

MIAMI BEACH

Presentations & Awards/Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 27, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

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

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting date. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

AGENDA

1. Call to Order - 5:00 p.m.
2. Pledge of Allegiance.
3. Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

- PA1 Recognition to City of Miami Beach Fire Department for their participation in Miami-Dade Stroke Consortium (MDSC).
(Fire)
- PA2 Proclamation To Be Presented To Dr. Rabinowitz And Miami Beach Community Health Center For Their Outstanding Work Caring For Our Citizens.
(Sponsored By Mayor Philip Levine)
- PA3 Certificates Of Completion To Be Presented To The City Of Miami Beach Neighborhood Leadership Academy Graduates For Fall 2015.
(Office of the City Manager)
- PA4 Honoring The Miami Beach Visitor And Convention Authority (VCA) And Its Board Members For Winning First Place In The Best Wedding Destination, U.S. & Canada Category In The 2016 Edition Of The Prestigious Travvy Awards.
(Sponsored by Commissioner Joy Malakoff)
- PA5 Certificates Of Appreciation To Be Presented To Maria Maquieira, Octavio Rodriguez, And Lisa Spence, Employees Of Walgreens In Miami Beach, Who Donated Over 1000 Toys To The Miami Beach Fire Department's Annual Toy Drive.
(Sponsored by Commissioner Micky Steinberg)
- PA6 Recognition Of Big Brothers Big Sisters Of Greater Miami In Celebrating January 2016 As National Mentoring Month, A Nationwide Awareness Campaign Promoting Mentoring And The Extreme Need For Mentors In South Florida. Big Brothers Big Sisters President And CEO Lydia Muniz, A Miami Beach Resident, Will Present Opportunities To Become Mentors To Local Children At Risk.
(Sponsored by Commissioner Micky Steinberg)
- PA7 Certificates Of Recognition To Be Presented To Officers Omar Marrero And Vincent Stella.
(Sponsored by Commissioner Michael Grieco)

REGULAR AGENDA

R5 - Ordinances

- R5A CD-2 Height For Mixed-Use On Alton Road
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations", Division 5, "CD-2, Commercial, Medium-Intensity District," At Section 142-306, "Development Regulations," By Increasing The Maximum Permitted Height For Properties On The West Side Of Alton Road From 6th Street To Collins Canal Providing For Codification; Repealer; Severability; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on January 13, 2016 - R5M)

R7 - Resolutions

- R7A A Resolution Accepting The Written Recommendation Of The City Manager Regarding The Existence Of A Public Emergency And, Accordingly, Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Further That The Best Interest Of The City Would Be Served By Such Waiver; Authorizing The City Manager Or His Designee To Negotiate Amendment No. 5 To The Design-Build Agreement Between The City And Lanzo Construction Co. (Lanzo), Approved Pursuant To Resolution No. 2014-28765, For The Sunset Harbour Pump Station Retrofit And Drainage Improvements Project; Said Amendment In The Amount Of \$2,000,000 Plus A \$200,000 Contingency, For A Total Amount Of \$2,200,000, To Bring Dade Boulevard (West Avenue To Purdy Avenue) To A 3.7 Feet NAVD Elevation, Water, Sewer, Stormwater Improvements, Seawall, Landscaping, Lighting, Irrigation, And Street Signalization.
(Public Works)
- R7B A Resolution Authorizing The City Manager To Approve The Sunset Drive Water Main Replacement Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.
(Public Works)
- R7C A Resolution Accepting A Utility Easement From The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Florida, Owner Of The Sovereignty Submerged Lands Located In Section 11, Township 53 South, Range 42 East, In Indian Creek, Miami-Dade County, For The Construction, Installation, Maintenance, Repair, And Replacement Of Water Mains; And Further Authorizing The Administration And City Attorney's Office To Finalize A Grant Of Easement Agreement.
(Public Works)

R9 - New Business and Commission Requests

R9A Presentation Of The MBPD's New Recruitment Video.
(Police)

End of Agenda

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(Sponsored by Commissioner Micky Steinberg)
- PA7 Certificates Of Recognition To Be Presented To Officers Omar Marrero And Vincent Stella.
(Sponsored by Commissioner Michael Grieco)

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Condensed Title:

An Ordinance proposing to amend the CD-2, Commercial, Medium-Intensity District, regulations by increasing the maximum permitted height for properties on the west side of Alton Road from 6th Street to Collins Canal.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

SECOND READING – PUBLIC HEARING
 The subject Ordinance would allow an increase in height from 50 feet to 60 feet for mixed-use and commercial buildings that provide structured parking and are located on the west side of Alton Road between 6th Street and the Collins Canal.

On September 9, 2015, the Land Use Committee discussed the item and recommended that an Ordinance be referred to the Planning Board. On October 14, 2015, the City Commission referred the item to the Planning Board.

On January 13, 2016, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the attached Ordinance at First Reading; and 3) scheduled a Second Reading Public Hearing for January 27, 2016.

The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

On November 24, 2015, the Planning Board transmitted the proposed ordinance amendment to the City Commission with a favorable recommendation, and with a modification that it apply to both commercial and mixed-use buildings. (Vote 5-1)

Financial Information:

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

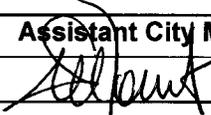
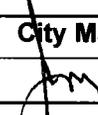
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 27, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **Ordinance Amendment – CD-2 Height For Mixed-Use On Alton Road**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142 “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II “DISTRICT REGULATIONS,” DIVISION 5, “CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT,” AT SECTION 142-306, “DEVELOPMENT REGULATIONS,” BY INCREASING THE MAXIMUM PERMITTED HEIGHT FOR PROPERTIES ON THE WEST SIDE OF ALTON ROAD FROM 6TH STREET TO COLLINS CANAL PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

BACKGROUND

On July 8, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee (Item C4F). On July 29, 2015, the Land Use Committee continued the item to September 9, 2015.

On September 9, 2015, the Land Use Committee discussed the item and recommended that an Ordinance be referred to the Planning Board. On October 14, 2015, the City Commission referred the item to the Planning Board (Item R9I).

ANALYSIS

Currently, all new construction within CD-2 districts along the west side of Alton Road from 6th Street to Collins Canal is limited to 50 feet in height. At the September 9, 2015 Land Use Committee meeting, representatives of the property owner at 1698 Alton Road made a presentation to the Committee regarding a proposed increase of ten in the overall height limit for mixed-use projects providing structured parking on the west side of Alton Road between 6th Street and Collins Canal. The following is a summary of the proposal made to the Committee:

- *The ordinance should only apply to properties in non-historic districts and not in the Alton Road buffer overlay, so the properties on the east side of Alton Road (which are in the Flamingo Park Historic District) should not be affected.*

- *The proposal will not increase floors/stories (this would remain at five stories) and will not increase FAR - simply an additional 10 feet in height.*
- *The properties here are CD-2 which already permit RM-2 FAR and setbacks for properties containing at least 25% residential uses. The additional 10 feet in height is what is permitted in RM-2 as well.*
- *The extra 10 feet will be utilized in part to build projects to meet new sea level rise elevations. The current code as written allows five functional stories at 50 feet. The amendment will allow 5 functional stories at 60 feet.*
- *Providing parking within the building (particularly when additional parking is provided beyond the required amount) should be incentivized in the Alton Road parking District - instead of pushing projects to have off-site parking.*

The proposal to increase the maximum height for mixed-use buildings is not expected to have a significant impact on the scale, context and character of the west side of Alton Road, as the CD-2 zones on the west side of Alton Road are adjacent to RM-1 (maximum allowable height of 50 feet) and RM-2 zones (maximum allowable height of 60 feet). Additionally, any future development proposal would still be subject to Design Review Board (DRB) approval, as well as Planning Board approval if the development project exceeds 50,000 square feet in size.

