

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 9, 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.

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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 KEY

Consent Agenda:

C2 - Competitive Bid Reports
C4 - Commission Committee Assignments
C6 - Commission Committee Reports
C7 - Resolutions

Regular Agenda:

R2 - Competitive Bid Reports
R5 - Ordinances
R7 - Resolutions
R9 - New Business & Commission Requests
R10 - City Attorney Reports

AGENDA

1. Call to Order - 8:30 a.m.
2. Inspirational Message and Pledge of Allegiance
3. Requests for Additions, Withdrawals, and Deferrals
4. Recess for lunch at approximately 12:00 p.m.

CONSENT AGENDA

C2 - Competitive Bid Reports

- C2A Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2016-004-MT Annual Inspection, Testing, Certification, Repair, And Maintenance For Fire Sprinklers, Fire Systems, And Hood Suppression Systems Citywide.
(Procurement/Property Management)
- C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid ITB 2016-031-AK For Bus Transportation Services.
(Procurement/Parks & Recreation)
- C2C Request For Approval To Issue Proposal (RFP) 2016-086-WG For Health Plan Services And Benefits To The City Of Miami Beach Active Employees, Dependents, Pre-65 Retirees, And Post-65 Retirees.
(Procurement/Human Resources)
(Item to be Submitted in Supplemental)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion On Public Waterborne Transportation Concession Services.
(Transportation)
- C4B Referral To The Planning Board - Proposed Amendments To Chapter 126 And Chapter 46 Of The City Code Pertaining To Landscaping.
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
- C4C Referral To Sustainability And Resilience Committee - Discussion Regarding Green Corridor Program As Authorized Under Section 163.01, Florida Statutes, A/K/A The Green Corridor Property Assessment Clean Energy (PACE) District.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

- C4D Referral To The Land Use And Development Committee - Discussion Regarding Incentivizing Workforce Housing In The Private Sector.
(Sponsored by Commissioner Michael Grieco)
- C4E Referral To The Finance And Citywide Projects Committee To Discuss Implementing An Open Data Policy.
(Sponsored by Commissioner Ricky Arriola)
- C4F Referral To The Sustainability And Resiliency Committee To Discuss Miami-Dade County's Grease Discharge Permitting Program Within Miami Beach.
(Environment & Sustainability)
- C4G Referral To The Sustainability And Resiliency Committee To Discuss The Seabin Project As An Option To Reduce Litter In The City's Waterways.
(Environment & Sustainability)
- C4H Referral To The Land Use And Development Committee To Discuss The Removal Of The "Wing" Structure On Lincoln Road.
(Property Management)
- C4I Referral To The Neighborhood/Community Affairs Committee - Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management.
(Transportation)
(Item to be Submitted in Supplemental)

C6 - Commission Committee Reports

- C6A Report Of The February 3, 2016 Land Use And Development Committee Meeting: **1.** Presentation Of The Mayor's Ocean Drive Task Force Final Report. **2.** Sidewalk Café Ocean Drive Umbrellas - An Ordinance Amending Chapter 82, Entitled "Public Property," Article IV, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.

- C6B** Report Of The February 17, 2016 Land Use And Development Committee Meeting: **1.** Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District. **2.** Annual Evaluation Of Parking Impact Fee Structure. **3.** Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit. **4.** Discussion Regarding The City Of Miami Beach's Building Permit Application Process. **5.** Ordinance Amending Height And Setbacks For Mixed-Use Development In The Sunset Harbour Neighborhood. **6.** Discussion Regarding A Complete Review Of Sign Ordinances. **7.** Discussion Regarding Short Term Rentals In North Beach. **8.** Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless Of The Year Of Construction. **9.** CMB Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment. **10.** Discussion Pertaining To A Proposed Ordinance Amendment To Create Operational Regulations For Alcoholic Beverage Establishments Adjacent To The Palm View And West Avenue Residential Areas.
- C6C** Report Of The February 12, 2016 Neighborhood/Community Affairs Committee Meeting: **1.** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **2.** Wellness Center Update. **3.** Discussion Regarding Citywide Street Light And Coverage Audit. **4.** Discussion Regarding Proposed Beach Concession East Of South Pointe Park. **5.** Discussion Regarding Proposed Site Options For New Fire Station No. 1. **6.** Discussion Regarding Implementing A Rainbow Crosswalk At The Intersection Of Ocean Drive And 12th Street On Miami Beach. **7.** Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park. **8.** Discussion On The Flamingo Park Master Plan As It Relates To The Demolition Of The Robert C. Haas Racquetball Building And The Addition Of The Padel Courts. **9.** Monthly Crime Update (Recurring Item On A Monthly Basis). **10.** Discussion Regarding A Mid-Beach Intermodal Facility. **11.** Discussion On Encroachments In The Right-Of-Way. **12.** Monthly Progress Reports For The Following Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School. **13.** Discussion Regarding The Installation Of A Pedestrian Crosswalk Over Alton Road At 57th Street, To Connect Bus Stop On Opposite Sides Of The Street. **14.** Discussion On Renaming/Dedicating The Stage At The Bandshell In Honor Of Mr. Clark Douglas Burris.
- C6D** Report Of The February 17, 2016 Sustainability And Resiliency Committee: **1)** Mayor's Blue Ribbon On Flooding And Sea Level Rise Update. **2)** Sustainability Committee Update. **3)** Update On Improving Resiliency Of Government Buildings And Operations To Reduce And Mitigate The Impacts Of Greenhouse Gases. **4)** Discussion Regarding Potential Drafting Of Plastic Bag Ban Ordinance In Anticipation Of The State Pilot Program. **5)** Discussion Implementing Citywide Textile And Electronic Recycling. **6)** Referral To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces. **7)** Referral To Discuss The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers. **8)** Referral To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With Grants And Funding Requests From The Following Sources: 1) State Of Florida Emergency Medical Services (EMS) In The Approximate Amount Of \$70,000; 2) FM Global In The Approximate Amount Of \$3,000; 3) Artplace In The Approximate Amount Of \$350,000.
(Budget & Performance Improvement)
- C7B A Resolution Approving In Substantial Form And Authorizing The Mayor And City Clerk To Execute A Special Construction Agreement With AT&T In The Amount Of \$181,322; A Right-Of-Way Agreement For Underground Conversions With Florida Power And Light (FPL); And An Applicant-Installed Facilities Agreement For Underground Conversions With FPL, All Of Which Relate To The Underground Conversion Of Overhead Utilities On Hibiscus Island, Which Shall Be Funded Through Special Assessments Collected By Miami-Dade County And Remitted To The City.
(Capital Improvement Projects)
- C7C A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The Administration To Simultaneously Negotiate With Six Payment Services Corp And Payment Express, For A Gateway Provider Of Credit Card Processing Services For The City's Gated Parking Revenue Control System; And Further Authorizing The City Manager To Execute An Agreement With The Firm Deemed To Be In The Best Interest Of The City Upon Conclusion Of Successful Negotiations By The Administration.
(Parking)
- C7D A Resolution Amending The Contract With Atlantic Paving For The Painting And Striping Of Dedicated Bicycle Lanes Across The City Pursuant To Invitation To Bid (ITB) NO. 2016-002-KB; And Waiving, By 5/7th Vote, The City's Competitive Bidding Requirements; Finding Such Waiver To Be In The Best Interest Of The City.
(Procurement/Transportation)
- C7E A Resolution Waiving The Special Event Fees, In The Total Amount Of \$28,517.20, For The 2016 Miami Beach Gay Pride Event.
(Sponsored by Vice-Mayor Micky Steinberg)
- C7F A Resolution Waiving The Space Rental Charges, In The Amount Of \$2,550, At The Colony Theatre For The Miami Gay And Lesbian Film Festival, Inc., A Non-Profit 501(c)3 Organization, For Events Taking Place In Miami Beach From April 22 – May 1, 2016.
(Sponsored by Commissioner Ricky Arriola)

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

- R2A Request For Approval To Issue A Request For Proposals (RFP) No. 2016-090-KB For Design Build Services For West Avenue Improvements Phase II South Of 14th Street.
(Procurement/Public Works)
- R2B Request For Approval To Issue A Request For Proposals (RFP) No. 2016-091-KB For Design Build Services For West Avenue Improvements Phase II North Of 14th Street.
(Procurement/Public Works)

R5 - Ordinances

- R5A An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:00 a.m. Second Reading Public Hearing**
(Sponsored by Sponsored by Commissioner John Elizabeth Alemán)
(Legislative Tracking: Housing & Community Services)
(First Reading on February 10, 2016 - R5I)
- R5B Consolidation Of Notification Procedures For Single Family Home Determination Of Architectural Significance
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations", At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures;" By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading on February 10, 2016 - R5H)

R5C Concurrency Exemption

An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Legislative Tracking: Planning)

(Sponsored by Commissioner Joy Malakoff)

(First Reading on January 13, 2016 - R5R)

R5D Accessory Uses In Single Family Homes And Short Term Rental Of Apartments Or Townhomes; Commercial Use Of Single Family Homes Prohibited

1. An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)a, Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)b, Entitled "Enhancement Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d), Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine & Co-Sponsored by Commissioner John Elizabeth Alemán)

(Legislative Tracking: Office of the City Attorney)

(First Reading on February 10, 2016 - R5G)

2. An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)b, Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine & Co-Sponsored by Commissioner John Elizabeth Alemán)

(Legislative Tracking: Office of the City Attorney)

(First Reading on February 10, 2016 - R5J)

- R5E An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Parklet Program, Which Program Shall Terminate On March 31, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney/Transportation)
(First Reading on January 13, 2016 - R5Q)

- R5F Amend Ch. 6 - Alcoholic Beverages; And Ch. 142 - Zoning Districts And Alcoholic Beverages

1. Chapter 6 - Alcoholic Beverages

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions", To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading Public Hearing on February 10, 2016 - R5F1)

2. Chapter 142 - Zoning Districts And Alcoholic Beverages

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations," Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," To Delete Division 4, And Section 143-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. **5:02 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading Public Hearing on February 10, 2016 - R5F2)

R5G Vacant Storefront Covers

An Ordinance Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

R5H Minimum Unit Sizes for Historic Hotels

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section 142-155 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-1 District; By Amending Section 142-217 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-2 District; By Amending Section 142-246 To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The RM-3 District; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Section 142-306, "Development Regulations" To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The CD-2 District; And By Amending Section 142-337, "Development Regulations And Area Requirements" To Modify The Requirements For Minimum Hotel Room Size And Maximum Hotel Room Occupancy For Historic Hotels Within The CD-3 District; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

R5I An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses On Washington Avenue From 6th Street To Lincoln Road Terminating On May 31, 2021; And Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Planning)

R7 - Resolutions

R7A A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. **10:30 a.m. Public Hearing**

(Budget & Performance Improvement)

- R7B A Resolution Approving And Authorizing The City Manager To Take The Following Actions: (1) Recapture \$188,873.37 Of Community Development Block Grant (CDBG) Funds, Which CDBG Funds Were Previously Allocated Pursuant To The Action Plans For Fiscal Years From 2009 Through 2011, Action Plans For Fiscal Years From 2013 Through 2015, And The FY 2013 Through 2017 Consolidated Plan; And Reallocate Said CDBG Funds, As Follows: (a) \$16,434.45 To Homeless Services And (b) \$172,438.92 To A Capital Project; (2) Reassign \$25,000 From FY 15/16 CDBG Funds To The City For Homeless Services; And (3) Reallocate \$73,577.24 Of CDBG Funds Previously Allocated From FY 2011/2012 To FY 2014/2015; Authorizing City Manager To Submit The Requisite Revised Action Plans And Consolidated Plan To HUD; And Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients; And Further Authorizing The City Manager To Execute City Interdepartmental Agreements..
(Housing & Community Services)
(Deferred from February 10, 2016 - R7I)
- R7C A Resolution Adopting The Updated Unified Regional Sea Level Rise Projection Of The Southeast Florida Regional Climate Change Compact For Planning Purposes.
(Sponsored by Vice-Mayor Micky Steinberg)
(Legislative Tracking: Environment & Sustainability)
- R7D A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Keep And Renovate The Robert C. Haas Handball Court Building, But That The Previously Approved Option To Include Four Additional Single Wall Handball Courts And Four New Padel Courts, Not Be Incorporated Into The Flamingo Park Master Plan.
(Parks & Recreation)
- R7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2015-245-KB For Architectural And Engineering Design Services For Lincoln Road District; Authorizing The Administration To Enter Into Negotiations With James Corner Field Operations, As The Top Ranked Proposer; Further, Should The Administration Not Be Successful In Negotiating An Agreement With James Corner Field Operations, Authorizing The Administration To Enter Into Negotiations With BEA Architects, As The Second Highest Ranked Proposer; And Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations By The Administration.
(Procurement/Capital Improvement Projects)
- R7F A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals No. 2015-146-YG (The RFP) For Parking Attendants For City Parking Garages.
(Procurement/Parking)
(Item to be Submitted in Supplemental)
- R7G A Resolution Authorizing The City Manager To Extend The Existing Agreement With Inktel Contract Solutions, LLC, Pursuant To Request For Proposal (RFP) 022-2013ME, For Citywide Call Center Services, On A Month-To-Month Basis, Terminable By The City For Convenience And Without Cause, Upon Thirty (30) Days Written Notice To Inktel, Until Such Time As The City's Finance And Emergency Management Departments Are Prepared To Provide Citywide Call Center Services In-House.
(Procurement/Finance/Emergency Management)

