGARDING THE VACATION OF AN ALLEY, ADJACENT TO LOTS 2 THROUGH 7 OF THE AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION, CONTAINING APPROXIMATELY 4,200 SQUARE FEET, IN FAVOR OF THE APPLICANT (AND DEVELOPER OF THE VITRI PROJECT), 535 WEST AVENUE, LLC, AND APPROVING AND ACCEPTING THE DEDICATION BY 535 WEST AVENUE LLC, OF PORTIONS OF LOTS 8, 9, 10 AND 13 OF SAME SUBDIVISION, CONTAINING APPROXIMATELY 4,200 SQUARE FEET, FOR PERPETUAL USE AS A PUBLIC ALLEY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution setting the public hearing.

ANALYSIS

When the Aquarium Site was platted in 1925 and approved by the City of Miami Beach Council, it had a 15 ft. wide alley running from Alton Road to Sixth Street (See attached Exhibit A).

535 West Avenue LLC owns Lots 1 through 10 and Lots 13 to 19 of the previously mentioned Subdivision. In November 2004, 535 West Avenue LLC obtained the required approval from the City's Design Review Board for the "Vitri", a project extending over the Lots mentioned above. In order to unify the pedestal of the project which includes the parking spaces for the development, the proposed project had to include a portion of the platted alley.

535 West Avenue LLC, the developer, has submitted an application requesting the City for the vacation of that portion of this alley which would be incorporated within the proposed project, containing approximately 4200 square feet, and is proposing to dedicate for public use to the City portions from their Lots 8,9,10 and 13

containing also approximately 4200 square feet, to be used as an alley within the same block. The new alley would be reconfigured to connect Sixth Street and West Avenue instead of Alton Road.

535 West Avenue LLC, the developer has complied with the requirements as set forth in the July 26, 1989 Land Use Committee guidelines and City Code Chapter 82, Article II Sec. 82-37 for requesting the vacation of a City right-of-way.

The City and the applicant have negotiated a contribution of $125,000 to be utilized towards the City's capital projects program. As the City continues to address a more proactive growth management approach towards development, ongoing future contributions from other projects will be utilized to address a bank of public projects deemed important to enhance the City's quality of life.

In addition the City has met with representatives of the Vitri Project and Mr. Ricardo Dopico and Ms. Nellie Santamaria representing Estefan Enterprises Inc., owners of the property adjacent to the Vitri Project, to discuss their client's concerns on not having participated in the review of the alley vacation request. Specifically, Estefan Enterprises Inc. is concerned about the ingress/egress of trucks through the alley and wants to be assured that the alley will be wide enough to ensure there will be no impact to their property (1220-1234 6th Street) or any structure thereon or in the future. The City Administration assured Ms. Santamaria and Mr. Dopico that a full review of the Traffic Impact Study and development plans will be conducted and that they will be kept informed and appraised of the City's review findings. The City review of the Traffic Impact Study and development plans will be completed prior to the alley vacation Public Hearing.

RECOMMEDATION:

The City's Public Works Department has received and reviewed the Developer/Applicant's request for vacation of the Alley. Preliminary review of request by 535 West Avenue LLC indicates that the City Administration will recommend approval of the vacation of existing alley and dedication of the new proposed alley. Pursuant to the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, the Developer/Applicant is also required to comply with the requirements of Miami Beach City Code, Section 82-37 (Ordinance No. 92-2783); accordingly, the Mayor and City Commission are required to hold a public hearing to hear public comment as to the request for vacation.

The Administration recommends approval of setting the Public Hearing.

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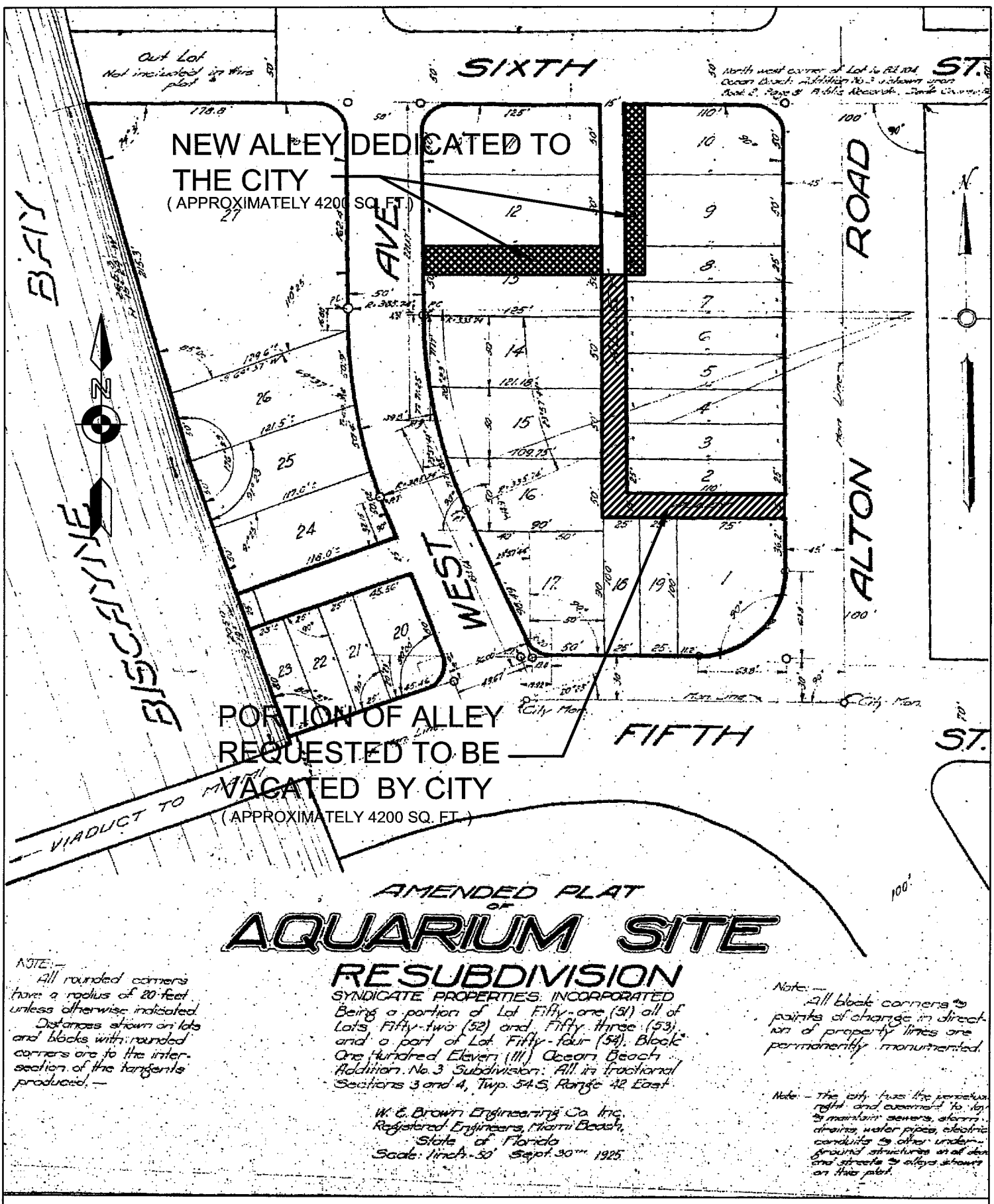