PLANNING BOARD REVIEW

On November 24, 2015, the Planning Board transmitted the proposed ordinance amendment to the City Commission with a favorable recommendation. The Planning Board also recommended that the proposed Ordinance apply to both commercial and mixed-use buildings, and from 6th Street to Collins Canal. The recommendations of the Planning Board have been incorporated into the text of the proposed Ordinance.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the “City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions,” this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

UPDATE / SUMMARY

The subject Ordinance was approved at First Reading on January 13, 2016.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance.

JLM/SMT/TRM/RAM

CD-2 HEIGHT FOR MIXED-USE ON ALTON ROAD

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," ARTICLE II "DISTRICT REGULATIONS", DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," AT SECTION 142-306, "DEVELOPMENT REGULATIONS," BY INCREASING THE MAXIMUM PERMITTED HEIGHT FOR PROPERTIES ON THE WEST SIDE OF ALTON ROAD FROM 6TH STREET TO COLLINS CANAL PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach recognizes the unique character of the mix of uses and parking demand on Alton Road, thus establishing the Alton Road Parking District (Parking District No. 6); and

WHEREAS, the land development regulations already provide that the setback and floor area regulations for mixed-use projects in the CD-2 zoning district be the same as the RM-2 zoning district; and

WHEREAS, the RM-2 zoning district provides a maximum height of 60 feet; and

WHEREAS, the City desires to amend Chapter 142, Article II, Division 5 "CD-2, Commercial, Medium-Intensity District", at Section 142-306, "Development Regulations" to increase the height within the CD-2 along the West side of Alton Road from 6th Street to Collins Canal from 50 to 60 feet, but not increasing the number of stories allowed in the district; and

WHEREAS the Planning Board, at its meeting dated November 24, 2015 by a vote of 5-1 recommended in favor of the Ordinance; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, "CD-2, Commercial, Medium-Intensity District," at Section 142-306, "Development Regulations," is hereby amended as follows:

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.5	Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A	50 (except as provided in section 142-1161). Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley. <u>Mixed-Use and Commercial Buildings that include structured parking for properties located on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.</u>	5 (except as provided in section 142-1161) Self-storage warehouse: 4

			<p>and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained.</p>		
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SECTION 2. REPEALER.

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

SECTION 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Paul C...

1-20-12

City Attorney

Date

First Reading: January 13, 2016
Second Reading: January 27, 2016

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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

(Sponsored by Commissioner Joy Malakoff)

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS - CD-2 HEIGHT FOR MIXED-USE ON ALTON ROAD

NOTICE IS HEREBY given that a Second Reading/Public Hearing will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **January 27, 2016 at 5:01 p.m.**, or as soon thereafter as the matter can be heard, to consider:

CD-2 Height For Mixed-Use On Alton Road

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," Division 5, "CD-2, Commercial, Medium-Intensity District," At Section 142-306, "Development Regulations," By Increasing The Maximum Permitted Height For Properties On The West Side Of Alton Road From 6th Street To Collins Canal Providing For Codification; Repealer; Severability; And An Effective Date.

Inquiries may be directed to the Planning Department at 305.673.7550.

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

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

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City
Clerk
City of Miami Beach

Ad 1120

Publish Thursday, January 14, 2016, in The Miami Herald Beach Neighbors

MIAMIBEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS - CD-2 HEIGHT FOR MIXED-USE ON ALTON ROAD

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An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations", Division 5, "CD-2, Commercial, Medium-Intensity District," At Section 142-306, "Development Regulations," By Increasing The Maximum Permitted Height For Properties On The West Side Of Alton Road From 6th Street To Collins Canal Providing For Codification; Repealer; Severability; And An Effective Date.

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Rafael E. Granado, City Clerk
City of Miami Beach

Ad 1120

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Written Recommendation Of The City Manager Regarding The Existence Of A Public Emergency And, Accordingly, Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Further That The Best Interest Of The City Would Be Served By Such Waiver; Authorizing The City Manager Or His Designee To Negotiate Amendment No. 5 To The Design-Build Agreement Between The City And Lanzo Construction Co. (Lanzo), Approved Pursuant To Resolution No. 2014-28765, For The Sunset Harbour Pump Station Retrofit And Drainage Improvements Project; Said Amendment In The Amount Of \$2,000,000 Plus A \$200,000 Contingency, For A Total Amount Of \$2,200,000, To Bring Dade Boulevard (West Avenue To Purdy Avenue) To A 3.7 Feet Navd Elevation, Water, Sewer, Stormwater Improvements, Seawall, Landscaping, Lighting, Irrigation, And Street Signalization.

Key Intended Outcome Supported:

Ensure Well Maintained Infrastructure

Item Summary/Recommendation:

The City has a Design/Build contract agreement with Lanzo Construction Co. (Lanzo) for work associated with the Sunset Harbour Neighborhood Improvement Project. This project includes landscaping, lighting, water, sewer, drainage, paving, and the retrofit of the three pump stations. As part of the Design/Build contract, Lanzo is currently performing roadway work within Purdy Avenue, Dade Boulevard and Sunset Drive.

Sunset Harbour neighborhood residents are requesting that since work is already taking place, that the street already under construction should also be raised to a 3.7 feet NAVD elevation, the new street elevation requirement to prevent future flooding from sea level rise and heavy rainfall events.

Public Works requested Lanzo to provide an additional cost proposal to include the new roadway improvement on Dade Boulevard, between West Avenue and Purdy Avenue, as well as street signalization and seawall repairs. The new estimate came back in the amount of \$2,000,000, plus a \$200,000 contingency, for a total amount of \$2,200,000. These funds will be reimbursed by Miami-Dade County once the NJPA is submitted and approved by City Commission. Public Works Staff reviewed the proposal and deems the cost to be fair and reasonable.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:	Amount	Account	Approved
<i>R.O.</i>	1 \$2,200,000	STORMWATER BONDS SERIES 2015	
<i>OBPI</i>	2		
	Total \$2,200,000		

Financial Impact Summary: Funding will be reimbursed by Miami-Dade County once the NJPA is submitted and approved by City Commission at its February 10, 2016 meeting.