- R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To Phase I Of The RFP Selection Process, Pursuant To Request For Proposal (RFP) No. 2016-009-ME, Seeking Proposals From Parties Interested In Partnering With The City To Develop Public Parking Garages Within The City Of Miami Beach, And Authorizing The Two (2) Proposers To Proceed To Phase II Of The RFP Process.
(Procurement)
- R7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To The RFP Selection Process, Pursuant To Request For Proposals (RFP) No. 2016-062-KB, For The Design Build Services For The West Avenue Bridge Over Collins Canal.
(Procurement/Public Works)
(Item to be Submitted in Supplemental)
- R7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee, And Requesting That The Florida Department Of Transportation Evaluate The Installation Of A Pedestrian Crosswalk On Alton Road At 57th Street, To Connect Existing Bus Stops On Opposite Sides Of The Street.
(Transportation)
- R7K A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Issue A Request For Proposals For The Design Of New Bus Shelters; And Authorizing The City Manager To Extend The Existing Agreement Between The City And Clear Channel Adshel, Inc., On A Month-To-Month Basis, After Its Expiration On October 31, 2016, As Needed, So That The Clear Channel Contract Would Remain In Place Until A New Contract Is Executed.
(Transportation)
(Deferred from February 10, 2016 - R7N)
- R7L A Resolution Approving Addendum 5 To The Solicitation Of Alternative Proposals For A Public-Private Partnership, In Accordance With Florida Statute 287.05712, For An Off-Wire Or "Wireless" Light Rail/Modern Streetcar System.
(Transportation/Office of the City Attorney)
(Item to be Submitted in Supplemental)
- R7M A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving The Proposed Traffic Flow Modification To 42nd Street Between Sheridan Avenue And Pine Tree Drive.
(Transportation)

R7N A Resolution Waiving, By 5/7th Vote, The City's Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The City Manager Or Designee To Increase The Scope Of Services Submitted By Metric Engineering Inc. (F/K/A Advance Transportation Engineering Consultants, Inc.) For Traffic Monitoring And Management Services, Including Performance Measures, On A Month To Month Basis, For An Amount Not To Exceed \$121,769 Until May 31, 2016; And Further Authorizing The City Manager To Modify The Scopes Of Services Provided By Metric Engineering, Inc., Based Upon The Traffic Needs Of The City, From June 1, 2016 Through September 30, 2016 In An Amount Not To Exceed \$160,000 Subject To Funding Availability.

(Transportation)

(Item to be Submitted in Supplemental)

R7O A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Continue To Evaluate The Feasibility Of An Intermodal Facility In Mid-Beach And To Explore Potential Alternate Sites For Debris Storage.

(Transportation)

R7P A Resolution Approving And Authorizing The City Manager To Execute A Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement"), Attached Hereto As "Exhibit 1", Between The City Of Miami Beach ("City"), Miami-Dade County School Board (M-DCSB) And The Property Owner, 3425 Collins, LLC, Hereinafter Referred To As "Property Owner" Of 3425 Collins Avenue (Hereinafter The "Property"); Which Agreement Provides For The Payment Of Concurrency Fees Toward M-DCSB By Property Owner To M-DCSB Due To The Property Owner's Application To Construct 67 Multifamily Residential Units; And Which Agreement Is Consistent With The Requirements Of The Amended And Restated Interlocal Agreement (ILA) Between M-DCSB And The City, Dated December 12, 2007.

(Planning/Office of the City Attorney)

R7Q A Resolution Approving And Authorizing Amendment No. 2 To The Development Agreement Between The City And Jameck Development, Inc. (Jameck Or Developer), Dated July 23, 2014, For The Design, Development, And Construction Of Certain Streetscape Improvements In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (The Project); Said Amendment Approving A City Requested Change Order, In The Amount Of \$13,498.88, Relating To The Landscaping For The Project; Providing That Developer Shall Be Responsible For The Unforeseen Environmental Studies And Remediation Relating To The Project, In The Amount Of \$2,810, As Well As Any Additional Environmental Costs Which May Arise Relating To The Project; And Increasing The Guaranteed Maximum Price (GMP) Of The Project From \$806,340 To \$819,838.88 In Connection With Said Change Order And The Additional Environmental Costs; And Increasing The City's Budgeted Costs For The Project, From \$458,820 To \$466,500.86, To Include The Cost Of The Change Order; And Further Authorizing The Mayor And City Clerk To Execute Amendment No. 2.

(Public Works)

R7R A Resolution Exempting Uses On Parklets Located Washington Avenue Between 6th Street And Lincoln Road With An Application Date Between March 19, 2016 And February 28, 2017 From The Concurrency Requirements Of Chapter 122 Of The City Code.

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

- R7S A Resolution Entering Into An Agreement Between The City Of Miami Beach And The Florida Department Of Transportation (FDOT) For The Cost Sharing Of A Construction Project On Indian Creek Drive, Between 26th And 41st Streets, For The Construction Of A Seawall Barrier Wall, Improving Street Drainage And Raising The Road Elevation, In The Amount Of \$5.5 Million Dollars (Of A Total \$25 Million Dollar Project).
(Public Works)
- R7T A Resolution Accepting The City Manager's Recommendation By 5/7th Vote And Waiving The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest In The City, And Authorizing The Administration To Finalize Negotiations With Tyler Technologies Inc. (Previously New World Systems Corporation) And, If Such Negotiations Are Successful, Approving And Authorizing The City Manager And City Clerk To Execute A Standard Software Maintenance Agreement For A Term Of Two Years, With Up To Three One-Year Renewal Terms, In An Amount Not To Exceed \$1,739,796.
(Police)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments.
(Office of the City Clerk)
- R9A1 Board And Committee Appointments - City Commission Appointments.
(Office of the City Clerk)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)
- R9C Discussion Of The Biscayne Neighborhood Association's Resolution Supporting City Of Miami Commissioner And MPO Vice Chair Francis Suarez' Idea To Reallocate Monies Being Used On A Macarthur Causeway "Signature Bridge" And Instead Using These Monies To Create A Baylink Connecting Miami And Miami Beach.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
- R9D Discussion - Mayor's Ocean Drive Task Force's Final Report.
(Sponsored by Mayor Philip Levine)
(Direction given on January 13, 2016 - R9D, to bring back in March)
- R9E Discussion Regarding Possibly Changing The Presentations & Awards/Commission Meeting Of May 25, 2016 To May 18, 2016, As Mayor Philip Levine And Commissioner Joy Malakoff Will Be Out Of Town.
(Office of the City Clerk)

- R9F Discussion Regarding The Proposed Traffic Flow Modification To 42nd Street Between Prairie Avenue And Sheridan Avenue.
(Transportation)
- R9G Discussion Regarding The Collins Park Parking Garage Project.
(Capital Improvement Projects)
- R9H Discussion Regarding National Concerns Over The Use Of Crumb Rubber Field Turf (Applies To Flamingo Park Field).
(Sponsored by Commissioner Michael Grieco)
- R9I Discussion Regarding Improving 72nd Street, Between Abbott And Dickens (Near The North Shore Youth Center), Including Adding Crosswalks, Lighting, Angled Parking And Fixing Sidewalks.
(Sponsored by Vice-Mayor Micky Steinberg)
- R9J Discussion Regarding Organizing A Monthly Ciclovía Event In The City.
(Transportation)
- R9K Referral To The Planning Board - Proposed Ordinance Amendment Pertaining To CD-2 Height And Setback Requirements In The Sunset Harbor Area.
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
- R9L Discussion Regarding A Potential Annual Live Music Festival.
(Office of the City Manager/Tourism, Culture & Economic Development)
- R9M Discussion Regarding A Potential Tennis Event In North Beach And Other Areas Of Miami Beach.
(Sponsored By Vice-Mayor Micky Steinberg)
(Legislative Tracking: Tourism, Culture & Economic Development)
- R9N Discussion Regarding A Recommendation To Display The Historic Miami Beach Centennial Exhibit On A Permanent Basis In The Fourth Floor Gallery Of City Hall, And Designate One Wall For Current Photographs.
(Sponsored by Commissioner Joy Malakoff)
- R9O Discussion And Referral To The Neighborhood/Community Affairs Committee - Proposed Design Of The Allison Park Playground And Allowing Residents To Offer Input And Playing An Active Role In The Process.
(Sponsored by Commissioner Kristen Rosen Gonzalez)

R9P Discussion And Referral To The Finance And Citywide Projects Committee Regarding The Use Of Community Development Block Grant (CDBG) Funds As Rent Subsidy For Tenants Of The Allen Apartments.

(Sponsored by Commissioner Kristen Rosen Gonzalez)

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(Office of the City Attorney)

Reports and Informational Items

1. Reports and Informational Items (see LTC 087-2016)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(Office of the City Clerk)
4. Miami Beach Convention Center Monthly Construction Project Update.
(Office of the City Manager)
(Item to be Submitted in Supplemental)

End of Regular Agenda

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COMPETITIVE BID REPORTS

Condensed Title:

REQUEST FOR APPROVAL TO AWARD CONTRACTS PURSUANT TO INVITATION TO BID (ITB) NO. 2016-004-MT FOR ANNUAL INSPECTION, TESTING, CERTIFICATION, REPAIR AND MAINTENANCE OF FIRE SPRINKLERS, FIRE SYSTEMS, AND HOOD SUPPRESSION SYSTEMS CITYWIDE.

Key Intended Outcome Supported:

Build and Maintain Priority Infrastructure with Full Accountability.

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

Item Summary/Recommendation:

The City issued Invitation to Bid No. 2016-004-MT (the "ITB") to establish a contract, by means of sealed bids, with a qualified vendor(s), to provide Annual Inspection, Testing, Certification, Repair and Maintenance of Fire Sprinklers, Fire Systems, and Hood Suppression Systems Citywide for the Property Management Department.

The contract shall remain in effect for three (3) years from date of contract execution by the Mayor and City Clerk, and may be extended at the sole discretion of the City, through its City Manager, for two (2) additional one (1) year terms, if mutually agreed by both parties.

The ITB was issued on October 1, 2015. 40 bid notices were issued and a pre-proposal bid was held on October 19, 2015. On November 16, 2015, bids were received from: National Fire Protection, LLC, All Fire Services, Inc., and Triangle Fire, Inc.

The ITB was categorized into multiple groups:

Group A- Fire Sprinklers, Fire Pump, Standpipe Systems

Group B- Fire Backflow Preventers Systems

Group C- Hood Suppression Systems Testing Inspection Services

Group D- Clean Agent Fire Suppression Systems Testing Inspection Services

The bid tabulation is attached in Appendix A.

National Fire Protection, LLC, has been deemed as the lowest responsive vendor for Groups A and B and, therefore, is being recommended as the primary vendor for both groups. All Fire Services, Inc., has been deemed as the second lowest responsive vendor for Groups A and B, and, therefore, is being recommended as the secondary vendor. No award is being recommended at this time for Groups C and D as the bid from Triangle Fire has been deemed to not be responsive to the requirements of the ITB because its bid, contrary to the requirements of the ITB, indicated that it would not supply the City with parts at cost, but that it would add a 25% mark-up to any parts supplied to the City.

RECOMMENDATION

The City Manager considered the staff's recommendation and the bids received, pursuant to ITB 2016-004-MT, and recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the award of a contract for Groups A & B to National Fire Protection, LLC, as the primary lowest responsive vendor for, and All Fire Services, Inc., as secondary lowest responsive vendor; and further authorize the Mayor and City Clerk to execute contract(s). No award is recommended at this time for Group C & D as no responsive bids were received.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds	Amount	Account
1	\$104,814.00	520-1720-000325
Total	\$104,814.00	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, John Rebar

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD <i>[Signature]</i> AK <i>[Signature]</i>	MT <i>[Signature]</i>	JLM <i>[Signature]</i>

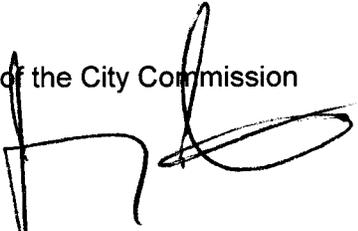
ITB 2016-004-MT ANNUAL INSPECTION, TESTING, CERTIFICATION, REPAIR AND MAINTENANCE OF FIRE SPRINKLERS, FIRE SYSTEMS, AND HOOD SUPPRESSION SYSTEMS CITYWIDE - Commission Item Summary.doc

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: March 9, 2016

SUBJECT: **REQUEST APPROVAL TO AWARD CONTRACTS PURSUANT TO INVITATION TO BID (ITB) NO. 2016-004-MT FOR ANNUAL INSPECTION, TESTING, CERTIFICATION, REPAIR AND MAINTENANCE OF FIRE SPRINKLERS, FIRE SYSTEMS, AND HOOD SUPPRESSION SYSTEMS CITYWIDE.**

KEY INTENDED OUTCOME

NA

FUNDING

Funding has been allocated for these services for FY2016 as follows:
Property Management Account # 520-1720-000325 Amount \$104,814.00
Additional expenditures for these services may be allocated and contingent upon funds available.

BACKGROUND

The City issued an Invitation to Bid 2016-004-MT (the "ITB") to establish a contract, by means of sealed bids, with a qualified vendor(s), to provide Annual Inspection, Testing, Certification, Repair and Maintenance of Fire Sprinklers, Fire Systems, and Hood Suppression Systems Citywide for the Property Management Department

The Contractor must provide all labor, supervision, materials, equipment and supplies necessary to perform said services at various City of Miami Beach facilities. The ITB stated that the lowest responsive, responsible bidders meeting all terms, conditions, and specifications of the ITB will be recommended for award.