EXHIBIT "A" : SKETCH SHOWING VACATION OF PORTION OF ALLEY AT VITRI PROJECT-535 WEST AVE & DEDICATION OF NEW ALLEY

RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements And Approving The Use Of The Fortress - Miami Corp And Artex Art Storage And Art Handling, On A Month To Month Basis, Until Such Time That Long-Term Storage Needs For The Permanent Collection Can Be Determined And A Formal Competitive Bidding Process Administered.

Issue:

Shall the Commission adopt the resolution?

Item Summary/Recommendation:

The Fortress Corp., who was the sole bidder pursuant to Invitation to Bid No.7-96/97, provided storage for the Bass Museum's permanent collection until the expiration of its contract with the City on December 3, 1998, and thereafter on a month-to-month basis. The Bass Museum has been using The Fortress for the last eighteen (18) years and has been satisfied with the storage facility's climate controlled environment and the level of security. The Fortress is also the sole source provider for Miami-Dade County's Vizcaya museum collection. The City's collection has occupied the entire sixth floor of The Fortress since the Museum closed in 1999 for renovation and expansion. The current cost of the storage is $9,005 per month.

Additional items from the collection are also being stored at Artex Art Storage at a current cost of $1,200 per month. The move of a portion of the Museum's collection into the storage area at the Bass Museum is projected to be completed by April 1, 2005. At that time, the Administration recommends issuance of a Request for Proposals (RFP) for the Bass Museum art storage and handling.

It is therefore the recommendation of the Administration that the Mayor and City Commission waive by 5/7ths vote, the formal competitive bidding requirements and approve the use of The Fortress-Miami Corp and Artex Art Storage., in a not to exceed amount of $74,000 for the storage of the Bass Museum's permanent collection on a month-to-month basis and for the moving of the collection into storage at the Bass Museum, $64,000 of which from the General Fund budget and $10,000 from a State of Florida Grant.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Max A. Sklar, extension 6116

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MAS GL	TH	JMG

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AGENDA ITEM C7N

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING BY 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENTS, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND APPROVING THE USE OF THE FORTRESS - MIAMI CORP AND ARTEX ART STORAGE AND ART HANDLING, ON A MONTH TO MONTH BASIS, UNTIL SUCH TIME THAT LONG-TERM STORAGE NEEDS FOR THE PERMANENT COLLECTION CAN BE DETERMINED AND A CONTRACT AWARDED AS A RESULT OF A COMPETITIVE BIDDING PROCESS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding for art storage was budgeted in the Bass Museum fiscal year 2004/2005 budget (Account # 011.0930).

ANALYSIS

Since the expiration of their contract, which was awarded as a result of a competitive bid process, The Fortress Corp., who was the sole bidder pursuant to Invitation to Bid No.7-96/97, has been providing storage for the Bass Museum's permanent collection until the expiration of its contract with the City on December 3, 1998, and thereafter on a month-to-month basis.

The Bass Museum has been using The Fortress for the last eighteen (18) years and has been satisfied with the storage facility's climate controlled environment and the level of security. The Fortress is also the sole source provider for Miami-Dade County's Vizcaya museum collection. The City's collection has occupied the entire sixth floor of The Fortress since the Museum closed in 1999 for renovation and expansion. The current cost of the storage is $9,005 per month.

Additional items from the collection are also being stored at Artex Art Storage at a current cost of $1,200 per month. The move of a portion of the Museum's collection into the storage area at the Bass Museum is projected to be completed by April 1, 2005. At that time, the Administration recommends issuance of a Request for Proposals (RFP) for the Bass Museum art storage and handling.

CONCLUSION

The Administration recommends that the Mayor and City Commission waive by 5/7ths vote, the formal competitive bidding requirements, finding such waiver to be in the City's best interest, and approve the use of The Fortress-Miami Corp and Artex Art Storage., in a not to exceed amount of $74,000 for the storage of the Bass Museum's permanent collection on a month-to-month basis and for the moving of the collection into storage at the Bass Museum, $64,000 of which from the General Fund budget and $10,000 from a State of Florida Grant.

JMG:TH:MAS:DC:GL
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENTS, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND APPROVING THE USE OF THE FORTRESS - MIAMI CORP AND ARTEX ART STORAGE AND ART HANDLING, ON A MONTH TO MONTH BASIS, IN A NOT TO EXCEED AMOUNT OF $74,000, UNTIL SUCH TIME THAT LONG-TERM STORAGE NEEDS FOR THE BASS MUSEUM OF ART PERMAMENT COLLECTION CAN BE DETERMINED AND A CONTRACT AWARDED AS A RESULT OF A COMPETITIVE BIDDING PROCESS.