City Clerk's Office Legislative Tracking:

Eric Carpenter, Public Works X6012

Sign-Offs:

Department Director	Assistant City Manager	City Manager
<i>[Signature]</i>	ETC	JLM <i>[Signature]</i>

T:\AGENDA\2016\January\Public Works\January 27\Sunset Harbour Pump Station Improvements. summary.doc





MIAMI BEACH

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

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 27, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE WRITTEN RECOMMENDATION OF THE CITY MANAGER REGARDING THE EXISTENCE OF A PUBLIC EMERGENCY AND, ACCORDINGLY, WAIVING, BY 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING FURTHER THAT THE BEST INTEREST OF THE CITY WOULD BE SERVED BY SUCH WAIVER; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AMENDMENT NO. 5 TO THE DESIGN-BUILD AGREEMENT BETWEEN THE CITY AND LANZO CONSTRUCTION CO. (LANZO), APPROVED PURSUANT TO RESOLUTION NO. 2014-28765, FOR THE SUNSET HARBOUR PUMP STATION RETROFIT AND DRAINAGE IMPROVEMENTS PROJECT; SAID AMENDMENT IN THE AMOUNT OF \$2,000,000 PLUS A \$200,000 CONTINGENCY, FOR A TOTAL AMOUNT OF \$2,200,000, TO BRING DADE BOULEVARD (WEST AVENUE TO PURDY AVENUE) TO A 3.7 FEET NAVD ELEVATION, WATER, SEWER, STORMWATER IMPROVEMENTS, SEAWALL, LANDSCAPING, LIGHTING, IRRIGATION, AND STREET SIGNALIZATION.**

ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution

FUNDING

<u>Amount</u>	<u>Account Number</u>
\$2,200,000	STORMWATER BONDS SERIES 2015

BACKGROUND

The City has a Design/Build contract agreement with Lanzo Construction Co. (Lanzo) for work associated with the Sunset Harbour Neighborhood Improvement Project. This project includes landscaping, lighting, water, sewer, drainage, paving, and the retrofit of the three pump stations. As part of the Design/Build contract, Lanzo is currently performing roadway work within Purdy Avenue, Dade Boulevard and Sunset Drive.

Sunset Harbour neighborhood residents are requesting that since work is already taking place, that the street already under construction should also be raised to a 3.7 feet NAVD elevation, the new street elevation requirement to prevent future flooding from sea level rise and heavy rainfall events.

Public Works requested Lanzo to provide an additional cost proposal to include the new roadway improvement on Dade Boulevard, between West Avenue and Purdy Avenue, as well as street signalization and seawall repairs. The new estimate came back in the amount of \$2,000,000, plus a \$200,000 contingency, for a total amount of \$2,200,000. These funds will be reimbursed by Miami-Dade County once the NJPA is submitted and approved by City Commission. Public Works Staff reviewed the proposal and deems the cost to be fair and reasonable.

CONCLUSION

The Administration recommends adopting the Resolution.

Attachment: Lanzo cost proposal

JLM/ETC//BAM/WRB/JJR

T:\AGENDA\2016\January\Public Works\January 27\Sunset Harbour Pump Stations Improvements Amendment 5 Memo Dade Blvd Roadway Imp.doc

ATTACHMENT

FINAL PROPOSAL TO BE SUBMITTED

RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The City Manager To Approve The Sunset Drive Water Main Replacement Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.

Key Intended Outcome Supported:

Build and maintain priority infrastructure with full accountability. Streamline the delivery of services through all departments.

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

Item Summary/Recommendation:

Prior to October, 2012, the City acquired construction services for many small or emergency construction projects through a Job Order Contracting process (JOC) that enabled facility owners to accomplish a large number of repairs, maintenance and construction projects with a single, competitively bid contract, which eliminated the time and expense of completing the normal design-bid-construct cycle for each project. Prior to the award of these contracts, the City selected one of several available comprehensive catalogs of construction tasks established by one of several national organizations, such as RS Means or the Gordian Group. The catalogs contain almost every imaginable construction task possible and a unit of measure and pre-set unit prices for each construction task. Contractors were required to competitively bid an adjustment factor (e.g. 1.15) to be applied to the unit prices. The prospect of continuing work keeps the contractor motivated to provide timely, responsive, and high quality work.

As authorized by Florida Statutes, the Finance and City-Wide Projects Committee (the "Committee") endorsed a recommendation by the Administration to utilize the indefinite quantity contract (IQC) for construction services to expedite the delivery of construction projects under \$250,000 or for emergency projects as approved by the City Manager. The Committee's endorsement of the IQC process for small and emergency projects was approved by the City Commission on April 23, 2014. The IQC process is similar to the previously used process by the City but with tighter controls, including a limit on design, additional competition on certain items and a small project threshold that limits exposure.

The IQC process is used extensively by the local, state and federal governmental agencies throughout the United States to expedite the delivery of construction projects. The City, as a governmental agency member, is authorized to utilize the IQC contract for construction services competitively awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group.

The project replaces the existing water main along Sunset Drive from 20th Street to 21st Street. The existing 8-inch water main has reached its life expectancy of 70 years plus. The construction project will require open trench excavation and a portion of the water main being suspended from the stationary bridge. The duration of the construction will take approximately two (2) months to complete.

The water main Improvements includes installing approximately 400 linear feet of 12-inch of High Density Polypropylene pipe (HDPE) and fittings; traffic control and all ancillary and miscellaneous work. In order to expedite the process the Public Works Department contacted the Procurement Office to request the use of the NJPA cooperative contractor procurement process to build the project and has chosen DMSI, Inc. for its previous good work in completing projects on time and on budget, to provide a proposal to build the improvements.

The contractor submitted for review a proposal to complete the work. Based on City staff and NJPA Project Manager Review, the proposal submitted by DMSI, Inc. in the final amount of \$295,845 has been considered reasonable for the type of work that is included. This project surpassed the \$250,000 threshold limit approved by the City Commission for projects through the NJPA IQC contract award. Accordingly, in order to move forward with the completion of this project, approval is required to exceed the \$250,000 project threshold limit which includes \$29,585 for project contingency, for a project total not to exceed \$ 326,000. The project supports the KIO of maintaining the City's infrastructure.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
OBPI	326,000	Subject to the 3 rd Capital Budget Amendment on February 10 th
Total	326,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JJF	ETC	JLM

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 27, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE THE SUNSET DRIVE WATER MAIN REPLACEMENT PROJECT UTILIZING THE COMPETITIVELY BID NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT FOR CONSTRUCTION SERVICES WITH THE GORDIAN GROUP.**

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Resolution.

FUNDING

\$ 326,000 384-2324-069357 – Sunset Islands 3 & 4 Neighborhood Improvement

BACKGROUND

Prior to October, 2012, the City acquired construction services for many small or emergency construction projects through a Job Order Contracting process (JOC) that enabled facility owners to accomplish a large number of repairs, maintenance and construction projects with a single, competitively bid contract, which eliminated the time and expense of completing the normal design-bid-construct cycle for each project. Prior to the award of these contracts, the City selected one of several available comprehensive catalogs of construction tasks established by one of several national organizations, such as RS Means or the Gordian Group. The catalogs contain almost every imaginable construction task possible and a unit of measure and pre-set unit prices for each construction task. Contractors were required to competitively bid an adjustment factor (e.g. 1.15) to be applied to the unit prices. The prospect of continuing work keeps the contractor motivated to provide timely, responsive, and high quality work.

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The IQC process is used extensively by the local, state and federal governmental agencies throughout the United States to expedite the delivery of construction projects. The City, as a governmental agency member, is authorized to utilize the IQC contract for construction services competitively awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group.