The contract shall remain in effect for three (3) years from date of contract execution by the Mayor and City Clerk, and may be extended at the sole discretion of the City, through its City Manager, for two (2) additional one (1) year terms, if mutually agreed by both parties.

ITB PROCESS

The ITB was issued on October 1, 2015. 40 bid notices were issued and a pre-proposal bid was held October 19, 2015. On November 16, 2015, bids were received from: National Fire Protection, LLC, All Fire Services, Inc., and Triangle Fire, Inc.

The ITB was categorized into multiple groups:

- Group A- Fire Sprinklers, Fire Pump, Standpipe Systems
 - Group B- Fire Backflow Preventers Systems
 - Group C- Hood Suppression Systems Testing Inspection Services
 - Group D- Clean Agent Fire Suppression Systems Testing Inspection Services
- The tabulation is attached in Appendix A.

Having primary and secondary vendors will allow the Property Management Department to be able to secure and meet the demands for the required services in the event that the primary vendor is not able to provide services.

National Fire Protection, LLC, has been deemed as the lowest responsive vendor for Groups A and B and, therefore, is being recommended as the primary vendor for both groups. All Fire Services, Inc., has been deemed as the second lowest responsive vendor for Groups A and B, and, therefore, is being recommended as the secondary vendor. No award is being recommended at this time for Groups C and D as the bid from Triangle Fire has been deemed to not be responsive to the requirements of the ITB because its bid, contrary to the requirements of the ITB, indicated that it would not supply the City with parts at cost, but that it would add a 25% mark-up to any parts supplied to the City.

CITY MANAGER'S RECOMMENDATION

The City Manager considered the staff's recommendation and the bids received, pursuant to ITB 2016-004-MT, and recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the award of a contract for Groups A & B to National Fire Protection, LLC, as primary vendor, and All Fire Services, Inc., as the secondary vendor; and, further authorize the Mayor and City Clerk to execute contract(s).

JLM / MT/ AD / AK / MLT

T:\AGENDA\2016\March\Procurement\ITB-2016-004-MT Annual Inspection, Testing, Certification, Repair and Maintenance of Fire Sprinklers, Fire Systems, and Hood Suppression Systems Citywide - MEMO.doc

APPENDIX "A" BID TABULATION

ITB 2016-004-MT Annual Inspection, Testing, Certification, Repair and Maintenance of Fire Sprinklers, Fire Systems, and Hood Suppression			
GROUP	NATIONAL FIRE PROTECTION, LLC (primary vendor)	ALL FIRE SERVICES, INC. (secondary vendor)	Triangle Fire, Inc. NON RESPONSIVE
Group A	\$15,580.00	\$25,885.00	No BID
Group B	\$10,130.00	\$17,230.00	No BID
Group C	No BID	No BID	Non-Responsive
Group D	No BID	No BID	Non-Responsive

Condensed Title:

REQUEST FOR APPROVAL TO AWARD CONTRACT PURSUANT TO INVITATION TO BID (ITB) NO. 2016-031-AK FOR BUS TRANSPORTATION SERVICES.

Key Intended Outcome Supported:

N/A

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

Item Summary/Recommendation:

The purpose of Invitation to Bid no. 2016-031-AK (the "bid") is to award contracts for bus transportation services for recreational programs to include (but not necessary limited to) after school, camp programs and various field trips for the Parks and Recreation Department.

The referenced ITB was issued on December 9, 2015. 62 bid notices were issued. 30 vendors downloaded the bid documents from PublicPurchase. On January 25, 2016 bids were received from: Air B School Bus Transportation, Inc., and Franmar Corporation, Inc. Both bids were deemed to be responsive to the requirements of the ITB. Air B School Bus Transportation, Inc., currently provides services to the Miami-Dade School Board and Broward District Schools, Franmar Corporation, Inc., currently provides services to the Miami-Dade School Board and the City of Miami Beach.

The successful bidders' contracts shall be executed for a period of two (2) years, and may be renewed at the sole discretion of the City, through its City Manager, for three (3) additional one (1) year terms. The contracts will offer flexible resources to ensure that the Parks and Recreation Department is able fulfill its requirements relative to bus transportation needs in a timely manner at the bid prices.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the City Manager's recommendation pertaining to the bids received, pursuant to ITB 2016-031-AK for Bus Transportation Services.

The City Manager has considered staff's recommendation and the bids received, pursuant to ITB 2016-031-AK, and recommend that the Mayor and City Commission of the City of Miami Beach, Florida, authorize the Mayor and City Clerk to execute contracts for the referenced services as follows:

Group 1	Air B School Bus Transportation, Inc.	Primary
	Franmar Corporation, Inc.	Secondary
Group 2	Tie bids were received. The department will select the vendor to use on a rotational basis, or based on availability.	
Group 3	Franmar Corporation, Inc.	Primary
	Air B School Bus Transportation, Inc.	Secondary
Group 4	Franmar Corporation, Inc.	Primary
	Air B School Bus Transportation, Inc.	Secondary

and further authorize the Mayor and City Clerk to execute the contract(s).

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds	Amount	Account
1	\$70,000	011-0950-00323
Total	\$70,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, John Rebar

Sign-Offs:

Department Director AD <i>[Signature]</i> JR <i>[Signature]</i>	Assistant City Manager MT <i>[Signature]</i>	City Manager JLM <i>[Signature]</i>
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MIAMIBEACH

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: March 9, 2016
SUBJECT: **REQUEST FOR APPROVAL TO AWARD CONTRACT
PURSUANT TO INVITATION TO BID (ITB) NO. 2016-031-AK
FOR BUS TRANSPORTATION SERVICES.**

FUNDING

All expenditures pursuant to this contract will be based on approved funding appropriated to the respective department's budget.

BACKGROUND

The purpose of Invitation to Bid no. 2016-031-AK (the "bid") is to award contracts for bus transportation services for recreational programs to include (but not necessary limited to) after school, camp programs and various field trips for the Parks and Recreation Department.

BID PROCESS

The referenced ITB was issued on December 9, 2015. 62 bid notices were issued. 30 vendors downloaded the bid documents from PublicPurchase. On January 25, 2016 bids were received from: Air B School Bus Transportation, Inc., and Franmar Corporation, Inc. Both bids were deemed to be responsive to the requirements of the ITB. The bid tabulation is attached.

Air B School Bus Transportation, Inc., currently provides services to the Miami-Dade School Board and Broward District Schools, Franmar Corporation, Inc., currently provides services to the Miami-Dade School Board and the City of Miami Beach.

The successful bidders' contracts shall be executed for a period of two (2) years, and may be renewed at the sole discretion of the City, through its City Manager, for three (3) additional one (1) year terms. The contracts will offer flexible resources to ensure that the Parks and Recreation Department is able fulfill its requirements relative to bus transportation needs in a timely manner at the bid prices.

CITY MANAGER'S REVIEW AND RECOMENDATION

I have considered staff's recommendation and the bids received, pursuant to ITB 2016-031-AK, and recommend that the Mayor and City Commission of the City of Miami Beach, Florida, authorize the Mayor and City Clerk to execute contracts for the referenced services as follows:

Group 1	Air B School Bus Transportation, Inc.	Primary
	Franmar Corporation, Inc.	Secondary
Group 2	Tie bids were received. The department will select the vendor to use on a rotational basis, or based on availability.	
Group 3	Franmar Corporation, Inc.	Primary
	Air B School Bus Transportation, Inc.	Secondary
Group 4	Franmar Corporation, Inc.	Primary
	Air B School Bus Transportation, Inc.	Secondary

JLM/EC/JR/AD

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TABULATION SHEET ITB 2016-031-AK BUS TRANSPORTATION SERVICES

GROUP I School Buses Service	Quantities	AIR B SCHOOL BUS TRANSPORTATION, INC.		FRANMAR CORPORATION, INC.	
		Hourly rate	Total	Hourly rate	Total
1. School bus with air conditioning (30-47 capacity) – within Miami-Dade County	100	<u>\$41.00 /Hour</u>	\$4,100.00	<u>\$58.00 /Hour</u>	\$5,800.00
2. School bus with air conditioning (30-47 capacity) – within Broward County	100	<u>\$58.00 /Hour</u>	\$5,800.00	<u>\$58.00 /Hour</u>	\$5,800.00
3. School bus with air conditioning (30-47 capacity) - within Palm Beach County	100	<u>\$65.00 /Hour</u>	\$6,500.00	<u>\$58.00 /Hour</u>	\$5,800.00
4. School bus with air conditioning (19-29 capacity) equipped with wheel chair lift.	2	<u>\$95.00 /Hour</u>	\$190.00	<u>\$58.00 /Hour</u>	\$116.00

Primary

Secondary

TABULATION SHEET ITB 2016-031-AK BUS TRANSPORTATION SERVICES

GROUP School Buses Service	Quantities	AIR B SCHOOL BUS TRANSPORTATION, INC.		FRANMAR CORPORATION, INC.	
		Hourly rate	Total	Hourly rate	Total
1. School bus with air conditioning (30-47 capacity) – within Miami-Dade County	100	<u>\$41.00 /Hour</u>	\$4,100.00	<u>\$58.00 /Hour</u>	\$5,800.00
2. School bus with air conditioning (30-47 capacity) – within Broward County	100	<u>\$58.00 /Hour</u>	\$5,800.00	<u>\$58.00 /Hour</u>	\$5,800.00
3. School bus with air conditioning (30-47 capacity) - within Palm Beach County	100	<u>\$65.00 /Hour</u>	\$6,500.00	<u>\$58.00 /Hour</u>	\$5,800.00
4. School bus with air conditioning (19-29 capacity) equipped with wheel chair lift.	2	<u>\$95.00 /Hour</u>	\$190.00	<u>\$58.00 /Hour</u>	\$116.00

Primary

Secondary

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C2C Request For Approval To Issue Proposal (RFP) 2016-086-WG For Health Plan Services And Benefits To The City Of Miami Beach Active Employees, Dependents, Pre-65 Retirees, And Post-65 Retirees.

(Procurement/Human Resources)

(Item to be Submitted in Supplemental)

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**COMMISSION COMMITTEE
ASSIGNMENTS**

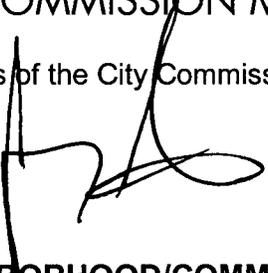
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MIAMI BEACH

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: March 9, 2016

SUBJECT: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE- DISCUSSION ON PUBLIC WATERBORNE TRANSPORTATION CONCESSION SERVICES**

BACKGROUND

On November 19, 2014, the City Commission adopted Resolution 2014-28847 authorizing the Administration to negotiate with Island Queen Cruises/Water Taxi Miami Inc. (Concessionaire) for a Public Waterborne Transportation Concession at several locations throughout the City pursuant to Invitation To Negotiate (ITN) 2014-326-JR.

On January 29, 2015, the Administration held a negotiations meeting. The participants included staff from pertinent City departments, including Transportation, Procurement, Legal, and Tourism as well as representatives of the Concessionaire. Initial discussions were held regarding locations, proposed plan of action and desired outcome as well as the City's intent to provide low cost service comparable to existing transit services for commuters and residents of Miami Beach.

During subsequent negotiation meetings, the Concessionaire expressed some concerns with starting operation during 2015. The construction of the west Venetian Causeway Bridge by Miami-Dade County created an operational issue that would disrupt the logistics of service. The Easternmost Bridge was to remain closed during the entire life of the project in order to provide the residents of the Venetian Isles with emergency vehicle accessibility at all times. The closure of the bridge represented an impact to the Concessionaire's proposed headways and a burden to the commuters who would have to travel nearly one hour to go from bayside to Sunset Harbour.

On November 3, 2015, the Administration held a follow up negotiations meeting with the Concessionaire. At this meeting, the Administration discussed the draft terms prepared by the City based on existing Agreements for Waterborne Transportation Concessions by other public agencies within the State of Florida. The Concessionaire requested to perform a pilot program during Art Basel 2015 prior to accepting the terms in the proposed draft terms. The reason for the request was due to the Concessionaire's concerns regarding potential ridership, adherence to schedule, and potential operational issues associated with a permanent service.

Art Basel Pilot Program

On December 2, 2015, the City of Miami Beach executed a Temporary Letter Agreement with Water Taxi Miami for the operation of a waterborne concession service pilot program during Art Basel 2015 from December 3 to December 6, 2015. The Agreement allowed the Concessionaire to operate a water taxi service on an hourly basis between the hours of 11:00 AM and 11:00 PM from/to Sea Isle

Agenda Item C4A
Date 3-9-16

Marina (near Omni Transit Station) in City of Miami to/from Purdy Boat Ramp in City of Miami Beach. Vessels were allowed to operate from one of the existing docks at the Purdy Boat Ramp and the Concessionaire was required to have a dedicated Dock Master stationed at the dock to monitor the operation and collect ridership data and information on potential operational conflicts.

During the Art Basel 2015 event, City staff noted that the Purdy Boat Ramp was used mainly by an aquatic Uber service which was provided in partnership with the Concessionaire. The service plan and vessels used were not approved as part of the Temporary Agreement and as such are considered to have operated without permission and in an illegal manner. The Uber service was observed to operate in the following manner: Passengers alighted the Uber vessels at the Purdy Boat Dock, where a luxury Uber vehicle was awaiting for them to continue the ride to their final destination. Staff observed a high number of users of the Uber service. The Uber service had a cost of \$35.00 for up to 5 passengers. No insurance was provided to the City by the Concessionaire for the Uber vessels.