WHEREAS, The Fortress-Miami Corp., has been providing storage for the Bass Museum's permanent collection, until the expiration of its contract with the City on December 3, 1998, and has thereafter been on a month-to-month agreement; and

WHEREAS, the Bass Museum has been using The Fortress for the last eighteen (18) years and Artex Art Storage, for the past year and has been satisfied with both storage facilities' climate controlled environments and the level of security; and

WHEREAS, the current cost of the storage at The Fortress-Miami Corp is $9,005 per month, and the cost of storage at Artex Art Storage is $1,200 per month; and

WHEREAS, the Museum's assessment of long-term storage needs is projected to be completed by April 1, 2005; and

WHEREAS, the Administration recommends waiver of formal competitive bidding requirements, for the storage of the Bass Museum's permanent collection on a month-to-month basis in a not to exceed amount of $74,000, until the Museum's storage assessment needs are completed.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein waive, by 5/7ths vote, the formal competitive bidding requirements, finding such waiver to be in the City's best interest, and approve the use of The Fortress-Miami Corp. and Artex Art Storage for the required storage and art handling, on a month to month basis, in a not to exceed amount of $74,000, until such time that the long-term storage needs can be determined for the Bass Museum of Art permanent collection can be determined and a contract awarded as a result of a competitive bidding process.

PASSED and **ADOPTED** this ____ day of March, 2005.

ATTEST:

_____
MAYOR

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

_____
CITY CLERK

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3-9-05
City Attorney **Date**

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission Authorizing the Administration to Issue Request for Qualification (RFQ) 16-04/05 for Professional Architectural/Engineering Services for Professional Specialties on an "as needed basis".

Issue:

Shall the City Commission authorize the issuance of RFQ No.16-04/05?

Item Summary/Recommendation:

Attached is a proposed Request for Qualifications (RFQ) 16-04/05 for Architectural and Engineering Services in various professional categories for a two-year contract to provide professional architectural/engineering services on an "as-needed basis".

In accordance with Florida State Statute Chapter 287.055, known as the "Consultants' Competitive Negotiation Act", the City may enter into a "continuing contract" for professional architectural and engineering services for projects in which construction costs do not exceed $500,000, or for study activities for which the fee does not exceed $25,000.

Under these service Agreements, study activities are quoted as a lump sum based on the estimated hours to complete the project. Detailed hourly rates will be negotiated for all personnel classifications for the firms. The price and terms for the contracts will be pre-negotiated. Each proposed contract shall be for a two (2) year term, with two (2) one-year renewal options at the City's sole option.

The attached RFQ seeks proposals from firms with strong qualifications in several specialized areas as follows:

Architecture - General
Architecture - Landscape
Architecture - Planning and Urban Design
Engineering - Civil
Engineering - Electrical
Engineering - Environmental/Coastal
Engineering - Mechanical
Engineering - Structural
Engineering – Transportation Planning/Traffic Engineering
Land Surveying Services

ACCEPT THE MANAGER'S RECOMMENDATION AND AUTHORIZE RFQ ISSUANCE.

Advisory Board Recommendation:

Financial Information:

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

City Clerk's Office Legislative Tracking:

Gus Lopez

Sign-Offs:

Department Director	Assistant City Manager	For City Manager
GL FB JC	RCM	JMG

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AGENDA ITEM C7O

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ISSUE REQUEST FOR QUALIFICATIONS (RFQ) NO. 16-04/05 FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES IN VARIOUS PROFESSIONAL SPECIALTIES ON A "AS-NEEDED BASIS", FOR CAPITAL PROJECTS IN WHICH THE BASIC CONSTRUCTION COST DOES NOT EXCEED $500,000 PER PROJECT, OR FOR STUDY ACTIVITIES FOR WHICH THE FEE DOES NOT EXCEED $25,000; FURTHER, EXTENDING THE TERM OF THE EXISTING CONTRACT AGREEMENTS WITH THE CONSULTANTS DATED JUNE 6, 2001 UNTIL THE NEW CONTRACTS ARE AWARDED.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Request for Qualifications (RFQ) No. 16-04/05 for Architectural and Engineering Services in various professional categories to provide professional architectural and engineering services on an "as-needed basis" (the RFQ).

In accordance with Section 287.055, Florida Statutes, known as the "Consultants' Competitive Negotiation Act", the City may enter into a "continuing contract" for professional architectural and engineering services for projects in which construction costs do not exceed $500,000, or for study activities for which the fee does not exceed $25,000.

The City may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations, which will take place after the selection of the firms deemed to be the most qualified to perform the required services. If the City is not able to negotiate a mutually satisfactory compensation schedule with the top-ranked firms which is determined to be fair, competitive and reasonable, additional firms in the order of their competence and qualifications may be selected, and negotiations may continue until an agreement is reached.

The City's current architectural and engineering services contracts, authorized by the City Commission on June 6, 2001 will expire on June 6, 2005. Twenty-five firms entered contracts with the City, and all agreed to the same pricing structure, as follows:

Civil Engineering: Roads, Parking Lots, Landscaping, Environmental, Urban Planning, Transportation, Surveying and miscellaneous work: 6% of final construction cost*

New Construction of Buildings/Facilities, including: Architectural, Mechanical, Electrical, Structural and other work on new facilities: 7.5% of final construction cost*

Renovations of Buildings/Facilities, including: Architectural, Mechanical, Electrical, Structural and other work on existing structures: 10% of final construction cost*

Projects in all categories with estimated cost less than $100,000: 10% of construction cost*

(Refers to construction cost of the portion of the project being designed by the Consultant being retained.)*

Under these Agreements, study activities are quoted as a lump sum based on the estimated hours to complete the project. Detailed hourly rates were negotiated for all personnel classifications for the firms.