The project replaces the existing water main along Sunset Drive from 20th Street to 21st Street. The existing 8-inch water main has reached its life expectancy of 70 years plus. The construction project will require open trench excavation and a portion of the water main being suspended from the stationary bridge. The duration of the construction will take approximately two (2) months to complete.

The water main Improvements includes installing approximately 400 linear feet of 12-inch of High Density Polypropylene pipe (HDPE) and fittings; traffic control and all ancillary and miscellaneous work. In order to expedite the process the Public Works Department contacted the Procurement Office to request the use of the NJPA cooperative contractor procurement process to build the project and has chosen DMSI, Inc. for its previous good work in completing projects on time and on budget, to provide a proposal to build the improvements.

The contractor submitted for review a proposal to complete the work. Based on City staff and NJPA Project Manager Review, the proposal submitted by DMSI, Inc. in the final amount of \$295,845 has been considered reasonable for the type of work that is included.

This project surpassed the \$250,000 threshold limit approved by the City Commission for projects through the NJPA IQC contract award. Accordingly, in order to move forward with the completion of this project, approval is required to exceed the \$250,000 project threshold limit which includes \$29,585 for project contingency, for a project total not to exceed \$ 326,000. The project supports the KIO of maintaining the City's infrastructure.

CONCLUSION

The Administration recommends approving the Resolution authorizing the City Manager to approve the Work Order for the Construction of the Sunset Drive Water Main Replacement project, subject to the capital budget amendment approval on February 10, 2016.

JLM/ETC//BAM/JR

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DAVID MANCINI
& SONS, INC.

GENERAL CONTRACTOR

1210 Washington Ave, Suite 250. Miami Beach, FL 33139
PH: (305) 532-8827 FAX: (305) 532-8835

1939 NW 40th Ct. Pompano Beach, FL 33064
PH: (954) 977-3556 FAX: (954) 944-2040

December 15, 2015

Jose Rivas, P.E.,
Civil Engineer III
CMB, PUBLIC WORKS DEPARTMENT
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Sunset Drive Water Main Replacement, Miami Beach.

We are hereby submitting a cost proposal for the design, permitting and replacement of the existing 8" CI water main on Sunset Drive between 20TH Street and 21ST Street by a new 12" HDPE water main. The limits of the project will be between the existing 8" valve on Sunset Drive and 20TH Street and the existing TEE on Sunset Drive and 21ST Street providing a temporary bypass over the bridge during the construction.

In accordance with the existing conditions and available information we will be able to perform the work isolating the section of Water Main to be replaced shutting down the existing 8" gate valve on Sunset Drive and 20TH Street and three valves on Sunset Drive and 21ST Street.

Our proposal also includes the cost estimate to perform the final connection to the water main installed by the contractor of Sunset Harbor and also to the water main contractor of Sunset Island 4 if their water mains are certified and in operation.

Phase # 1:

To have an idea of the impact of the flow shortage in the island we will perform a WM shutdown monitoring and recording the pressures in the island for 24 hours.

Phase # 2:

Shutdown of the line and installation of about 150 LF of 12" HDPE/DIP from the 8" valve located at 20th Street and Sunset Drive to the South side of the bridge and temporary tie in to the existing 8" WM.

Phase # 3:

Shut down of the line and installation of about 120 LF of 12" HDPE/DIP from the TEE located in front of the fire hydrant by 21ST Street to a close proximity of the bridge by the North side making a temporary tie in to the existing 8" WM.



**DAVID MANCINI
& SONS, INC.**

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PH: (954) 977-3556 FAX: (954) 944-2040

Phase # 4:

Installation of a temporary bypass from tie inn points at the North and South side of the bridge running 12" HDPE on top of the bridge.

Phase # 5:

Removal of existing 8" CI Water Main and replacement by 12" HDPE DIPS under the bridge using the same openings and alignment.

Phase # 6:

Temporary tie-ins connections at both sides of the bridge.

Phase # 7:

WM Certification and placing the line in operation.

Phase # 8:

Final tie-ins connections on 20TH Street and 21ST Street.

<i>Description</i>	<i>Unit</i>	<i>Qty</i>	<i>Unit Price</i>	<i>Total Amount</i>
12" HDPE Under the bridge	LF	130.00	400.00	52,000.00
12" HDPE/DIP Water Main Open Trench	LF	270.00	280.00	75,600.00
8"-12" Gate Valve	EA	4.00	6,500.00	26,000.00
8"-12" Fittings	EA	14.00	800.00	11,200.00
12" Temporary Bypass	LS	1.00	15,000.00	15,000.00
Removal of Existing Water Main	LF	400.00	30.00	12,000.00
Temporary 8" Water Main Connection	EA	2.00	5,500.00	11,000.00
Permanent Water Main Connection	EA	2.00	12,000.00	24,000.00
Concrete Restoration	SF	800.00	9.50	7,600.00
Trench Restoration	SY	150.00	50.00	7,500.00
Sample Points	EA	2.00	1,300.00	2,600.00
Subtotal				244,500.00
MOBILIZATION + GENERAL CONDITIONS			10%	24,450.00
MOT			3%	7,335.00
Engineering, Design and Permitting			8%	19,560.00
Grand Total				295,845.00