It was also observed that the Concessionaire was not operating the headway/frequency agreed to for the pilot program and remained docked for extended periods. The City requested information regarding frequency of the Uber vessels to confirm observations but the Concessionaire stated that a confidentiality Agreement with Uber had been signed and could not share information with the City. The Concessionaire advised that only one (1) person used waterborne concession service pilot program and 365 passengers used Uber Boat service during the Art Basel pilot program.

The Uber boat service seems to be well received by the community and was observed to be logistically effective. The Administration reached out to the Miami-Dade County's department in charge of For-Hire Transportation which has been handling the legalization of Uber in Miami-Dade County. The County staff advised that Water-Borne Transportation is currently not regulated by the County's For-Hire ordinance. The boats for hire are regulated and enforced by the U.S. Coast Guard.

After Art Basel, City staff met with the Concessionaire and discussed issues to be considered for long term water taxi service. One of the concerns expressed by the Concessionaire is the funding and permitting associated with construction of a permanent dock.

On January 25, 2016, Concessionaire met with City staff and advised that based upon the limited demand for water taxi services during the Art Basel event, Concessionaire could not proceed with the obligation to fund the construction of a permanent dock, but instead proposed a pilot program for special events and the start of Water Taxi services on a limited basis in order to advertise the service and allow for a ramp up period for a commuter service between the City and the mainland.

Yacht Show Pilot Program

On February 9, 2016, the City of Miami Beach issued a special event permit to the Yacht Show for the operation of a Water Taxi service pilot program during Yacht Show 2016 from February 11 to February 15, 2016. The Agreement allowed the Concessionaire to operate a frequent water taxi service between the hours of 8:00 AM and 10:00 PM from/to Bayside in City of Miami to/from Purdy Boat Ramp in City of Miami Beach. Vessels were allowed to operate from one of the existing docks at the Purdy Boat Ramp and the Concessionaire was required to have a dedicated Dock Master stationed at the dock to ensure the legal, organized, and safe operation of water taxi service. The permittee was required to pay the City dock fee and the water taxi service was free of charge. The Concessionaire advised that 6,000 passengers were transported from/to Purdy dock during the Yacht Show pilot program.

RECOMMENDATION

In the City's Invitation To Negotiate for Waterborne Transportation Services, the City required the Concessionaire to provide docking facilities. The City received only one proposal. The City reviewed other successful Water Taxi/Ferry operations. In most cases, the dock is provided by the public entity.

The Blueways Master Plan recommended the construction of a dock/kayak launch at the Purdy Marina site (see Attachment 1). Based on the concerns expressed by the proposed Concessionaire, it is recommended that the City take responsibility for the construction of the dock and include as a submittal in the FY 2016/17 proposed capital budget. See Attachment 2 for the proposed design of Purdy Marina Water Taxi dock and kayak launch. The estimated cost of the dock/kayak launch facility is approximately \$350,000 depending on site conditions both on land and underwater.

Based on the issues raised by the Concessionaire after the Art Basel pilot, it is recommended that the City authorize a one year pilot program comprised of the following:

- Servicing Purdy Avenue dock as part of the current Water Taxi route
 - Weekend operation (Friday to Sunday) using a 38 passenger vessel with ability to accommodate bicycles
 - Hours of operation 11:00 AM to 7:30 PM with the ability to extend to 7 AM to 11 PM once demand warrants
- Proposed fares
 - Children under 1: No charge
 - Adults/children over 1: \$15-\$30 for one way/round trip with \$10-\$25 reduced fare for residents, senior citizens and military
 - Monthly pass \$95
 - Annual pass \$295
- Concessionaire to fund City dock master who would be hired by the City to ensure dock is only used by Concessionaire

See Attachment 3 for the proposed location of operation of the pilot program. The City may also want to consider allowing on-demand service at the location.

As a separate but related issue, the Commission has previously discussed concerns with regard to the current uses (commercial and non-commercial) at the Purdy dock and boat ramp. In connection with allowing this limited commercial use of the dock for a pilot program for water taxi services, the Neighborhood/Community Affairs Committee should have a discussion with respect to current uses at the Purdy dock and boat ramp, including enforcement action for continued violations of prohibited commercial uses.

In the alternative, the City may wish to wait for the construction of the proposed Purdy Avenue dock and kayak launch and issue a new solicitation for a larger ferry type vessel.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the matter to the Neighborhood/Community Affairs Committee for further discussion.

Attachments:

1. Blueways Master Plan Purdy Dock Recommended Improvements
2. Proposed Design of Purdy Marina Water Taxi Dock and Kayak Launch
3. Proposed Location of Operation of the Pilot Program

JLM/KGB/JRG/MM

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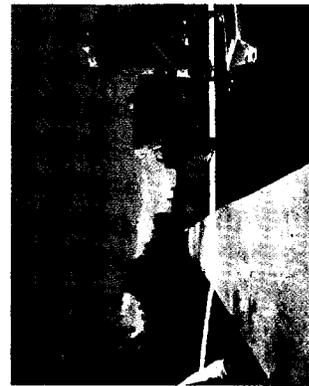
MAURICE GIBB PARK
SHORT TO LONG TERM IMPLEMENTATION

Attachement 1. The Blueways Master Plan Purdy Dock Recommended Improvements

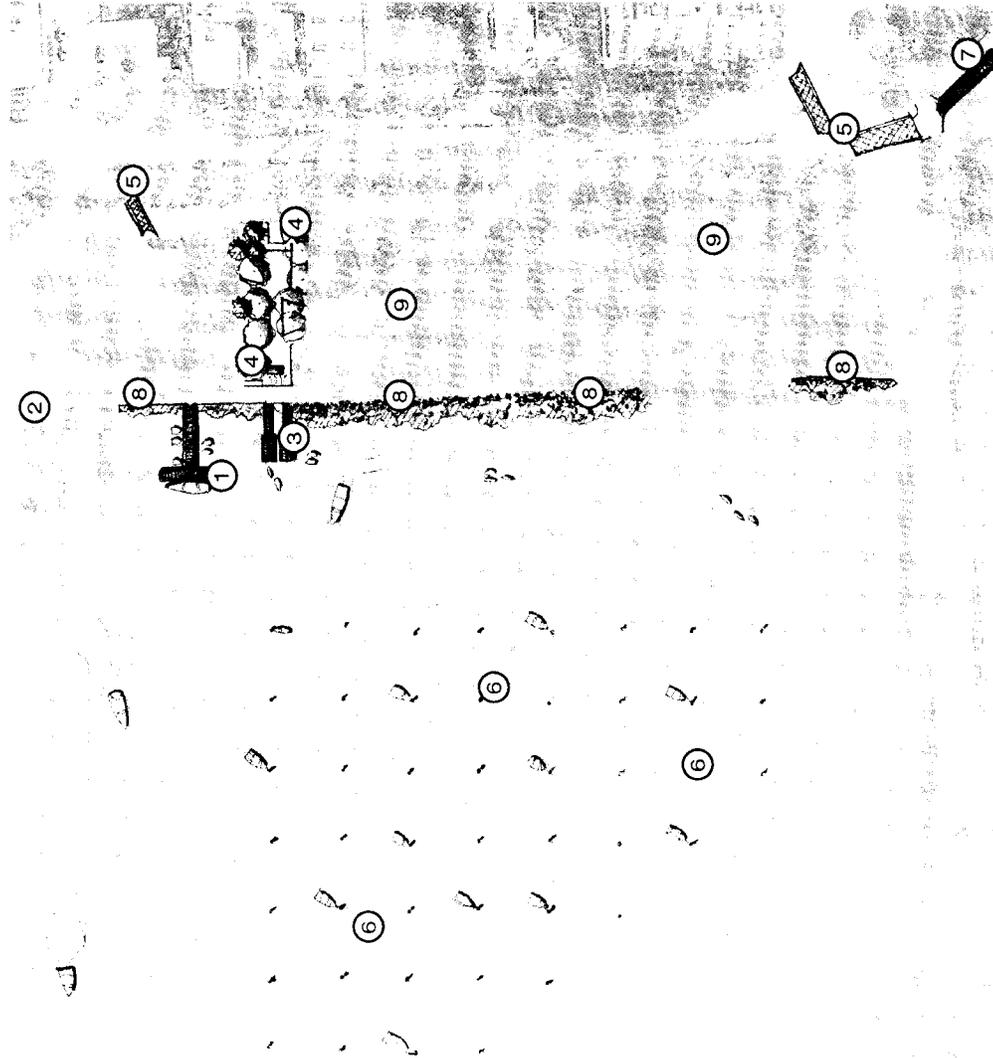


POTENTIAL IMPROVEMENTS:

1. WATER TAXI STOP/DINGHY DOCK
2. EXISTING BOAT LAUNCH
3. KAYAK/SUP LAUNCH
4. KAYAK/SUP VENDOR PAVILION AND DROP-OFF
5. IMPROVED PEDESTRIAN ACCESS TO LAUNCH
6. MANAGED MOORING FIELD
7. PEDESTRIAN BRIDGE ACROSS CANAL IMPROVING PEDESTRIAN ACCESS FROM THE SOUTH AND LINCOLN ROAD
8. LIVING SHORELINE ENHANCEMENTS
9. EXISTING PARK SPACE

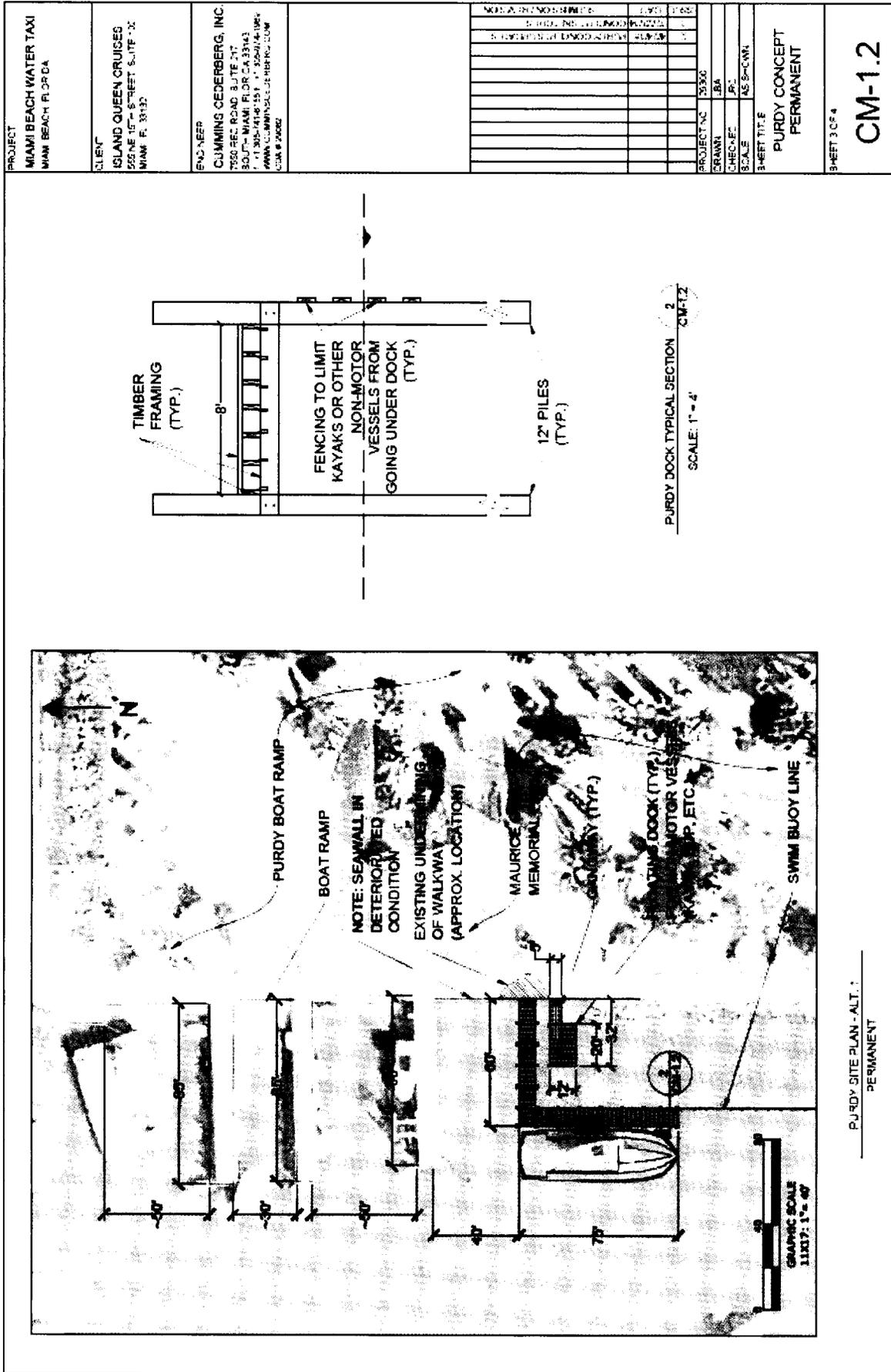


EXISTING SITE PHOTOS



MAURICE GIBB PARK CONCEPT ENLARGEMENT

Attachment 2: Proposed Design of Purdy Marina Water Taxi Dock and Kayak Launch



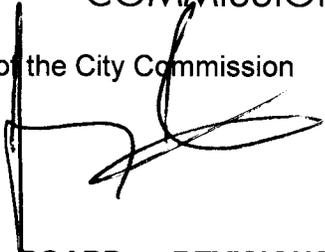
PROJECT	MIAMI BEACH WATER TAXI MIAMI BEACH, FL 33134
CLIENT	ISLAND QUEEN CRUISES 8335 E. 17th STREET, SUITE 303 MIAMI, FL 33132
ENGINEER	CUMMINGS CEDERBERG, INC. 7550 RED ROAD, SUITE 717 SOUTH MIAMI, FL 33143 TEL: 305-418-1517 FAX: 305-418-1045 WWW.CUMMINGSCEDERBERG.COM CEM # 20062
NO. OF SHEETS	1
SHEET NO.	CM-1.2
PROJECT NO.	20300
DESIGNER	SEA
CHECKER	PC
SCALE	AS SHOWN
SHEET TITLE	PURDY CONCEPT PERMANENT
SHEET 3 OF 4	

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: March 9, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD – REVISIONS TO CHAPTER 126 AND 46 PERTAINING TO LANDSCAPING**

ADMINISTRATION RECOMMENDATION

Refer the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

HISTORY

On June 10, 2015, at the request of Commissioner Malakoff, the City Commission referred the subject Ordinance amendment (Item C4I) to the Land Use and Development Committee. Additionally, the matter was referred to the Planning Board.