The RFQ seeks proposals from firms with strong qualifications in the following specialized areas:

Architecture - General
Architecture - Landscape
Architecture - Planning and Urban Design
Engineering - Civil
Engineering - Electrical
Engineering - Environmental/Coastal
Engineering - Mechanical
Engineering - Structural
Engineering – Transportation Planning/Traffic Engineering
Land Surveying Services

It is the intent of the Administration to use the RFQ process to select firms who are qualified to provide services in each of the above categories of professional specialization. When professional services are required, a proposed project will be analyzed in terms of the predominant professional specialty required, and a firm will be selected from the appropriate specialization list.

The price and terms for the contracts will be negotiated after City Commission approves authorization to negotiate. Each proposed contract shall be for a two (2) year term, with two (2) one-year renewal options at the City's option.

The City's existing contracts will expire on June 6, 2005. In the event that the new contracts cannot be awarded prior to June 6, 2005, the Administration requests that the existing agreements with professional services firms on the existing contracts (See Attachment A) be extended until the new contracts have been approved and executed with the selected firms.

CONCLUSION:

The Administration recommends approval of the attached Resolution authorizing the issuance of Request for Qualifications (RFQ) 16-04/05 for Architectural and Engineering Services in various professional specialties to provide professional services on an "as-needed basis" for capital projects in which basic construction cost does not exceed $500,000 per project, or for study activities for which the fee does not exceed $25,000; further, extending the term of the existing contract Agreements with the consultants dated June 6, 2001 until the new contracts are awarded.

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(Attachment A)

Consultants under the Existing Architectural and Engineering Services Contract.

ARCHITECTURE

- Bermello, Ajamil and Partners, Inc.
- Beilinson Architects, P.A.
- Brown and Brown Architects
- Bruno-Elias and Associates, Inc.
- Edward Lewis Architects
- Post, Buckley, Schuh and Jernigan, Inc.
- Swanke, Hayden, Connell Architects

ARCHITECTURE - LANDSCAPE

- Carr Smith Corradino, Inc.
- Urbitran Associates, Inc.
- Vanasse and Dylor, LLP

ARCHITECTURE - PLANNING AND URBAN DESIGN

- American-Shimpler Mirson, Inc.
- Bermello, Ajamil and Partners, Inc.
- Carr Smith Corradino, Inc.

ENGINEERING - CIVIL

- American-Shimpler Mirson, Inc.
- Bermello, Ajamil and Partners, Inc.
- Carney-Neuhause, Inc.
- Carr Smith Corradino, Inc.
- Civil Works, Inc.
- Metcalf & Eddy, Inc.
- Milian, Swain and Associates, Inc.
- Post Buckley Schuh and Jernigan, Inc.

ENGINEERING - ELECTRICAL

- Indigo Service Corporation
- Post Buckley Schuh and Jernigan, Inc.
- Tuboson Giwa and Partners, Inc.

ENGINEERING - ENVIRONMENTAL / COASTAL

- Coastal Planning & Engineering, Inc.
- Coastal Sytems International, Inc.
- Ecology & Environmental, Inc.
- Langan Engineering & Environmental Services, Inc.
- Metcalf & Eddy
- Milian, Swain and Associates, Inc.
- Post Buckley Schuh and Jernigan, Inc.

ENGINEERING - MECHANICAL

- Indigo Service Corporation
- Post Buckley Schuh and Jernigan, Inc.
- Tuboson Giwa and Partners, Inc.

ENGINEERING - STRUCTURAL

- American-Shimpler Mirson, Inc.
- Bruno-Elias and Associates, Inc.
- Post Buckley Schuh and Jernigan, Inc.

ENGINEERING - TRANSPORTATION

- Civil Works, Inc.
- HNTB Corporation
- Post Buckley Schuh and Jernigan, Inc.
- R.J. Behar & Company, Inc.
- Urbitran Associates, Inc.

LAND SURVEYING

- Carney-Neuhause, Inc.
- Post Buckley Schuh and Jernigan, Inc.
- Schwebke-Shiskin & Associates, Inc.
- Undersea & Coastal Geomatics, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ISSUE REQUEST FOR QUALIFICATIONS (RFQ) NO. 16-04/05 FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES IN VARIOUS PROFESSIONAL SPECIALTIES, ON AN "AS-NEEDED BASIS", FOR CAPITAL PROJECTS IN WHICH THE BASIC CONSTRUCTION COST DOES NOT EXCEED $500,000 PER PROJECT, OR FOR STUDY ACTIVITIES FOR WHICH THE FEE DOES NOT EXCEED $25,000; FURTHER, EXTENDING THE TERM OF THE EXISTING CONTRACT AGREEMENTS WITH THE CONSULTANTS, DATED JUNE 6, 2001, ON A MONTH TO MONTH BASIS UNTIL THE NEW CONTRACTS ARE AWARDED.

WHEREAS, Section 287.55, Florida Statutes, known as the "Consultants' Competitive Negotiation Act" (Act), authorizes to enter into a "continuing contract" for professional architectural and engineering services for projects in which construction costs do not exceed $500,000, and for study activities for which the fee does not exceed $25,000; and

WHEREAS, it is the intent of the City to utilize the Request for Qualifications (RFQ) process to select several qualified firms on each areas of specialization, firms that will be utilized by the City to provide professional services on "as-needed basis", and

WHEREAS, the Administration will issue an RFQ seeking firms with qualifications to provide the required professional services for the following specialized area:

Architecture - General;
Architecture - Landscape;
Architecture - Planning and Urban Design;
Engineering - Civil;
Engineering - Electrical;
Engineering - Environmental/Coastal;
Engineering - Mechanical;
Engineering - Structural;
Engineering - Transportation Planning/Traffic Engineering;
Land Surveying Services; and

WHEREAS, the City's existing consultant agreements are to expire on June 6, 2005; in the event that the new contracts cannot be awarded prior to June 6, 2005, the Administration requests that the existing agreements with professional services firms on the existing contracts be extended on a month to month basis until the new contracts have been approved and executed with the selected firms.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Administration to issue a Request for Qualifications for a two-year contract to provide Professional Architectural and Engineering services in various professional specialties, on an "as-needed basis" for capital projects in which the basic construction cost do not exceed $500,000 per project, or for study activities for which the fee does not exceed $25,000; further, extending the term of the existing contract Agreements with the consultants, dated June 6, 2001, on a month to month basis until the new contracts are awarded.