DAVID MANCINI
& SONS, INC.
GENERAL CONTRACTOR

1210 Washington Ave, Suite 250, Miami Beach, FL 33139
PH: (305) 532-8827 FAX: (305) 532-8835

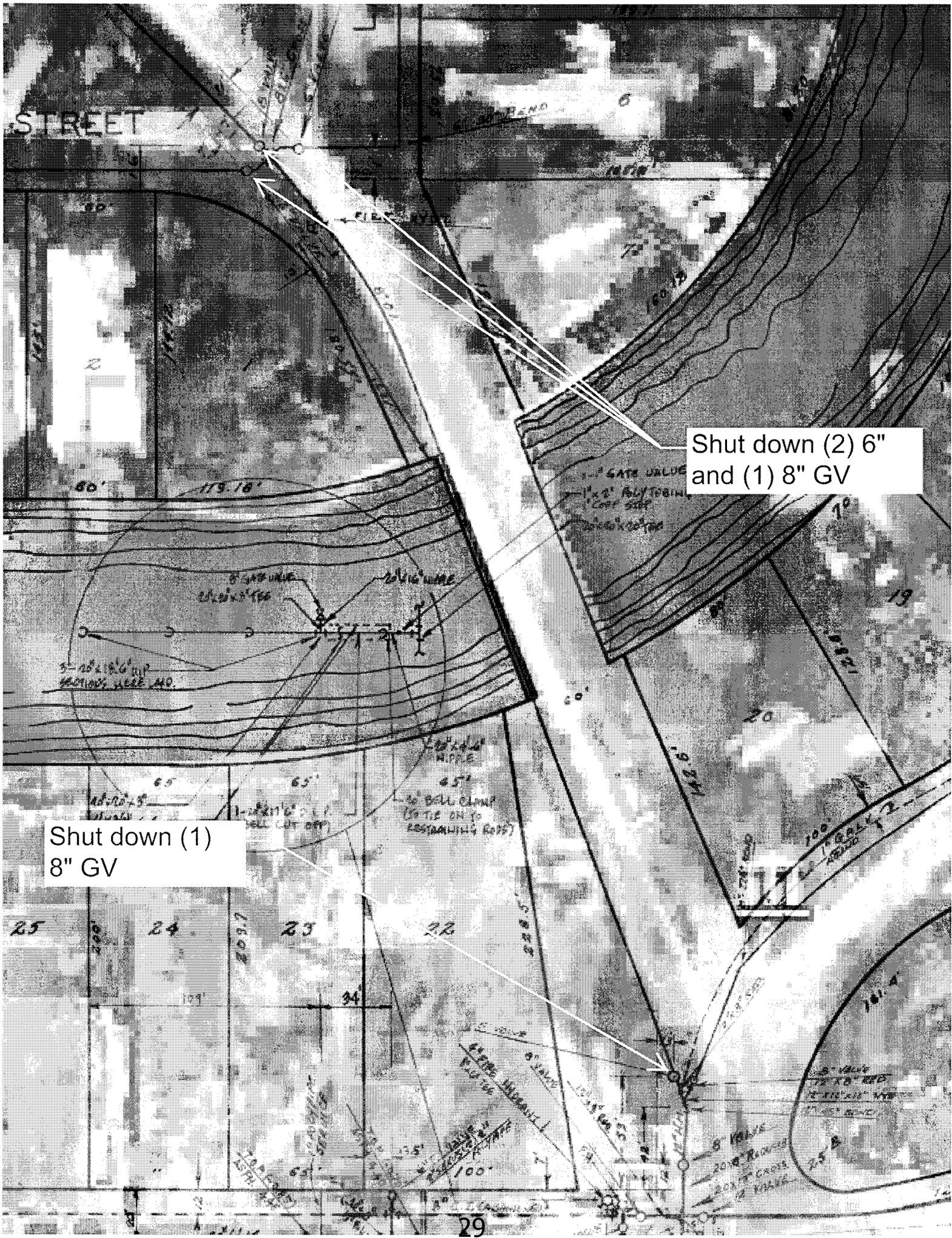
1939 NW 40th Ct. Pompano Beach, FL 33064
PH: (954) 977-3556 FAX: (954) 944-2040

If you have any questions or comments don't hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to be 'FA' with a vertical line to the right.

Fabio Angarita
Project Manager



Shut down (2) 6" and (1) 8" GV

Shut down (1) 8" GV



Permanent Tie In to 8" GV

Temporary tie-in to 8" TEE.

12" HDPE

12" GV

12" HDPE

12" GV

12" HDPE

12" GV

12" HDPE

Temporary Tie-in to 8" GV.

Permanent tie-in connection to 12" GV

RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting A Utility Easement From The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida, Owner Of The Sovereignty Submerged Lands Located In Section 11, Township 53 South, Range 42 East, In Indian Creek, Miami Dade County, For The Construction, Installation, Maintenance, Repair, And Replacement Of Water Mains; And Further Authorizing The Administration And City Attorney's Office To Finalize A Grant Of Easement Agreement.

Key Intended Outcome Supported:

Ensure Well Maintained Infrastructure

Item Summary/Recommendation:

The City has a 16-inch diameter water main running beneath the water channel separating Allison Island and Indian Creek Drive. The existing subaqueous water pipes have reached their life expectancy of 70 plus years, and therefore need to be replaced.

The City has selected a horizontal directional drill method as the most practical method for installing new subaqueous mains. The alignment of the new subaqueous main will fall outside the State right of way and into property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The Board has agreed to grant the City a ten (10) foot easement, containing approximately 2,630 square feet, to be approximately located in Section 11, Township 53 South, Range 42 East, in Indian Creek, Miami-Dade County, for the construction, installation, maintenance, repair and replacement of the water main (as described as a portion of Tract "I" of "AQUA AT ALLISON ISLAND", according to the Plat thereof, as recorded in Plat Book 162, at Page 53, of the Public Records at Dade County, Florida).

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

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

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Eric Carpenter, Public Works X6012

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JJF	ETC	JLM

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 27, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, OWNER OF THE SOVEREIGNTY SUBMERGED LANDS LOCATED IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 42 EAST, IN INDIAN CREEK, MIAMI DADE COUNTY, FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF WATER MAINS; AND FURTHER AUTHORIZING THE ADMINISTRATION AND CITY ATTORNEY'S OFFICE TO FINALIZE A GRANT OF EASEMENT AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The City has a 16-inch diameter water main running beneath the water channel separating Allison Island and Indian Creek Drive. The existing subaqueous water pipes have reached their life expectancy of 70 plus years, and therefore need to be replaced.

The City has selected a horizontal directional drill method as the most practical method for installing new subaqueous mains. The alignment of the new subaqueous main will fall outside the State right of way and into property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The Board has agreed to grant the City a ten (10) foot easement, containing approximately 2,630 square feet, to be approximately located in Section 11, Township 53 South, Range 42 East, in Indian Creek, Miami-Dade County, for the construction, installation, maintenance, repair and replacement of the water main (as described as a portion of Tract "I" of "AQUA AT ALLISON ISLAND", according to the Plat thereof, as recorded in Plat Book 162, at Page 53, of the Public Records at Dade County, Florida).

CONCLUSION

The Administration recommends approving the Resolution.

Attachment: New Grant of Easement; Sketch and Legal Description of the Proposed Easement and Location Map.

JLM/ETC/AM/JR

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This Instrument Prepared By:
M. Sue Jones
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS EASEMENT

EASEMENT NO. 41850
BOT FILE NO. 130239136
PA NO. 13-0331861-001

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor.

WITNESSETH: That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to City of Miami Beach, Florida, hereinafter referred to as the Grantee, a nonexclusive easement on, under and across the sovereignty lands, if any, contained in the following legal description:

A parcel of sovereignty submerged land in Section 11, Township 53 South, Range 42 East, in Indian Creek, Miami-Dade County, as is more particularly described and shown on Attachment A, dated July 15, 2015.

TO HAVE THE USE OF the hereinabove described premises for a period of 50 years from October 19, 2015, the effective date of this easement. The terms and conditions on and for which this easement is granted are as follows:

1. USE OF PROPERTY: The above described parcel of land shall be used solely for and aerial and subaqueous (HDPE) water main and Grantee shall not engage in any activity related to this use except as described in the State of Florida Department of Environmental Protection Consolidated Environmental Resource Permit No. 13-0331861-001, dated October 19, 2015, incorporated herein and made a part of this easement by reference. All of the foregoing subject to the remaining conditions of this easement.

2. EASEMENT CONSIDERATION: In the event the Grantor amends its rules related to fees and the amended rules provide the Grantee will be charged a fee or an increased fee for this activity, the Grantee agrees to pay all charges required by such amended rules within 90 days of the date the amended rules become effective or by a date provided by an invoice from the Department, whichever is later. All fees charged under this provision shall be prospective in nature; i.e. they shall begin to accrue on the date that the amended rules become effective.

[45]

3. WARRANTY OF TITLE/GUARANTEE OF SUITABILITY OF USE OF LAND: Grantor neither warrants title to the lands described herein nor guarantees the suitability of any of the lands for any particular use.

4. RIGHTS GRANTED: The rights hereby granted shall be subject to any and all prior rights of the United States and any and all prior grants by the Grantor in and to the submerged lands situated within the limits of this easement.