On June 17, 2015, the Land Use and Development Committee discussed the item and continued it to the July 29, 2015 meeting. The Committee directed the Administration to prepare an ordinance amendment to Chapter 126 and to Chapter 46, so that the two chapters of the Code are consistent.

On July 29, 2015, the Land Use and Development Committee requested that recommendations from the Greenspace/Tree Advocacy Group (GTAG) be incorporated into the Ordinance and continued the item to the September 9, 2015 meeting.

On September 9, 2015, the Land Use and Development Committee continued the item to the November 18, 2015 meeting. The November 18, 2015 and December 2, 2015 meetings of the Land Use and Development Committee were cancelled; therefore, the item was continued to the January 20, 2016 meeting. On January 20, 2016, the Land Use and Development Committee discussed the proposed ordinance and continued it to the February 17, 2016 meeting.

On February 17, 2016, the Land Use and Development Committee recommended that the ordinance be sent to the Planning Board with a favorable recommendation, including the current requirement that homeowners maintain swale trees.

ANALYSIS

According to the U.S. Department of Agriculture (USDA) Forest Service trees are a valuable worth three times their initial investment. They reduce carbon dioxide and air pollutants, reduce energy costs by providing shade, and increase the frequency of shopping and amount spent in commercial areas by creating a more comfortable atmosphere, and increase property values, among other benefits.

Agenda Item C4B
Date 3-9-16

Chapter 126 of the Land Development Regulations (LDR's) provides the City's existing minimum landscape standards for private properties. The requirements of the landscape regulations are applicable to all building permits for new construction, substantial rehabilitation or additions to existing buildings when located in areas designated for design review, conditional use or variance procedures and property in the redevelopment area. Additionally, permits for demolition require a landscape survey to insure that valuable existing trees are not damaged or destroyed. Trees that have a trunk diameter of eight or more inches may not be removed without the approval of the Environment and Sustainability Division, Urban Forrester.

These standards are generally consistent with the minimum landscape standards of Miami-Dade County. However, these standards are currently insufficient to achieve many of the benefits described by the USDA and desired by the City.

As the need to protect existing tree species has become more apparent, revisions to Chapter 126 of the LDR's are in order, to compliment and be consistent with the requirements of Chapter 46, Article II of the City Code pertaining to the care and maintenance of trees and plants. The attached ordinances propose updates to Chapter 126 of the LDR's, as well as to Chapter 46 of the City Code, to be consistent with established policy goals of enhanced landscaping and the preservation of existing tree canopy in the City. These modifications will complement the City's other efforts in tree protection, such as assuming the responsibility for tree removal permits from Miami-Dade County, which occurred on June 15, 2015. The analysis that follows details the proposed modifications.

City of Miami Beach Landscape Ordinance

Staff has developed a draft landscape ordinance that establishes minimum landscape standards utilizing best practices for South Florida in order to accomplish the following:

- Enhance, improve, and maintain the quality of landscape.
- Prevent the destruction of the City's existing tree canopy and promote its expansion.
- Improve the aesthetic appearance of new development and protecting designated historic landscapes.
- Promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place.
- Promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects.

Submittal Requirements

The proposed ordinance establishes that the following types of plans must be submitted with building permit applications for new construction, substantial rehabilitation or additions to existing buildings, as well as applications submitted for land use board approval:

- Vegetation Survey
- Tree Disposition Plan
- Landscape Plan
- Irrigation Plan
- Site and Landscape Lighting Plan

The ordinance requires that the vegetation survey be prepared by a professional land surveyor licensed to practice in the state of Florida. It also requires that the landscape plans be prepared by

a landscape architect licensed to practice in the State of Florida. In addition, it requires that irrigation plans and the site and landscape lighting plans be prepared by a landscape architect or other persons authorized by Chapter 481, Florida statutes.

The proposal also requires that no permit for development activity be issued unless any necessary tree removal permits have been obtained or it has been determined that no tree removal permit is required pursuant to the tree preservation and protection criteria described in Chapter 46 of the City Code.

Minimum Standards

The proposed ordinance establishes minimum standards for the following criteria:

- Trees
- Lawn Grass/Sod Area
- Minimum Number of Trees
- Large Shrubs or Small Trees
- Shrubs
- Vines
- Groundcover and Grasses
- Soil
- Fertilizer
- Mulch
- Plant Quality
- Buffers between dissimilar Land Uses
- Landscaped Areas in Permanent Parking Lots
- Temporary and Provisional Parking Lot Standards
- Landscape Installation
- Irrigation
- Landscape Maintenance

The existing landscaping standards generally require that there be one canopy tree or grouping of three palms for every 25 linear feet of frontage in required yards. The proposed ordinance includes more specific criteria as to the dimensions, spacing, and types of trees. A table indicates the number of trees per lot in each of the various zoning districts throughout the City. In an effort to improve the City's canopy and increase shade, the proposed ordinance indicates that, although permitted, palm trees do not count towards meeting the minimum tree canopy requirements.

The proposed ordinance also establishes a Tree Trust Fund. Should an applicant not be able to accommodate the required landscaping onsite or offsite in a public space approved by the City, the applicant has the option of paying into the Tree Trust. The revenue in the fund can be used for projects such as street tree plantings, tree plantings in public lands, and projects that restore and enhance the City's tree canopy.

The standards for soil, fertilizer, mulch, plant quality, installation, irrigation, and maintenance are intended to ensure that landscaping that is planted within the City survives and thrive. It requires that if a tree that is used to satisfy the minimum requirements of the code dies, that it be replaced with the same type of landscape material or an approved substitute.

In an effort to improve sustainability and reduce groundwater withdrawals, the standards encourage the use of treated brown and grey water for the use of irrigation in order to conserve

potable water. The ordinance proposes that guides and standards be created by the City in order to encourage and regulate them.

Modifications to Chapter 46 are also proposed, as a separate ordinance, in order to be consistent with the revisions to Chapter 126. The modifications include reducing the minimum review caliper from 12 inches to six inches.

UPDATE

One of GTAG's suggestions that was not included in the proposed ordinance is that the City should maintain street trees that are planted in public rights-of-way adjacent to private property, as opposed to the adjacent owner. The Land Use Committee suggested that the maintenance of swale trees could be discussed again as a future policy directive, during the budget processes. Additionally, City staff is working to create a tree inventory baseline and better performance measures on planting, tree removals and relocations, as well as targeted plantings to grow the canopy. Targeted plantings would focus on areas of the City that lack adequate canopy and shade, and places where we want to promote biking and walking.

CONCLUSION

In accordance with the February 17, 2016 action of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached ordinance amendment to the Planning Board.



JLM/SMT/TRM/RAM

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CITY OF MIAMI BEACH LANDSCAPE ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 126, "LANDSCAPING," BY EXPANDING THE APPLICABILITY, SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLANS, EXPANDING MINIMUM LANDSCAPE STANDARDS, DETAILING MAINTENANCE REQUIREMENTS FOR REQUIRED LANDSCAPING, AND ESTABLISHING A TREE TRUST FUND FOR THE DEPOSIT OF FUNDS GENERATED FROM NOT COMPLYING WITH LANDSCAPE REQUIREMENTS; BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE III, ENTITLED "DESIGN STANDARDS," TO INCORPORATE LANDSCAPE STANDARDS FOR TEMPORARY AND PROVISIONAL PARKING LOTS INTO THE CITY OF MIAMI BEACH LANDSCAPE ORDINANCE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, it is the City's intent to prevent the destruction of the City's existing tree canopy and promote its expansion; and

WHEREAS, it is in the best interest of the City to improve the aesthetic appearance of new development and protecting designated historic landscapes; and

WHEREAS, the City seeks to promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place; and

WHEREAS, the City seeks to promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects; and

WHEREAS, the City seeks increase the tree canopy in order to provide shade and coolness in order to encourage pedestrian activity and reduce reliance on single occupancy vehicles; and

WHEREAS, the City seeks to increase and improve green space in order to improve storm water management; and

WHEREAS, the City seeks to utilize landscaping in order to ameliorate noise impacts and light pollution; and

WHEREAS, the City seeks to promote the use of canopy trees to sequester carbon dioxide emissions and that increase climate change; and

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WHEREAS, the adoption of the provisions set forth below are necessary to accomplish the above objectives.

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

SECTION 1. Chapter 126, entitled "Landscaping," of the Code of the City of Miami Beach is hereby amended as follows:

* * *

Chapter 126 - LANDSCAPEING REQUIREMENTS

Sec. 126-1 – Intent and Purpose

It is the intent of these regulations to establish minimum landscape standards for the City of Miami Beach that enhance, improve and maintain the quality of the landscape, and to:

- (a) Prevent the destruction of the City's existing tree canopy and promote its expansion.
- (b) Improve the aesthetic appearance of new development and protecting designated historic landscapes.
- (c) Promote sound landscaping principles through the use of drought and salt tolerant plant species and also to promote planting the right tree and plant in the right place.
- (d) Promote the use of trees and shrubs for energy conservation, thereby helping to offset global warming and local heat island effects.
- (e) Provide shade
- (f) Improve stormwater management.
- (g) Ameliorate noise impacts and light pollution.
- (h) Promote the use of canopy trees to sequester carbon dioxide emissions.

Sec. 126-2 – Definitions

The Definitions Section within Chapter 46- Environment, of the Code of the City of Miami Beach, forms part of this regulation. For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

American National Standards Institute A-300 Tree Care Standards Manual ("ANSI A-300 Standards") is a tree manual which establishes performance standards for the care and maintenance of trees, shrubs, and other woody plants.

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Applicant: A person who is the owner, authorized agent of the owner, or lessee of a property under a written lease authorized to apply for a building permit.

Base plan: A plan of the project site, drawn to scale that shows all proposed ground floor improvements and clearly defines all landscape areas. This plan is used as a base for the required plans in this ordinance.

Buildable area: The portion of the site exclusive of the required yard areas as defined by the zoning ordinance of the City and its successors.

Clear wood / clear trunk: A measurement of the woody trunk taken from grade to the beginning of the fronds or branches used to determine the sizes of certain palms and trees.

Controlled tree species: Those tree species listed in the Miami-Dade County Landscape Manual and included within Section 24-49 (f) I & II of the Miami- Dade County Code which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

Crown or canopy: The upper part of a tree, measured from the lowest branch, including all branches and foliage.

Energy conservation zone: The areas close to buildings that are planted with trees, palms, and shrubs, in order to provide optimal shading patterns on absorbing surfaces within 20 feet of the building, walls, windows, and the immediately adjacent ground.

Exotic tree species: A plant species that has been introduced from other regions, and is not native to the region to which it is introduced.

Forbs: A broad-leaved herb other than a grass, especially one growing in a field or meadow.

Environment and Sustainability Department: The agency of the City charged with implementing specific tree protection standards, or a successor division or department as determined by the City Manager or his/her designee.

Grey wood: A measurement used to determine the sizes of Royal Palms taken from grade to the smooth green five-foot-high region above the trunk called the "crownshaft".

Landscape manual: The Miami-Dade County Landscape Manual, latest edition, which is the official landscape manual issued by Miami-Dade County, Florida, and incorporated herein by reference. The landscape manual, as amended from time to time, is adopted by reference by the City and deemed incorporated by reference as if set forth herein. If a conflict arises between the landscape manual and this Chapter, the latter shall prevail.

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Large shrubs or small trees: Mid-level woody plants, trees, and palms, that comply with the minimum size requirements described in this Chapter, planted as an understory to large canopy trees, palms, and planted with smaller shrubs and groundcover plantings, in order to achieve a layering of plants.

Native tree species: Plant species with geographic distribution indigenous to all or part of Miami-Dade County. Plants which are described as being native to Miami-Dade County in botanical manuals such as, the Miami-Dade County Landscape Manual, are considered native plant species within the meaning of this definition.

Owner: Any person, entity, corporation, partnership, trust, holding company, limited liability company or any other legally recognized entity that is the legal, beneficial or equitable owner of any interest whatsoever in the property. Owner shall include any purchaser, assignee, successor, or transferee of any interest whatsoever in the property regarding any provisions of this Chapter.

Roots/root systems: The tree part containing the organs used for extracting water, gases and nutrients from the soil and atmosphere.

Site plan: A drawing illustrating a proposed development drawn to scale indicating site elevations, roadways and location of all relevant site improvements including structures, parking, other paved areas, ingress and egress drives, landscaped open space and signage.