PASSED and **ADOPTED** this ____ day of _____, 2005.

ATTEST:

_____
MAYOR

_____
CITY CLERK

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

3-8-05

City Attorney Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Appropriating Funding Available From The Series 2000 Water And Sewer Bond Fund For The Water And Wastewater Pump Station Upgrades Project In The Amount Of $260,307 For Additional Items Needed In Order To Complete The Project.

Issue:

Shall the City Commission appropriate the necessary funding for additional items requested?

Item Summary/Recommendation:

In 1992, the City initiated a citywide infrastructure improvement program to address rehabilitation and upgrades to the water, sewer and storm water systems. On February 3, 1999, under Resolution 99-23061, the City awarded the construction contract for the Water and Wastewater Pump Station Upgrades Project (Bid No. 99-97/98), to Felix Equities, Inc. in the amount of $17,692,568. On June 7, 2002, as a result of Felix Equities default, the City terminated the contract. The City has since procured the services of Widell Inc. (Widell), per Resolution 2004-25465, to resume the work that Felix Equities had started and work has commenced throughout the City.

It was noted during the original Felix contract that only 3 of the 12 wet-wells were scheduled to receive new sluice gates. All of the wet-wells originally had gates, although none were operational and in some cases were missing entirely. The City requested a proposal for the other 9 sluice gates in the re-procurement process, and they were included in the bid form as an "alternate bid item". Due to the lack of funds at the time, the item for the sluice gates was not awarded. Once construction started, the City re-initiated the request for the 9 additional sluice gates plus an additional 2 at Water Pump Station 28 (WWPS28) to facilitate the maintenance of the new screen chamber. The change order price presented by the contractor is now $90,894 including the additional 2 sluice gates for WWPS28. During the re-procurement contract, Widell noted that the overhead cranes at Waste Water Pump Stations 28, 29, and 1 did not bear current inspection certificates. In order to expedite the matter, Widell was requested to obtain an inspection and recommendation for repair of the three hoists. A proposal from Widell was received in the amount of $14,462 to repair and test the hoists. Both contracts for this project included telemetry (SCADA communications) via telephone lines for the remote pump stations to report back to the 25th Street Public Works Central Room. The original telemetry system was based on a hard wire 56,000 frame relay system with an installation cost of $12,820 and a monthly service agreement in the amount of $3,055 for all the stations. After further evaluation, the Public Works Department (PWD), together with the Information Technology Department (IT), requested a radio alternative to landline communications to replicate the methodology used by Miami-Dade Water and Sewer Department (WASD) which has been operating for more than 14 years. One has been selected that is technically sound, reasonably priced, but also can be implemented quickly to meet the schedule needs of the project. The new system has initial costs of $115,951 and a monthly service of about $330; which makes it the best time and cost effective solution, saving close to $2,700 in monthly services. At the time Widell began work, the emergency back up generator at Waste Water Pump Station No.1 (WWPS 1) was inoperable. Widell proposed to begin work knowing that the new back up generator was months away from being delivered, which the City approved. Once Widell initiated the construction, the Architect/Engineering consultant for the project, Camp Dresser & McKee, Inc (CDM), and the Capital Improvements Projects (CIP) Office were notified that the Florida Department of Environmental Resources Management (DERM) had issued a moratorium at WWPS 1 and no Certificates of Occupancy could be approved for new business connecting into the station. In a joint effort, the City and CDM met with DERM officials to delineate the conditions to lift the moratorium of WWPS 1. One of the conditions is the permanent installation of a back up generator, for which the City would provide a rental generator for the contractor to install and comply with the requirements imposed by DERM. The cost of the rental equipment has been estimated at $39,000 for a period of 6 months for which the City is seeking reimbursement.

As the previously appropriated contingency was not anticipated to cover the cost of these items, and there is sufficient funding to fund them from another source, the City recommends funding these additional items at this time.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds: Finance Dept.		Amount	Account	Approved
	1	$260,307	2000 Series Water & Sewer Bond	
	Total	$260,307		

City Clerk's Office Legislative Tracking:

Hiram G. Siaba, Capital Projects Coordinator

Sign-Offs:

Department Director	Assistant City Manager	City Manager

C-PumpUp-02-03162005
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AGENDA ITEM C7P

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDING AVAILABLE FROM THE SERIES 2000 WATER AND SEWER BOND FUND FOR THE WATER AND WASTEWATER PUMP STATION UPGRADES PROJECT IN THE AMOUNT OF $260,307 FOR ADDITIONAL ITEMS NEEDED IN ORDER TO COMPLETE THE PROJECT.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

When the Series 2000 Water and Sewer Bond funds were allocated, funding was set aside for miscellaneous projects to be completed by the Public Works Department and CIP Office. Funds in the amount of $260,307 are available from the Series 2000 Water and Sewer Bond Funds (Fund 424), from the Public Works Department allocation for miscellaneous projects.

ANALYSIS:

In 1992, the City initiated a citywide infrastructure improvement program to address rehabilitation and upgrades to the water, sewer and storm water systems. On August 8, 1998, the City issued Invitation to Bid (ITB) for the Water and Wastewater Pump Station Upgrades Project (Bid No. 99-97/98), and on February 3, 1999, under Resolution 99-23061, the City Commission awarded the construction contract for the project to Felix Equities, Inc. in the amount of $17,692,568.

On June 7, 2002, as a result of Felix Equities default, the City terminated the contract, and entered into litigation against the contractor and its surety bonding company (United States Fidelity & Guaranty Company). During the course of the litigation, all sides agreed to settle the cases and in Resolution 2004-25765A, the City of Miami Beach approved the settlement amount.

The City has since procured a new contractor to resume the work that Felix Equities had started. As per Resolution 2004-25465, the City Commission awarded the re-procurement contract to Widell Inc. (Widell) in the amount of $17,352,615 and work has commenced throughout the City.