5. DAMAGE TO EASEMENT PROPERTY AND INTERFERENCE WITH PUBLIC AND PRIVATE RIGHTS: Grantee shall not damage the easement lands or unduly interfere with public or private rights therein.

6. GRANTOR'S RIGHT TO GRANT COMPATIBLE USES OF THE EASEMENT PROPERTY: This easement is nonexclusive, and the Grantor, or its duly authorized agent, shall retain the right to enter the property or to engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of this easement.

7. RIGHT TO INSPECT: Grantor, or its duly authorized agent, shall have the right at any time to inspect the works and operations of the Grantee in any matter pertaining to this easement.

8. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Grantee shall investigate all claims of every nature at its expense, and shall indemnify, defend and save and hold harmless the Grantor and the State of Florida from all claims, actions, lawsuits and demands arising out of this easement, which do not arise out of or result from the negligent acts of omissions of Grantor.

9. ASSIGNMENT OF EASEMENT: This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent and which consent shall not be unreasonably withheld. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.

10. TERMINATION: The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to Grantee. If terminated, all of the above-described parcel of land shall revert to the Grantor. All notices required to be given to Grantee by this easement or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.

11. TAXES AND ASSESSMENTS: The Grantee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this easement which result from the grant of this easement or the activities of Grantee hereunder.

12. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Grantee does not remove said structures and equipment occupying and erected upon the premises after expiration or cancellation of this easement, such structures and equipment will be deemed forfeited to the Grantor, and the Grantor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Grantee at the address specified in paragraph 10 or at such address on record as provided to the Grantor by the Grantee. However, such remedy shall be in addition to all other remedies available to Grantor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

13. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

14. AMENDMENT/MODIFICATIONS: This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.

15. USACE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Grantee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

16. ADDITIONAL STRUCTURES OR ACTIVITIES/EMERGENCY STRUCTURAL REPAIRS: No additional structures shall be erected and/or activities undertaken, including but not limited to, dredging, relocation/realignment or major repairs or renovations made to authorized structures, on, in or over sovereignty, submerged lands without the prior written consent from the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18-14, Florida Administrative Code. If emergency repairs are required to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable; provided, however, that such emergency activities shall not exceed the activities authorized by this easement.

17. UPLAND RIPARIAN PROPERTY INTEREST: During the term of this easement, Grantee must have satisfactory evidence of sufficient upland interest as defined in subsection 18-21.003(60), Florida Administrative Code, to the extent required by paragraph 18-21.004(3)(b), Florida Administrative Code, in order to conduct the activity described in this easement. If at any time during the term of this easement, Grantee fails to comply with this requirement, use of sovereignty, submerged lands described in this easement shall immediately cease and this easement shall terminate and title to this easement shall revert to and vest in the Grantor immediately and automatically.

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

(SEAL)

BY: _____

Cheryl C. McCall, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the
Board of Trustees of the Internal Improvement Trust Fund of the
State of Florida

"GRANTOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Cheryl C. McCall, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

APPROVED AS SUBJECT TO PROPER EXECUTION:

[Signature] _____
DEP Attorney Date 11/19/15

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No. _____

WITNESSES:

City of Miami Beach, Florida (SEAL)

Original Signature

BY:

Original Signature of Executing Authority

Typed/Printed Name of Witness

Philip Levine

Typed/Printed Name of Executing Authority

Original Signature

Mayor

Title of Executing Authority

Typed/Printed Name of Witness

“GRANTEE”

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Philip Levine as Mayor, for and on behalf of the City of Miami Beach, Florida. He is personally known to me or who has produced _____, as identification.

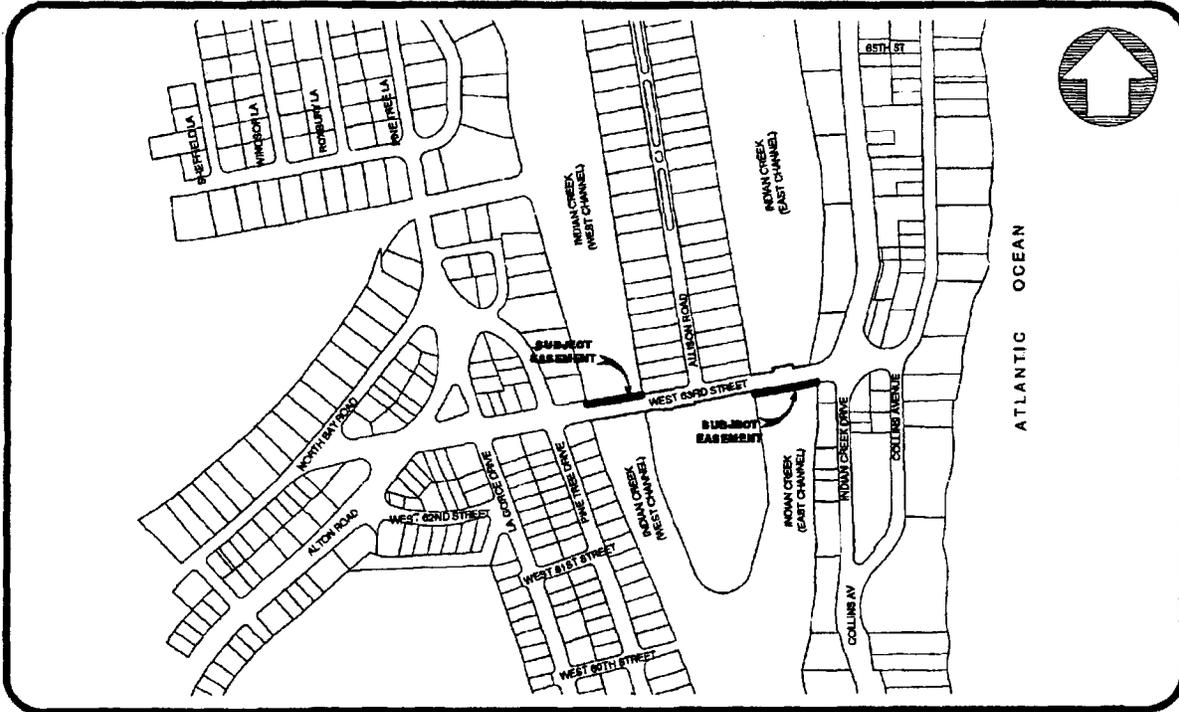
My Commission Expires:

Notary Public, State of _____

Commission/Serial No. _____

Printed, Typed or Stamped Name

SKETCH AND LEGAL DESCRIPTION FOR UTILITY EASEMENT ON SOVEREIGN LANDS OF THE STATE OF FLORIDA



LOCATION MAP
NOT TO SCALE

SOURCES OF DATA:

1. Plat of "AQUA AT ALLISON ISLAND", recorded in Plat Book 162, at Page 53 of the Public Records of Miami-Dade County, Florida.
 2. Plat of "AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION", recorded in Plat Book 20, at Page 26 of the Public Records of Miami-Dade County, Florida.
- Bearings as shown hereon are based upon the centerline of West 63rd Street with an assumed bearing of N80°23'28"E, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information were furnished other than what is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

By: Jose Sygas
Jose Sygas, PSM, for the Firm
Registered Surveyor and Mapper LS5936
State of Florida

Date: 07/15/15

Attachment A
Page 6 of 9 Pages
Easement No. 41850

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: This document is not valid, full and complete without all pages.