Sound nursery practices: The procedures of landscape nursery work that comply with the standards set by the state department of agriculture and consumer services.

Spread: The average diameter of the crown.

Substantial rehabilitation: Buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official.

Tree: Any self-supporting woody plant or palm which usually has a single main axis or trunk, that comply with the minimum size requirements described in this Chapter. This definition excludes plants which are defined as shrubs, hedges, vines, or ground covers.

Viable tree: A tree, which in the judgment of the City of Miami Beach Urban Forester is capable of sustaining its own life processes, unaided by man for a reasonable period of time.

Sec. 126-3 – Short Title and Applicability

- (a) **Title.** This regulation shall be known and may be cited as the “City of Miami Beach Landscape Ordinance”.

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- (b) **Applicability.** All building permits for new construction, substantial rehabilitation or additions to existing buildings, and projects that are reviewed under the conditional use, variance, design review, and / or certificate of appropriateness processes, inclusive of City projects. The Planning Director, or designee shall conduct all landscape reviews pursuant to the regulations set forth in this Chapter and consistent with the design review or certificate of appropriateness regulations, as applicable and as set forth in Chapter 118 of these land development regulations. The landscape review shall include but not be limited to parking decks, all required yards, decks associated with recreational facilities, or any open space areas that are visible to the public.
- (c) **New Development and Permits for demolition or wrecking.** Permits for new development and for demolition or wrecking shall require a vegetation survey pursuant to Section 126-4 (a), in order to insure that valuable existing trees are not damaged or destroyed.

Sec. 126-4 – Plans Required

All plans required in this Chapter shall be reviewed by the Planning Department in accordance with the Code of the City of Miami Beach, the guidelines and illustrations provided in the Miami-Dade County Landscape Manual, as well as the Guide to Florida Friendly Landscaping provided by the Florida Yards and Neighborhoods Program. The following shall be required:

(a) Vegetation Survey

Vegetation Survey(s) shall be prepared by, and bear the seal of, a professional land surveyor, licensed to practice in the State of Florida.

Vegetation survey(s) shall provide the accurate location, identification and graphic representation of all existing trees inclusive of the canopy dripline that are a minimum of 10 feet in height and a minimum of three (3) inches in diameter at breast height (DBH) and existing palms that are a minimum of 10 feet in height and a minimum of four (4) inches DBH.

Existing trees and palms shall not be removed until it has been determined that no tree removal permit is required or that a valid tree removal permit has been issued in compliance with Chapter 46 of the Code of the City of Miami Beach.

(b) Tree Disposition Plan

Tree Disposition Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida.

Where a Vegetation Survey and Landscape Plan is required, a Tree Disposition Plan shall be submitted concurrently and shall:

- (1) Be drawn to scale and include property boundaries, north arrow, graphic scale, and date;

- (2) Identify, locate, and list all existing trees and specify the condition of each tree and whether such trees are to remain, to be removed or to be relocated on the plan;
- (3) Illustrate the location of all existing structures and/or all proposed new construction, as applicable, the location of any overhead and/or underground utilities, the new locations of existing trees to be relocated on site, and all areas affected by construction-related activities, such as access routes to the property, and staging areas;
- (4) Graphically show the location of the tree protection fence to the dripline for existing trees and palms to remain on the plan;
- (5) Provide a drawing of the City approved tree protection fence detail on the plan; and
- (6) Illustrate the temporary construction parking layout as required by the Parking Department.

(c) Landscape Plans

Landscape Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida.

Prior to the issuance of a building permit, the Planning Department shall review a landscape plan; at a minimum, such plan shall include the following:

- (1) The plan shall be drawn to scale and include property boundaries, north arrow, graphic scale, and date;
- (2) All existing and proposed structures, parking spaces, driveways and other vehicular use areas, public sidewalks, right-of-way swale/parkway, curbs, street edge of pavement, easements, and utilities on the property or adjacent property, shall be clearly delineated;
- (3) All landscape features and non-living landscape materials shall be identified;
- (4) All geologic, historic and archeological features to be preserved shall be illustrated;
- (5) The common and scientific name, as well as the quantity and size specifications of all plant materials to be installed shall be clearly indicated; and
- (6) The critical layout dimensions for all trees, plant beds and landscape features shall be provided;

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- (7) Method(s) to protect and relocate trees and native plant communities during construction;
- (8) Planting details and specifications; and
- (9) The **Landscape Legend form** shall be affixed to the plan and shall include, but not be limited to, the following:
 - a. The minimum number of required trees per lot, pursuant to Section 126-6;
 - b. The minimum number of required street trees, pursuant to Section 126-6;
 - c. Provided trees per lot;
 - d. Provided street trees;
 - e. Provided shrubs; and
 - f. Maximum allowable percentage of sod within the property.

(d) Irrigation Plans

Irrigation Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare irrigation plans or drawings.

Where a Landscape Plan is required, an Irrigation Plan shall be submitted concurrently and shall:

- (1) Be drawn on a base plan at the same scale as the landscape plan(s);
- (2) Delineate landscape areas, major landscape features and hydrozones;
- (3) Include water source, design operating pressure, flow rate/volume required per zone and application rate;
- (4) Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, electric supply; and
- (5) Irrigation details and specifications.

(e) Site and Landscape Lighting Plans

Site and Landscape Lighting Plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare site and landscape lighting plans or drawings.

Where a Landscape Plan is required, a Site and Landscape Lighting Plan may be submitted concurrently and shall:

- (1) Be drawn on a base plan at the same scale as the landscape plan(s);

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- (2) Delineate landscape areas, major landscape features and electrical zones;
- (3) Include existing and proposed lighting equipment and fixture locations with sizes and mounting heights; and
- (4) Lighting equipment details and specifications.

Sec. 126-5 Tree Removal and Preservation

No person, agent, or representative thereof, directly or indirectly, shall cut down, destroy, move or effectively destroy through damaging any tree except pursuant to the procedures and requirements of Chapter 46 of the Code of the City of Miami Beach.

No permit for development activity shall be issued until it has been determined that no tree work permit is required or that a valid tree work permit has been issued in compliance with Chapter 46 of the Code of the City of Miami Beach. The Environment and Sustainability Department is responsible for administering and enforcing this provision in accordance with Chapter 46 of the Code of the City of Miami Beach.

Sec. 126-6 Minimum Standards

The following standards shall be considered minimum requirements unless otherwise indicated in the Land Development Regulations:

(a) Trees

Tree Size: All trees except street trees, shall be a minimum of 12 feet high with a minimum crown spread of six (6) feet and have a minimum caliper of two (2) inches at time of planting, except that 30 percent of the tree requirement may be met by native species with a minimum height of 10 feet and a minimum caliper of one and a half (1½) inches at time of planting.

- (1) **Street Tree Size and Spacing:** Street trees shall be of a species typically grown in Miami Beach which normally mature to a height of at least 20 feet. Street tree plantings shall comply with ADA clearance requirements. Furthermore, street trees shall have a minimum clear trunk of four (4) feet, an overall height of 12 to 14 feet and a minimum caliper of three (3) inches at time of planting and shall be provided along all roadways at a maximum average spacing of 20 feet on center, except as otherwise provided in this ordinance. The 20 foot average spacing requirement for townhouse or multi-family units shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Environment and Sustainability Department. Street trees planted along private

roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.

(2) **Palms as Street Trees:** Single trunk palm species with a minimum of 10 inches diameter at breast height (DBH) and a minimum of 15 feet of clear or grey wood at time of planting may be planted in addition to the required number of street trees. The maximum spacing of palms as street trees shall be 20 feet on center. Palms shall not count towards the required number of street trees.

(3) **Power Lines:** Under high voltage transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the FPL Plant the Right Tree in the Right Place guidelines and illustrations. The maximum spacing of appropriate and allowed tree species planted under power lines shall be 20 feet on center.

(b) Lawn Grass/Sod Area

(1) **Lawn grass/sod areas** shall be planted with species well adapted to localized growing conditions in the City. Grass areas shall be sodded and used in swales or other areas subject to erosion.

(2) **Exclusions from maximum permitted lawn areas:**

- a. **Stabilized grassed areas used for parking**
- b. **Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas.**
- c. **Grassed areas in the right-of-way**
- d. **Stormwater retention/detention areas planted in grasses which are very drought tolerant, as well as tolerant to wet soils.**
- e. **Very drought tolerant grasses and low growing native plants, including grasses and forbs may be used as groundcover beyond the maximum permitted grass areas.**

(3) **Maximum permitted lawn grass/sod areas** for all zoning districts are referenced in Table A.

(c) Minimum Number of Trees

Minimum number of required trees per lot or per acre of net lot area (not including street trees) and maximum allowable percentage of lawn grass/sod areas within the subject property is referenced in **Table A.** More specific information may be found at subsections (1) through (12), following the Table, for more specific requirements.

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Table A				
Zoning District	Number Of Trees Required			Maximum Lawn Area
	Per Lot (Front Yard)	Per Lot (Back Yard)	Per Acre of Net Lot Area	Percent Of Required Open Space
CAT 1*: Single Family Home and Townhome *				
RS-1	2	3		50%
RS-2	2	3		50%
RS-3	2	3		50%
RS-4	2	3		50%
TH	2	3		50%
CAT 2: Multifamily Residential, Hospital Districts				
RM-1			28	30%
RM-2			28	30%
RM-3			28	30%
HD			28	30%
RM-PRD			28	30%
RMPRD-2			28	30%
RO			28	30%
CAT 3: Commercial, Urban Light Industrial, Mix-Use Districts, Waterway District, Residential and Commercial Standard				
CD-1			22	20%
CD-2			22	20%
CD-3			22	20%
I-1			22	20%
MXE			22	20%
WD-1			22	20%
WD-2			22	20%
RPS-1			22	20%
RPS-2			22	20%
RPS-3			22	20%
C-PS1			22	20%
C-PS2			22	20%
C-PS3			22	20%
C-PS4			22	20%
RM-PS1			22	20%
SPE			22	20%
TC-1			22	20%
TC-2			22	20%
TC-3			22	20%
CAT 4: Institutional/ Recreational: Marine Recreational, Civic/ Government Use, Convention Center				
MR			22	20%
GU			22	20%
CCC			22	20%
GC			22	20%
* CAT 1: Single Family Home and Townhome districts up to 6000 square feet lot area. Refer to Table A General Notes (f) for number of trees required for larger properties.				

- (1) **Multi-family Residential and Commercial Zones.** In Multi-family Residential, RM-1, RM-2, RM-3, RPS-1, RPS-2, RPS-3, RPS-4, RO, TC-3 or Commercial Zones, CD-1, CD-2, CD-3, C-PS-1, C-PS-2, C-PS-3, C-PS-4, I-1, MXE, TC-1, TC-2, if the minimum number of trees required cannot be planted on the ground level of the subject property, the applicant may plant 25 percent of the required trees on upper levels such as open recreation areas and exposed decks.
- (2) **Lawn grass/sod areas** that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating maximum lawn area requirements.
- (3) **Trees shall be planted to provide shade** to residential structures of a height of 35 feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone. All exterior ground floor air conditioning units shall be shaded by trees and/or shrubs.
- (4) **The number of required trees listed in Table A for Category One (1) Residential zoning districts** are intended for properties up to 6,000 square feet lot area. Provide one (1) additional tree for each additional 1,000 square feet of lot area. If the total lot area is a fraction over the additional 1,000 square feet then, the number of required trees will be rounded up.
- (5) **Existing trees** required by law to be preserved on site and that meet the requirements of minimum tree size may be counted toward fulfilling the minimum tree requirements.
- (6) **Prohibited and controlled tree species:** Prohibited and controlled trees shall not be planted or counted toward fulfilling minimum tree requirements. Prohibited and controlled trees included within Section 24-49 (f) I & II of the Miami-Dade County Code shall be identified and listed on a tree survey and tree disposition plan prior to removals.
- (7) No less than **30 percent of the required trees** shall be **native species**.
- (8) No less than **50 percent of the required trees** shall be **low maintenance or drought and salt tolerant species**.
- (9) **Diversity of required tree species.** In order to avoid a mono-species appearance and to circumvent significant tree loss due to disease to a specific tree species, the number of different tree species to be planted is as follows:

- a. One (1) to Five (5) required trees: Two (2) tree species
- b. Six (6) to Ten (10) required trees: Three (3) tree species
- c. 11 to 15 required trees: Four (4) tree species
- d. 16 to 20 required trees: Five (5) tree species
- e. 21 to 30 required trees: Six (6) tree species
- f. 31 or more required trees: Seven (7) tree species

(10) Palms of a 10-foot minimum overall height and minimum caliper of three (3) inches at time of planting may be planted in addition to the tree requirement. Palms shall not count towards the minimum number of required trees.

(11) All of the trees shall be listed in the Miami-Dade County Landscape Manual, the Miami-Dade County Street Tree Master Plan, the University of Florida's Low-Maintenance Landscape Plants for South Florida list, or other list approved by the City of Miami Beach Urban Forester.

(12) Where the State, County or municipality determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, the City may require that said trees and landscape material be placed on private property.

(d) Shrubs

Shrubs shall be a minimum of 18 to 24 inches high at time of planting and spaced not to exceed 30 inches on center. The minimum number shall be 12 shrubs per the number of required lot and street trees. No less than 50 percent of the required shrubs shall be native species. No one species of shrub shall constitute more than 25 percent of the shrubs required by these regulations.