It was noted during the original contract with Felix Equities that only three of the twelve wet-wells were scheduled to receive new sluice gates. All of the wet-wells originally had gates,

although none were operational and in some cases were missing entirely. The City requested a proposal for the other nine sluice gates in the re-procurement process, and they were included in the bid form as an "alternate bid item" in the amount of $75,000.00. However, due to the lack of funds at the time and the unexpected elevated prices received at the time of the bidding, the item for the sluice gates was not awarded. Once construction started, the City re-initiated the request for the nine additional sluice gates plus an additional two more sluice gates at Water Pump Station 28 (WWPS28) to facilitate the maintenance of the new screen chamber. Due to material cost escalation, the change order price presented by the contractor is now $90,894 including the additional two sluice gates for WWPS28.

During the re-procurement contract, Widell noted that the overhead cranes at Waste Water Pump Stations 28, 29, and 1 did not bear current inspection certificates. In order to expedite the matter, Widell was requested to obtain an inspection and recommendation for repair of the three hoists. A proposal from Widell was received in the amount of $14,462 to repair and test the hoists.

Both the original and re-procurement contracts for this project included telemetry (SCADA communications) via telephone lines for the remote pump stations to report back to the 25th Street Public Works Central Room. The original telemetry system was based on a hard wire 56,000 frame relay system with an installation cost of $12,820 and a monthly service agreement in the amount of $3,055 for all the stations. During the re-procurement effort, Widell suggested the use of DSL cable to support the SCADA system. A cost estimate was provided by Bell South which included a monthly service agreement in the amount of $1,760 and an activation fee of $1,100 for the 22 stations, which would have resulted in considerably savings.

The Public Works Department (PWD), together with the Information Technology Department (IT), requested a radio alternative to landline communications. Originally, the intention was to replicate the methodology used by Miami-Dade Water and Sewer Department (WASD) which has been operating for more than 14 years. After evaluating three different types of radios presented to PWD and IT, one was selected that was technically sound, reasonably priced, but also could be implemented quickly to meet the schedule needs of the project. The new system has initial costs of $115,951 and a monthly service of about $330; which makes it the best time and cost effective solution, saving close to $2,700 in monthly services.

At the time Widell began work, the emergency back up generator at Waste Water Pump Station No.1 (WWPS 1) was inoperable. Widell proposed to begin work knowing that the new back up generator was months away from being delivered, which the City approved. Once Widell initiated the construction, the Architect/Engineering consultant for the project, Camp Dresser & McKee, Inc (CDM), and the Capital Improvements Projects (CIP) Office were notified that the Florida Department of Environmental Resources Management (DERM) had issued a moratorium at WWPS 1 and no Certificates of Occupancy could be approved for new business connecting into the station.

In a joint effort, the City and CDM met with DERM officials to delineate the conditions to lift the moratorium of WWPS 1. One of the conditions is the permanent installation of a back up generator, for which the City would provide a rental generator for the contractor to install and comply with the requirements imposed by DERM. The cost of the rental equipment has been estimated at $39,000 for a period of 6 months for which the City is seeking reimbursement.

Widell is at the moment working at eight pump stations simultaneously, not only performing the new tasks but also clearing outstanding issues left from the previous contractor. To date, WWPS1 is 95% complete and Widell is working diligently to bring this station alive as soon as possible in order to lift the moratorium imposed by DERM. The stations to follow are WWPS 28, 29 and 23, where significant progress has been achieved. By the time Widell completes the project, the City will have a complete and reliable water and waste water pumping system throughout the City; including the Telemetry system reporting the status for each one of the stations to the Public Works Central Room. Due to the fact that this project is a re-procurement effort, new issues have arisen and new technology is applicable for which it would be inefficient not to include them as part of the improvements.

As the previously appropriated contingency was not anticipated to cover the cost of these items, and there is sufficient funding to fund them from another source, the following items are the additional items the City recommends funding at this time.

• Additional Sluice gates	$ 90,894
• Hoists repair and testing	$ 14,462
• Telemetry system	$115,951
• Generator rental costs	$ 39,000
TOTAL	**$260,307**

Conclusion:

The Administration recommends the appropriation of $260,307 available from the Series 2000 Water and Sewer Bond Funds (Fund 424), from the Public Works Department allocation for miscellaneous projects, in order to provide the required sluice gates, provide the necessary corrections to the hoists and a more complete and reliable communication system for the Water and Waste Water Pump Station Project upgrades.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING ADDITIONAL FUNDING AVAILABLE FROM THE SERIES 2000 WATER AND SEWER MISCELLANEOUS ACCOUNT BOND FUNDS FOR THE WATER AND WASTEWATER PUMP STATION UPGRADES PROJECT IN THE AMOUNT OF $260,307 FOR ADDITIONAL ITEMS REQUESTED BY THE PUBLIC WORKS DEPARTMENT AND NEEDED IN ORDER TO COMPLETE THE PROJECT.

WHEREAS, in 1992, the City initiated a Citywide Infrastructure Improvement Program to address rehabilitation and upgrades to the water, sewer and storm water systems; and

WHEREAS, on August 8, 1998, the City issued Invitation to Bid (ITB) for the Water and Wastewater Pump Station Upgrades Project (Bid No. 99-97/98 (the Project)); and

WHEREAS, on February 3, 1999, under Resolution No. 99-23061, the City Commission awarded the construction contract for the Project to Felix Equities, Inc., in the amount of $17,692,568; and

WHEREAS, on June 7, 2002, as a result of Felix Equities' default, the City terminated the contract, and entered into litigation against the contractor and its surety bonding company (United States Fidelity & Guaranty Company); and

WHEREAS, during the course of the litigation, the parties agreed to settle the case and, in Resolution No. 2004-25765A the City approved the settlement; and

WHEREAS, the City has since procured a new contractor to resume the work that Felix Equities had started and, as per Resolution No. 2004-25465, the City Commission awarded the re-procurement contract to Widell Inc. (Widell), in the amount of $17,352,615 and work has commenced throughout the City; and