EXHIBIT "A"

LONGITUDE SURVEYORS, LLC

7715 NW 48TH STREET, SUITE 310, DORAL, FLORIDA 33166 * PHONE: (305) 463-0912 * FAX: (305) 513-5680 * WWW.LONGITUDESURVEYORS.COM

L:\14179 W 63rd Street, Miami Beach, FL\dwg\Sketch and Logo\14179 S: FDP ESM1 06-08-15.dwg 7/15/2015 2:23:30 PM EDT

JOB No. 14179 PAGE 4 OF 4

SKETCH AND LEGAL DESCRIPTION FOR UTILITY EASEMENT ON SOVEREIGN LANDS OF THE STATE OF FLORIDA

LEGAL DESCRIPTION: INDIAN CREEK WEST CHANNEL:

An aerial easement along the northerly side of the West 63rd Street bridge over Indian Creek (West Channel), within the airspace with the bottom plane above elevation 4.98 feet at the Westerly approach of said bridge to and above elevation of 5.83 feet at the center of the bridge, and to an above elevation of 4.94 feet at the Easterly approach of said bridge; and the top plane of said vertical airspace being 10.00 feet above the mentioned elevations for the bottom plane, (said elevations being related to the National Geodetic Vertical Datum of 1929) and which is contained within the following horizontal limits:

A portion of West 63rd Street bridge over Indian Creek (West Channel) as shown on a certain Florida Department of Transportation Right of Way Map of State Road No. 907, Section 87037-2507, last dated on March 2, 1990, in Section 11, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida and being more particularly described as follows:

COMMENCE at the Southeasterly Corner of Lot 6, Block 1 of "BEACH VIEW ADDITION", according to the plat thereof, as recorded in Plat Book 16, at Page 10, of the Public Records of Miami-Dade County, Florida; thence S15°22'12"E along the Southeasterly prolongation of the Northeasterly Boundary Line of said Lot 6, in Block 1, for 11.38 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence N80°21'53"E along a line parallel with and 1.30 feet Northerly of the Northwesterly Right of Way Line of West 63rd Street, as shown on said Florida Department of Transportation Right of Way Map of State Road No. 907, Section 87037-2507, for 262.97 feet; thence S09°38'07"E for 10.00 feet; thence S80°21'53"W for 262.97 feet; thence N09°38'07"W for 10.00 feet to the Point of Beginning.

Containing 2,630 Square Feet, more or less, by calculations.

LEGAL DESCRIPTION: INDIAN CREEK EAST CHANNEL:

That part of the sovereign lands of the State of Florida that lie within a portion of the Indian Creek East Channel at the West 63rd Street bridge, in Section 11, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida and being more particularly described as follows:

COMMENCE at the most NE Corner of Tract "I" of "AQUA AT ALLISON ISLAND", according to the Plat thereof, as recorded in Plat Book 162, at Page 53, of the Public Records of Miami-Dade County, Florida, thence S09°36'32"E along the Northeasterly Boundary Line of said Tract "I", said line also being the exterior face of an existing concrete seawall and the Mean High Water Line, for 6.72 feet to the POINT OF BEGINNING of the parcel of land hereinafter described, said point also being on a circular curve, concave to the Northwest and bearing S07°49'32"E from the center of said curve; thence Northeasterly along the arc of said curve, having for elements a radius of 995.00 feet, a central angle of 01°46'59" for an arc distance of 30.97 feet to a Point of Tangency; thence N80°23'28"E for 195.62 feet to a Point of Curvature of a circular curve, concave to the Northwest; thence Northeasterly along the arc of said curve, having for its elements a radius of 700.01 feet, a central angle of 06°04'21", for an arc distance of 74.19 feet to a point on the exterior face of an existing concrete seawall, said point also being the Mean High Water Line; thence S00°28'20"W along said exterior face of the existing concrete seawall and the Mean High Water Line, for 10.40 feet to a point on a circular curve, concave to the Northwest (said point bears S15°26'52"E from the center of said curve); thence Southwesterly along the arc of said curve, having for its elements a radius of 710.01 feet, a central angle of 05°50'21" for an arc distance of 72.36 feet to a Point of Tangency; thence S80°23'28"W for 195.61 feet to a Point of Curvature of a circular curve, concave to the Northwest; thence Southwesterly along the arc of said curve, having for its elements a radius of 1005.00 feet, a central angle of 01°45'55" for an arc distance of 30.97 feet to a point on the Northeasterly Boundary Line of Tract "I" of said Plat of "AQUA AT ALLISON ISLAND", said point also being on the exterior face of an existing concrete seawall and the Mean High Water Line; thence N09°36'32"W along the Northeasterly Boundary Line of said Tract "I" and also being the exterior face of an existing seawall and the Mean High Water Line, for 10.00 feet to the Point of Beginning.

Containing 2,981 Square Feet, more or less, by calculations.

NOTICE: This document is not valid, full and complete without all pages.

EXHIBIT "A"

LONGITUDE SURVEYORS, LLC

7715 NW 48TH STREET, SUITE 310, DORAL, FLORIDA 33166 * PHONE: (305) 463-0912 * FAX: (305) 513-5680 * WWW.LONGITUDESURVEYORS.COM