Shrubs shall be planted to visually screen ground level equipment such as A/C units and pool equipment and shall be planted at the height of the adjacent equipment. Alternatives to shrubs screening ground level equipment include masonry walls, fences or screens that are planted with vines. The aforementioned alternatives must receive approval from the Planning Department.

(e) Large Shrubs or Small Trees

All large shrubs or small trees shall be a minimum of six (6) feet high with a minimum crown spread of four (4) feet at time of planting and 10 feet high at mature growth. The minimum number of large shrubs or small trees shall be 10 percent of the required number of shrubs for the specific project. The minimum number of large shrubs or small trees required shall be in addition to the minimum number of shrubs required. No less than 50 percent of the required large shrubs or small trees shall be native species.

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Large shrubs or small trees may be planted as understory to large trees and with the required smaller shrub and groundcover plantings, in order to achieve a layering of plants.

(f) Vines

Vines shall be a minimum of 30 inches high at time of planting and may be used in conjunction with fences, screens or walls. Vines will be considered as shrubs on a one-to-one basis as part of the required number of shrubs for the specific project.

(g) Groundcover and Grasses

Groundcover and grasses shall be used in lieu of lawn grass/sod area in whole or in part shall be planted with a minimum of 75 percent coverage with 100 percent coverage occurring within three (3) months of installation.

(h) Soil and Fertilizer

All plant materials shall be planted with the soil and fertilizer specified in the City of Miami Beach Landscape Installation Specifications and Standards.

Any other soil mix or fertilizer must be submitted to the Environment and Sustainability Department prior to delivery on site.

(i) Mulch

Mulch shall be shredded pine, eucalyptus or Florimulch (100 percent melaleuca mulch). Planting areas not covered by lawn grass/sod shall be mulched to a minimum depth of three (3) inches, in order to present a finished appearance.

Cypress mulch, red colored mulch, and rubber mulch is prohibited. Any other mulch must be submitted to the Environment and Sustainability Department prior to delivery on site.

(j) Off-Site Tree Planting

If the minimum number of trees, large shrubs, and shrubs required cannot be planted on the subject property, the applicant may enter into an agreement with the City, as approved by the planning department, to plant the excess number of required trees, large shrubs, and shrubs on public property.

Sec. 126-7 Tree Trust Fund

(a) If the minimum number of trees required cannot be planted on the subject property, the applicant/property owner is provided the following two options:

(1) Seek authorization from the City to install the trees off-site, on public land near or adjacent to the applicant's property; and/or

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(2) Shall contribute into the City's tree trust fund the sum of \$2,500.00 for each two (2) inch caliper tree required in accordance with Table A of Section 126-6.

However, City residents with current proof of residency and homestead status under State law, if opting to utilize option two (2) shall be required to contribute the lesser amount of \$1,000.00 for each tree that is not provided, as required in accordance with Table A of Section 126-6.

(b) If the minimum number of large shrubs, small trees and shrubs required cannot be planted on the applicant's property, the applicant can either seek authorization from the City to install the large shrubs, and small trees and shrubs off-site on nearby or adjacent public land; or be required to contribute into the City's tree trust fund the sum of \$100.00 for each shrub required and \$300 for each large shrub/small tree required in Section 126-6.

(c) Annual review and adjustment:
These fees shall be evaluated and adjusted annually based on the consumer price index for all urban consumers (CPI-U).

Sec. 126-8 Deposit and Expenditure of Funds, Tree Trust Fund

(a) The City has established a Tree Trust Fund.

(1) Interest earned under the account shall be used solely for the purposes specified for funds of such account.

(b) Revenue in the Tree Trust Fund shall be utilized to implement the intent of this Chapter. Expenditures from these funds shall require City Commission approval upon receiving a recommendation from the City Manager.

(c) Such improvements that implement the intent of this Chapter may include, but are not limited to:

(1) Street tree plantings;

(2) Tree plantings in public lands; and

(3) Projects that restore and enhance the City's tree canopy.

Sec. 126-9 Plant Quality

All plant materials shall be equal to or better than "Florida No.1," as classified by "Grades and Standards for Nursery Plants" by the Division of Plant Industry, Florida Department of

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Agriculture. Plant materials shall have a growth habit that is normal to the species, healthy, vigorous, free from insects, disease and injury.

Exceptions to the "Florida No. 1," classification will require approval from the City of Miami Beach Urban Forester.

Sec. 126-10 Buffers between dissimilar Land Uses

Where a non-residential zoning district abuts a residential zoning district, and where such areas will not be entirely visually screened by an intervening building or structure from the abutting property, the abutting property line shall be provided with a buffer consisting of the following:

- (a) **A landscaped buffer strip** shall consist of trees with understory evergreen shrubs and groundcovers within a minimum five (5) foot wide landscaped strip.
- (b) **Trees** with a minimum height of 12 feet shall be planted at a maximum average spacing of 20 feet on center.
- (c) **Evergreen shrubs** at a minimum of 24 to 36 inches high at time of planting may be used as a buffer and shall form a continuous screen between the dissimilar land uses within 1 year after planting.
- (d) **Groundcovers** shall be planted as understory to the trees and shrubs within the landscaped buffer strip.
- (e) Where site limits or constraints do not allow the five (5) foot wide landscaped buffer strip, provide a **six (6) foot high wall or approved fence** with a life expectancy of at least 10 years. Vines may be used in conjunction with fences, screens or walls. in order to soften blank wall conditions.

Sec. 126-11 Landscaped Areas in Permanent Parking Lots

At-grade parking lots. For the purpose of this Section, the term "at-grade" parking lot shall encompass commercial parking lots and non-commercial parking lots as described in Section 114-1 whether they are primary or accessory uses and that portion of a lot which is underneath the building and is at-grade which is utilized for parking. Notwithstanding the requirements in this Section in no instance shall the required landscaped area be less than 20 percent of the total area.

All required and/or provided surface off-street parking facilities and parking lots shall be landscaped in accordance with the following standards:

- (a) The total area of all interior landscaped areas shall not be less than 10 square feet for each parking space provided on the site.

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- (b) In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per 80 square feet of landscaped area, exclusive of parking lot buffers.
- (c) A landscaped area with a tree shall be required at the end of all parking rows, particularly when abutting an aisle or building. Planting areas for each tree shall have a minimum width of eight (8) feet, six (6) inches, exclusive of the curb dimension, and shall be planted or covered with other landscape materials.
- (d) For each row of parking there shall be landscaped areas with trees within the first 90 linear feet, and one (1) landscaped area provided with a tree for each additional 90 linear feet. When a minimum eight (8) six (6) inch clear landscape area is provided between two rows of parking, the landscape areas with trees every 90 linear feet is not required. This eight (8) six (6) inch wide landscape area shall be planted with trees no greater than 20 feet on-center.
- (e) For each row of parallel parking there shall be a minimum of two (2) landscape areas for every three (3) parking spaces. The landscape areas shall be equally spaced wherever possible. Parallel parking landscape area/tree place details such as curbed bulb outs shall be approved by the Public Works Department.
- (f) All required trees shall be of an approved shade tree variety which shall attain a minimum mature crown spread greater than 20 feet.
- (g) All parking stalls, access aisles and driveways in residential uses shall be separated from any building by a minimum of 30 inches and landscaped with shrubs, groundcover, or other suitable plant materials.
- (h) All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting layer of trees, shrubs, and groundcover.
- (i) A landscape area that is a minimum of five (5) feet in width shall be provided when parking stalls, access aisles, or driveways are located along any side or rear lot line. The landscape areas shall be planted with a continuous hedge and with trees spaced a maximum of 20 feet on center. In certain instances, a solid and continuous masonry six (6) foot high wall may be approved and used in lieu of a landscape area. The approved wall surface shall be stuccoed, painted, tiled, or textured in such a way to provide a decorative effect.
- (j) These requirements are in addition to any applicable required open space as provided in these regulations.

Sec. 126-12 Temporary and Provisional Parking Lot Standards

(a) Temporary Parking Lot: Required Landscaping.

A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:

- (1) At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. The areas fronting a street or alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department.
- (2) A hedge that is at least 36 inches (three feet) in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches (three feet, six inches) in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.
- (3) For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One shade tree or grouping of three palms with a clear trunk of at least six feet shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.
- (4) Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least two (2) feet six (6) inches from the edge of the paved area.
- (5) Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan.
- (6) All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

(b) Provisional Parking Lot: Landscaping requirements.

- (1) A landscape plan that specifies and quantifies the proposed and/or existing plant material inclusive of mature shade trees, hedge material and ground cover shall be submitted for review and approval by the planning department.

- At a minimum, the plan shall indicate a two (2) feet six (6) inches wide landscaped area bordering the surfaced area along all property lines. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; the side or sides of the lot that face a street or an alley shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and 60 inches (five feet) at maturity.
- (2) The areas fronting a right-of-way or an alley shall be landscaped with a grouping of three (3) palms every 20 linear feet of frontage or one canopy tree every 25 feet of frontage.
- (3) An in-ground irrigation system that covers 100 percent of the landscaped areas shall be required.
- (4) All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

Sec. 126-13 Landscape Installation

Landscape installation procedures are pursuant to the City of Miami Beach Landscape Installation and Specifications Standards.

Sec. 126-14 Irrigation

All newly-planted and relocated plant material shall be watered by a permanent irrigation system. The following methods are encouraged to conserve water:

- (a) **Cisterns and rain barrels** are encouraged to conserve water, supplement irrigation systems, and as components of permanent irrigation systems.
- (b) **Brown & Grey Water Irrigation is encouraged as follows:**
- (1) **Brown Water Turf Irrigation:** After treatment of effluent from toilets and kitchen, recycled water may be used to irrigate the lawn grass/sod areas. Subsurface dripline irrigation may be used throughout the lawn grass/sod areas and soil moisture sensors contribute to control the watering regime.
- (2) **Grey Water Irrigation:** Grey water from showers and hand basins is treated to a secondary standard and then pumped out to irrigation. Grey water may be used to

irrigate trees and plants. Subsurface dripline irrigation may be used with the purple piping and similar to lawn/sod area irrigation, this system is split into zones to control the watering regime.

Sec. 126-15 Site and Landscape Lighting

- (a) **Site lighting** is considered pedestrian scale lighting with luminaires/fixtures mounted on individual poles located along walkways and open spaces on a site.
- (b) **Landscape lighting** is considered accent lighting for trees, palms, understory plantings, and pathways. Low voltage landscape lighting is encouraged.
- (c) This Section does not include architectural/building type lighting or sports field, vehicular or parking lot type lighting.
- (d) Site and landscape lighting shall be controlled with timers or sensors, in order to avoid electrical use all night.

Sec. 126-16 Landscape Maintenance

- (a) **The owner and occupant is responsible** to ensure that landscaping required to be planted pursuant to this ordinance is installed in compliance with the landscape requirements; maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and sufficiently fertilized and watered to maintain the plant material in a healthy condition.
- (b) **If any tree or plant dies** which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.
- (c) **Trees shall be pruned in the following manner:**
 - (1) All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
 - (2) Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously without any reduction in crown.
 - (3) Cutting of lateral branches that results in the removal of more than 1/3 of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.

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- (4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower 2/3 of the tree.
- (5) No more than 1/3 of a tree's living canopy shall be removed within a one (1) year period.
- (6) Trees shall be pruned according to the current ANSI A300 Standards.
- (d) **When trees are planted within the right-of-way**, the owners of land adjacent to the right-of-way areas where street trees are planted must maintain the lawn grass and plants in those areas. Street trees shall be maintained by the City.

Sec. 126-17 Enforcement and Penalties

(a) Penalties.

- (1) A violation of Chapter 126, cited pursuant to the City of Miami Beach Landscape Ordinance, must be subject to the following fines. The special master must not waive or reduce fines set by this section.
 - a. If the violation is the first violation: \$500.00.
 - b. If the violation is the second violation within the preceding 12 months: \$1,000.00.
 - c. If the violation is the third violation within the preceding 12 months: \$1,500.00.
 - d. If the violation is the fourth or subsequent violation within the preceding 12 months: \$2,000.00.
- (2) A violation of Section 126-5, the failure to obtain a tree work permit, must be subject to the following fines. The Special Master must not waive or reduce fines set herein:
 - a. If the violation is the first violation: \$1,000.00.
 - b. If the violation is the second violation within the preceding 12 months: \$2,000.00.
 - c. If the violation is the third violation within the preceding 12 months: \$3,000.00.
 - d. If the violation is the fourth or subsequent violation within the preceding 12 months: \$4,000.00.
- (3) Enforcement. The Code Compliance Department shall enforce the provisions of this Division. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this Division, and all applicable laws. If an enforcing officer finds a violation of this Division, the officer may issue a Notice of Violation to the violator. The Notice of Violation must inform the violator of the nature

of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

- a. No certificate of completion, occupational license, or certificate of occupancy shall be issued unless the Planning Department has determined that the installed landscaping substantially meets the requirements as listed in the approved landscape plan(s) and as certified by the Landscape Architect of Record.
 - b. Modifications to the approved landscape plan(s) and approved landscape installations are not allowed and will be considered a violation of this code, unless such modifications are approved by the Planning Director or designee, or the design review or historic preservation board, as applicable.
 - c. The Planning Department shall have the right to inspect the lands affected by this code, at any time, and is authorized to advise the Code Compliance Department of any violations.
 - d. Failure to maintain landscaping according to the terms of this Chapter shall constitute a violation of this code. Also, failure to plant, preserve or maintain each individual tree and plants shall be considered to be a separate violation of this code.
- (4) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.
- a. A violator who has been served with a Notice of Violation must elect to either:
 1. Pay the civil fine in the manner indicated on the Notice of Violation; or
 2. Request an administrative hearing before a special master to appeal the Notice of Violation, which must be requested within 10 days of the issuance of the notice of violation.
 - b. The procedures for appeal by administrative hearing of the Notice of Violation shall be as set forth in Sections 30-72 and 30-73 of the City code.
 - c. If the named violator, after issuance of the Notice of Violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the officer. Failure of the named violator to appeal the decision of the officer within the prescribed time period must constitute a waiver of the violator's right to an administrative hearing before the special master, and must be treated as an admission of the violation, which fines and penalties to be assessed accordingly.
 - d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or

personal property, but shall not be deemed to be a court judgment except for enforcement purposes.