WHEREAS, the Public Works Department (PWD) requested a proposal for eleven additional sluice gates for which Widell presented a change order price in the amount of $90,894; and

WHEREAS, during the re-procurement contract, Widell noted that the overhead cranes at Waste Water Pump Stations 28, 29, and 1 did not bear current inspection certificates; and

WHEREAS, in order to expedite the matter, Widell was requested to obtain an inspection and recommendation for repair of the three hoists, and a proposal from Widell was received, in the amount of $14,462, to repair and test the hoists; and

WHEREAS, the original and re-procurement contracts for this Project included telemetry (SCADA communications) via telephone lines for the remote pump stations to report back to the 25th Street Public Works Central Room; and

WHEREAS, the original telemetry system was based on a hard wire 56,000 frame relay system with an installation cost of $12,820 and a monthly service agreement in the amount of $3,055 for all the stations; and

WHEREAS, the PWD together with the Information Technology Department (IT) requested a radio alternative to landline communications with the intention to replicate the methodology used by Miami-Dade Water and Sewer Department (WASD) which has been operating for more than 14 years; and

WHEREAS, after evaluating three different types of radios presented to PWD and IT, one was selected that was technically sound, reasonably priced, but also could be implemented quickly to meet the schedule needs of the Project; and

WHEREAS, the new system has initial costs of $115,951 and a monthly service of about $330, which makes it the best time and cost effective solution, saving close to $2,700 in monthly services; and

WHEREAS, at the time Widell began work, the emergency back up generator at Waste Water Pump Station No.1 (WWPS 1) was inoperable; and

WHEREAS, Widell proposed to begin work knowing that the new back up generator was months away from being delivered, which PWD approved; and

WHEREAS, once Widell initiated the construction, the Architect/Engineering consultant for the project, Camp Dresser & McKee, Inc (CDM), and the Capital Improvements Projects (CIP) Office were notified that the Florida Department of Environmental Resources Management (DERM) had issued a moratorium at WWPS 1 and no Certificates of Occupancy could be approved for new business connecting into the station; and

WHEREAS, in a joint effort, PWD, the CIP Office and CDM met with DERM officials to delineate the conditions to lift the moratorium of WWPS 1; and

WHEREAS, one of the conditions is the permanent installation of a back up generator, for which PWD would provide a rent generator for the contractor to install and comply with the requirements imposed by DERM; and

WHEREAS, the cost of the rental equipment has been estimated at $39,000 for a period of 6 months for which the PWD is seeking reimbursement;

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 appropriate funds, in the amount of $260,307, from Series 2000 Water and Sewer Miscellaneous Account Bond Funds (Fund 424), for additional items requested by the Public Works Department in order to complete the Project

PASSED and ADOPTED this 16th day of March 2005.

_____
MAYOR

ATTEST:

_____
CITY CLERK

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-3-05 Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution approving the settlement of a City lien on real property located at 3050 Alton Road, Miami Beach, Florida, owned by Nestor Alvarez together with Nora Reinfeld Alvarez, resulting from Special Master Case No. JC990459 and providing that the lien in the amount of $325,601.60 plus interest be settled for the amount of $5,000.00.

Issue:

Shall the City Commission approve the settlement of a City lien on real property owned by Nestor Alvarez together with Nora Reinfeld Alvarez?

Item Summary/Recommendation:

In 1998, Ms. Reinfeld contracted with a local builder to complete a 450 square feet addition which consisted of enclosing an existing porch structure and anticipated that the contractor would secure the necessary permits for the work in question. In 1999, Ms. Reinfeld was cited for undertaking an addition to her home at 3050 Alton Road without a Building Permit. Ms. Reinfeld responded to the City's violation and made diligent efforts to reach her contractor to resolve the Building Permit question and found out that her contractor had died as a result from cancer. In the time between the citation and 2003 when the fines were stopped by a Special Master action, Ms. Reinfeld remarried and both she and her husband experienced serious medical conditions that both strained their financial resources, as well as precluded their full attention to the process of resolving the property issues. Out of State care was necessary for some of the medical issues. As a result of the extreme strain on their financial resources associated with the respective medical conditions, as well as the pending lien in the amount of $325,601.60 on the home, the mortgage holder for the property initiated a foreclosure action. This action is currently pending a refinancing of the mortgage by a new lender that is willing to undertake the refinancing transaction. Ms. Reinfeld and her husband offer a very compelling and sincere set of extenuating circumstances, and the Administration recommends that an amount of $5,000.00 be approved by the City Commission as a settlement amount for the lien associated with 3050 Alton Road. The $5,000.00 will be escrowed as part of the refinancing and conveyed to the City at the time of closing.

This lien falls into a category of older liens that have been individually addressed and settled over the last few years. There are currently approximately 60 older liens that exceed $100,000 that the Administration is analyzing to determine a more expeditious manner to resolve. The effort is intended to allow settlement in larger groups rather than piecemeal. A future referral to the Finance and Citywide Projects Committee will most likely be appropriate in light of the potential dollar impact.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Bob Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM C7Q

DATE 3-16-05

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: March 16, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY LOCATED AT 3050 ALTON ROAD, MIAMI BEACH, OWNED BY NESTOR ALVAREZ TOGETHER WITH NORA REINFELD ALVAREZ, RESULTING FROM SPECIAL MASTER CASE NO. JC990459 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF $325,601.60 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF $5,000.00.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In 1999, Ms. Nora Reinfeld was cited for undertaking an addition to her home at 3050 Alton Road without a Building Permit. From 1999 to 2003, fines ran on the property and now total $325,601.60. Ms. Reinfeld has requested an Administrative review and settlement of the lien amount given extenuating circumstances associated with her property.

In 1998, Ms. Reinfeld contracted with a local builder to complete a small addition to her existing home at 3050 Alton Road. The addition was for approximately 450 square feet which largely enclosed an existing porch structure. Ms. Reinfeld anticipated that the building contractor would secure the necessary permits for the work in question.