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JOB No. 14179 PAGE 3 OF 4

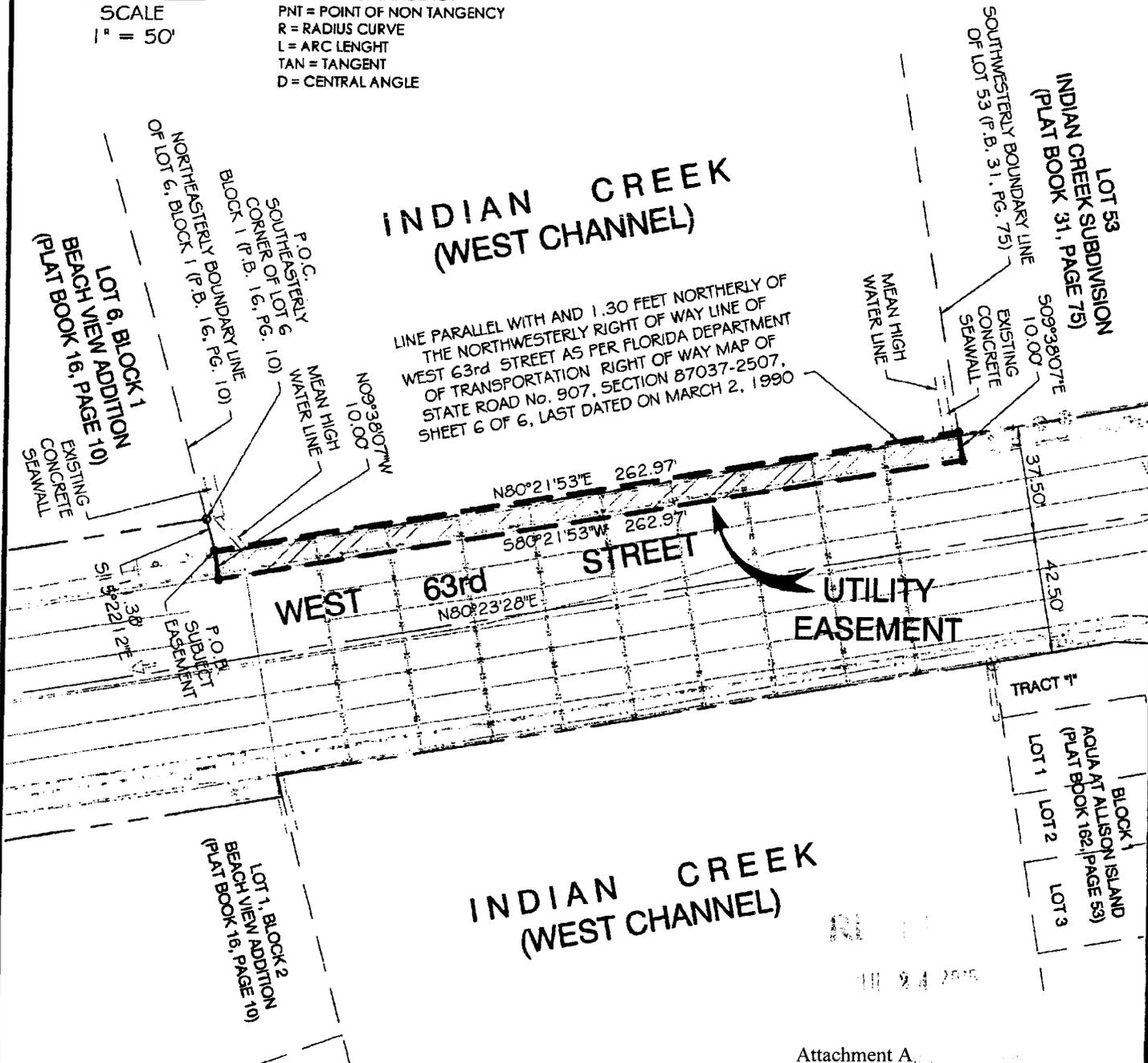
SKETCH AND LEGAL DESCRIPTION FOR UTILITY EASEMENT ON SOVEREIGN LANDS OF THE STATE OF FLORIDA



SCALE
1" = 50'

LEGEND:

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PNT = POINT OF NON TANGENCY
- R = RADIUS CURVE
- L = ARC LENGTH
- TAN = TANGENT
- D = CENTRAL ANGLE



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Attachment A
Page 8 of 9 Pages
Easement No. 41850

EXHIBIT "A"

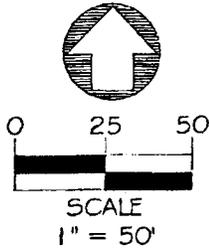
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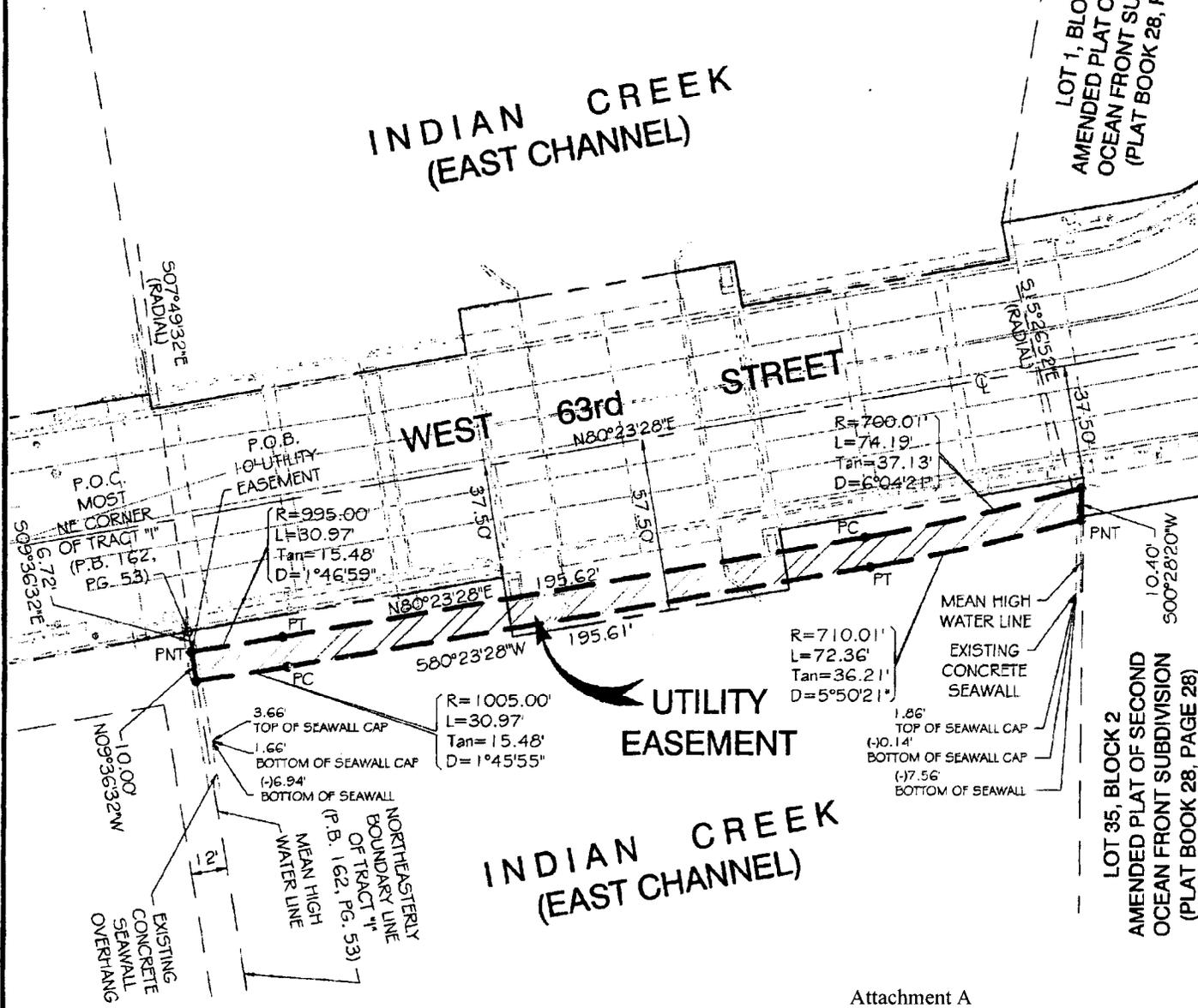
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JOB No. 14179 PAGE 1 OF 4

SKETCH AND LEGAL DESCRIPTION FOR UTILITY EASEMENT ON SOVEREIGN LANDS OF THE STATE OF FLORIDA



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Attachment A
 Page 9 of 9 Pages
 Easement No. 41850 **EXHIBIT "A"**

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JOB No. 14179 PAGE 2 OF 4

RESOLUTION TO BE SUBMITTED

R9 - New Business and Commission Requests

R9A Presentation Of The MBPD's New Recruitment Video.
(Police)

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