In 1999, with the addition to Ms. Reinfeld's home still uncompleted, a citation for working without a Building Permit was issued for her property. Ms. Reinfeld responded to the City's violation and made diligent efforts to reach her contractor to resolve the Building Permit question. Unfortunately, Ms. Reinfeld was unable to locate her contractor and at the time she believed that he was simply evading her inquiries and responsibility for the project. Subsequently, Ms. Reinfeld learned that the contractor was ill with cancer and died as a result of his illness.

Ms. Reinfeld secured a replacement contractor to complete the work on her home and continued to attempt to address the outstanding permit question. In the time between the citation and 2003 when the fines on the home were stopped by a Special Master action,

Ms. Reinfeld remarried and both she and her husband experienced serious medical conditions that both strained their financial resources, as well as precluded their full attention to the process of resolving the issues associated with the property. Out of state care was necessary for some of the medical issues.

As a result of the extreme strain on their financial resources associated with the respective medical conditions, as well as the pending lien in the amount of $325,601.60 on the home, the mortgage holder for the property initiated a foreclosure action. This action is currently pending a refinancing of the mortgage by a new lender that is willing to undertake the refinancing transaction.

As a further complication, the addition to the home resulted in a permanent structure that is approximately six inches too close to the side property line, thereby necessitating a variance be granted to permit the addition to remain on the property. Ms. Reinfeld has completed the necessary steps to apply for and secure a variance for her property. In preparing for this item and discussing the matter with the Planning staff, when the item is heard later this year by the Planning Board, a positive staff recommendation will be offered in support of the variance. The adjoining property owner also has no objections to the granting of a six inch variance for the addition in question.

Ms. Reinfeld and her husband offer a very compelling and sincere set of extenuating circumstances which they have shared fully in reviewing this specific lien file. The Administration has seen the respective medical bills and appointment schedules that both consumed an inordinate amount of Ms. Reinfeld and her husbands time and financial resources, as well as a series of correspondence indicating that in the time that they had, they made very diligent and concerted efforts to comply with the various regulations of the City of Miami Beach in addressing their property. In spite of an extraordinary set of circumstances, Ms. Reinfeld and her husband have negotiated the various permitting and approval processes of the City of Miami Beach and have found a new lender to enable them to refinance their home and reestablish their financial situation. As part of the refinancing, it has been agreed that the settlement amount in this case will be escrowed and conveyed to the City at the time of closing.

It is recommended that an amount of $5,000.00 be approved by the City Commission as a settlement amount for the lien associated with 3050 Alton Road and that those funds be escrowed as part of the refinancing associated with this property. Typically work done without a Building Permit has resulted in similar fines, given that other extenuating circumstances exist which clearly are evident in this particular situation. As a variance will still be required to be processed in approximately two months, the lien release is conditioned upon the approval of the variance, which if not granted would necessitate the demolition of a portion of the home in order to be in compliance with City of Miami Beach regulations. The condition of variance approval is listed on the Lien Settlement Resolution such that the refinancing on the property is not withheld and the foreclosure action is therefore also resolved.

This lien falls into a category of older liens that have been individually addressed and settled over the last few years. There are currently approximately 60 older liens that exceed $100,000 that the Administration is analyzing to determine a more expeditious manner to resolve. The effort is intended to allow settlement in larger groups rather than piecemeal. A future referral to the Finance and Citywide Projects Committee will most likely be appropriate in light of the potential dollar impact.

JMG\RCM\sam
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RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY LOCATED AT 3050 ALTON ROAD, MIAMI BEACH, FLORIDA, OWNED BY NESTOR ALVAREZ TOGETHER WITH NORA REINFELD ALVAREZ, RESULTING FROM SPECIAL MASTER CASE NO. JC990459 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF $325,601.60 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF $5,000.00.

WHEREAS, the property located at 3050 Alton Road has accumulated Code fines resulting from Special Master Case No. JC990459 in the amount of $325,601.60 plus interest; and,

WHEREAS, in 1998, Ms. Reinfeld contracted with a local builder to complete a 450 square feet addition which consisted of enclosing an existing porch structure to her existing home and anticipated that the contractor would secure the necessary permits for the work in question; and,

WHEREAS, in 1999, Ms. Reinfeld was cited for undertaking an addition to her home without a Building Permit; and,

WHEREAS, Ms. Reinfeld responded to the City's violation and made diligent efforts to reach her contractor to resolve the Building Permit question and found out that her contractor had died as a result of cancer; and,

WHEREAS, in the time between the citation and 2003 when the fines were stopped by a Special Master action, Ms. Reinfeld remarried and both she and her husband experienced serious medical conditions that both strained their financial resources, as well as precluded their full attention to the process of resolving the property issues; and

WHEREAS, as a result of the extreme strain of their financial resources associated with the respective medical conditions, as well as the pending lien in the amount of $325,601.60 on their property, the mortgage holder initiated a foreclosure action; and,

WHEREAS, this action is currently pending a refinancing of the mortgage by a new lender that is willing to undertake the refinancing transaction; and

WHEREAS, Ms. Reinfeld and her husband offer a very compelling and sincere set of extenuating circumstances, and the Administration recommends that an amount of $5,000.00, to be escrowed as part of the refinancing and conveyed to the City at the time of closing, be approved by the Mayor and City Commission as a settlement amount for the lien associated with 3050 Alton Road; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a settlement for an outstanding City lien at the property located at 3050 Alton Road, in the amount of $325,601.60 is hereby approved (Special Master Case No. JC990459/Code Violation No. ZV981094, Recorded on February 11, 2003 at Book 21011, Page 4933) is settled for $5,000.00; and further that the City Manager shall be authorized to execute any and

all necessary documents to complete such lien releases and settlement subject to the approval of the Special Master.

PASSED and **ADOPTED** this ____ day of _____, 2005.

_____
Mayor David Dermer

ATTEST:

_____
City ClerkF:\cmgr\$ALL\BOB\reinfeldlienmiti3050altonrdreso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney PD 3-10-05
Date

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