- e. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
- f. The Special Master shall be prohibited from hearing the merits of the Notice of Violation or the consideration of the timeliness of a request for an administrative hearing, if the violator has failed to request the administrative hearing within ten (10) days of the issuance of the Notice of Violation.
- g. The Special Master shall not have discretion to alter the penalties prescribed in Subsections 126-17 (a) and (b) herein.

(b) Enhanced penalties. The following enhanced penalties shall be imposed, in addition to any mandatory fines set forth in subsections (a)(1) and (a)(2) above, for violations of this Chapter:

(1) Enhanced penalties for Subsection (a)(1):

- a. If the offense is a fourth offense within the preceding 12 month period of time, in addition to the fine set forth in subsection (a)(1), the property owner, landscape company or any affiliates shall be prohibited from receiving a landscaping approval for a three (3) month period of time.
- b. If the offense is a fifth offense within six (6) months following the fourth offense, in addition to any fine set forth in subsection (a)(1), the property owner, landscape company or any affiliates shall be prohibited from receiving a landscape approval for a six (6) month period of time. The property owner, landscape company or permittee shall be deemed a habitual offender.
- c. The Planning Department may decline to issue future landscape approval to such person, individual, entity, business, company or any affiliates that have been deemed habitual offenders pursuant to this section for a period of up to one year.
- d. The Planning Director may withhold approval of a final building inspection if landscape installations do not comply with the approved landscape plans and details.

(2) Enhanced penalties for Subsection (a)(2):

- a. The tree work activity must be immediately terminated, upon confirming a violation has occurred, by the Miami Beach Police Department and the Public Works Department.
- b. Violations for subsection (a) shall be issued to the property owner and the tree services company, who shall be joint and severally liable for the violation.
- c. The Public Works Department shall decline to issue a Tree Work Permit to such

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person, individual, entity, business, company or any affiliates that have violated this Section within a three (3) month period. The prohibition from receiving the Tree Work Permit shall be for a three (3) month period of time.

~~Sec. 126-1. Purpose.~~

~~These regulations are designed to result in the placement of landscape materials in such manner as to improve highly visible tourist, commercial and residential areas of the City, to protect and preserve landscape features, and to enhance the value of property.~~

~~Sec. 126-2. Scope of review.~~

~~All elements of landscaping shall be selected for their functional value, aesthetic appeal and consistency with the comprehensive plan and neighborhood plans. Landscape plans shall be in compliance with the following criteria:~~

- ~~(1) Provision of shade and coolness;~~
- ~~(2) Enhancement of architectural features;~~
- ~~(3) Achievement of beauty and pride in the community;~~
- ~~(4) Enhancement of the tropical image of the community;~~
- ~~(5) Separation of incompatible uses or obtrusive elements;~~
- ~~(6) Amelioration of the impact of noise and light;~~
- ~~(7) Integration of any structures with adjacent body of water; and~~
- ~~(8) Preservation and protection of existing plant materials and energy conservation.~~

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~~Sec. 126-3. Applicability and exemptions.~~

- ~~(a) Applicability. All building permits for new construction, substantial rehabilitation or additions to existing buildings when located in areas designated for design review pursuant to Section 118-252, projects that are reviewed under the conditional use or variance procedures and property in the redevelopment area. The planning and zoning director shall conduct all landscape reviews pursuant to the regulations set forth in this Chapter and consistent with the design review regulations as set forth in Chapter 118, article VI. The landscape review shall include but not be limited to parking decks, all required yards, decks associated with recreational facilities, or any open space areas that are visible to the public.~~
- ~~(b) Permits for demolition or wrecking. Permits for demolition or wrecking shall require a landscape survey to insure that valuable existing trees are not damaged or destroyed; however, the submission of the survey may be waived by the planning and zoning director. In the event a survey is waived, the applicant shall provide a detailed landscape narrative. Trees that have a trunk diameter of eight or more inches shall not be removed without the approval of the planning and zoning director.~~
- ~~(c) Exemptions. Exemptions to these regulations include all of the following, provided no new construction and/or additions to existing buildings or removal or damage to existing vegetation are required:~~

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- ~~(1) All permits for plumbing, heating, air conditioning, elevators, fire alarms, and extinguishing equipment, and other mechanical and electrical equipment.~~
- ~~(2) Any permit necessary for the compliance with a lawful order of the building official, fire marshal, or public works director including:
 - ~~a. Any permit necessary for the immediate public health or safety.~~
 - ~~b. All permits for interior alterations and repairs.~~~~

~~Sec. 126-4. Elements of the landscape plan.~~

~~Landscape elements shall include but not be limited to:~~

- ~~(1) Palms, shade trees, shrubs, ground cover, lawn areas, walls, wood fencing, sculptures, water features, irrigation system, outdoor furniture such as benches and outdoor lighting and paving materials such as concrete pavers, wood decking, and unit pavers.~~
- ~~(2) Any nonliving durable material commonly used in landscaping but not limited to rocks, pebbles or sand.~~

~~Sec. 126-5. Landscape plan submission.~~

- ~~(a) Prior to the issuance of a building permit, the planning, design and historic preservation division shall approve a landscape plan which includes the following:
 - ~~(1) Location of all existing vegetation by name and size, trees to remain, to be relocated either on or off site, or to be removed;~~
 - ~~(2) Location of all proposed landscape elements including botanical names, common names, quantities, height, spread, spacing and grades;~~
 - ~~(3) All paving materials;~~
 - ~~(4) All site furnishings, such as benches, and planters;~~
 - ~~(5) Mulching, fertilizing, staking, planting bed preparation;~~
 - ~~(6) The existence of irrigation system, if required; and~~
 - ~~(7) Existing and proposed lighting with fixture location, sizes, heights and cut sheets.~~~~
- ~~(b) No certificate of completion, occupational license, or certificate of occupancy shall be issued unless the planning, design and historic preservation division has determined that the installed landscaping substantially meets the requirements as listed in the landscape plan.~~

~~Sec. 126-6. Landscape criteria.~~

~~When the site is located in an area designated for landscape review, the following regulations shall be used in evaluating the plans:~~

- ~~(1) All districts except I-1. In all districts except I-1 the following shall apply:~~

- a. ~~Surface/ground treatment. One canopy tree or grouping of three palms shall be provided for every 25 linear feet of frontage in a required yard abutting a public right-of-way. Where a driveway crosses a landscaped easement and a curb cut is provided, the driveway shall be paved with a hard surface material such as concrete, asphalt, or decorative unit pavers and shall have a clearly defined edge between paving and landscaped easement.~~

~~Any plantings located in the right-of-way including but not limited to trees, shrubs, ground cover, and sod shall be maintained by the abutting property owner and approved by the planning, design and historic preservation division.~~

- b. ~~Hedges.~~

- 1. ~~Required front yards. In required front yards hedges, ground cover, vines, and sod may be placed in the required yards. Hedges or other living barriers not associated with a fence or wall shall have a maximum height of five feet. Hedges or other living barriers provided in concert with a fence or wall shall not exceed a height of five feet or the height of the permitted fence or wall, whichever is greater.~~

- 2. ~~Height limitation generally; maintenance. There is no height limitation. Hedge material must be kept neat, evenly trimmed and properly maintained. For corner visibility regulations see Section 142-1135.~~

- ~~(2) At-grade parking lots. For the purpose of this Section, the term "at-grade" parking lot shall encompass commercial parking lots and noncommercial parking lots as described in Section 114-1 whether they are primary or accessory uses and that portion of a lot which is underneath the building and is at-grade which is utilized for parking. Notwithstanding the requirements in this Section in no instance shall the required landscaped area be less than 20 percent of the total area, except for temporary parking lots which are subject to Section 130-68, and lots which are 55 feet wide or less.~~

- a. ~~Required landscaping adjacent to the public right-of-way shall be landscaped as follows:~~

- 1. ~~Landscaping shall include one tree or grouping of three palms for each 30 linear feet or any fraction thereof. Such trees shall be located between the abutting right of way and parking lot area and shall be planted in a planting area of at least 25 square feet with a minimum dimension of five feet. In addition, a hedge, wall or other landscape barrier not to exceed 3 1/2 feet at maturity and at least 2 1/2 feet in height at the time of planting, shall be placed only along the right of way. If such barrier is of nonliving material, one shrub or vine shall be planted abutting the barrier for each ten linear feet. Such shrubs or vines shall only be planted between the property line and barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscape treatment excluding paving.~~

- 2. ~~Any plantings located in the right of way including, but not limited to, trees, shrubs, ground cover, and sod shall be maintained by the abutting property owner.~~

- 3. ~~Necessary access ways from the street through all such landscaping shall be permitted to service the parking lot and such access ways may be subtracted from the linear dimension used to determine the number of trees required.~~

- ~~b. Perimeter parking adjacent to side and rear property lines shall be landscaped as follows. The perimeter of parking areas abutting residential or commercial properties shall provide, at a minimum, a five foot landscaped strip, except when abutting an alley. The perimeter of the parking area shall also be screened with an opaque fence, wall or continuous hedge or other durable landscape barrier. If plant material is used as the screening device, it shall not be less than a height of 30 inches at the time of planting. All landscape areas along the perimeter of the parking areas abutting residential or commercial properties shall provide one tree or cluster of three palms for every 40 linear feet of property relating to an abutting property.~~
 - ~~c. Parking area, interior landscaping shall be as follows. Parking areas shall provide a minimum of five percent of net interior area as landscaping. One tree or grouping of three palms with a clear trunk of at least six feet shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. In instances where the strict application of this subsection will seriously limit the function of the parking area, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping shall be in addition to the perimeter landscaping requirements. Landscaped area shall require protection from vehicular encroachment. Car stops shall be placed at least 2 1/2 feet from the edge of the paved area. The minimum and maximum paved area designated as the required parking space shall be as stated in Chapter 130, article III. In no instance shall the required landscaped area be included within the required parking space area.~~
 - ~~d. Notwithstanding the requirements in this Chapter, in no instance shall the required landscaped area be less than 20 percent of the total area of the parking lot.~~
 - ~~e. For parking lots 55 feet wide or less, landscaping shall consist of a perimeter wall or dense hedge of at least three and one-half feet in height, one shade tree or three palms per 30 linear feet adjacent to a public right-of-way, one palm per 30 linear feet along the side property lines, and one shade tree or three palms per 30 linear feet along the rear property line except when abutting an alley. An in-ground irrigation system that covers 100 percent of the landscaped areas shall be provided.~~
- ~~(3) Other vehicular use areas. Landscape requirements of vehicular use areas, such as service stations, are subject to regulations as stated in subsection 126-6(2).~~
 - ~~(4) Parking garages. Parking garage requirements for landscaping shall comply with regulations as stated in subsection 126-6(1).~~
 - ~~(5) Dumpsters. Dumpsters shall not be located within any front yard or required side or rear yards. They shall be within an enclosed area.~~
 - ~~(6) Temporary parking lot standards. Landscape standards and setback requirements are pursuant to Section 130-68.~~
 - ~~(7) Appeals. All appeals regarding the interpretation of the landscape ordinance shall be to the board of adjustment.~~

SECTION 2. That Chapter 130, entitled "Off-Street Parking," Article III, entitled "Design Standards," of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 130-70. - Temporary parking lot standards.

(1) Temporary commercial or noncommercial parking lots may be operated in the MR marine district, GU government use district, MXE mixed use entertainment district, I-1 urban light industrial district or in any commercial district. These lots may be operated independent of a primary use. Temporary, noncommercial lots may be located in the R-PS1—4 and in any multifamily residential district or within the architectural district as defined in Section 114-1. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.

* * *

(8) ~~Landscaping requirements shall be pursuant to Section 126-12 of the Land Development Regulations. A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:~~

- ~~a. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. The areas fronting a street or alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department.~~
- ~~b. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.~~
- ~~c. For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One shade tree or grouping of three palms with a clear trunk of at least six feet shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.~~
- ~~d. Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least 2½ feet from the edge of the paved area.~~
- ~~e. Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan.~~
- ~~f. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material,~~

~~fertilization and irrigation. This maintenance plan shall be approved by the planning department.~~

* * *

Sec. 130-71. - Provisional parking lot standards.

When permitted, the following standards are established for provisional parking lots:

- (1) Provisional commercial or noncommercial parking lots may be operated in the CD1-3 (commercial, low to high intensity) districts, CPS-1 and 2 (commercial performance standards districts), I-1 (urban light industrial) district, and MXE (mixed use entertainment) district. These lots may be operated independent of a primary use. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage, not to exceed 20 square feet. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, the phone number for Code Compliance, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.

* * *

(6) Landscaping requirements shall be pursuant to Section 126-12 of the Land Development Regulations.:

~~a. A landscape plan that specifies and quantifies the proposed and/or existing plant material inclusive of mature shade trees, hedge material and ground cover shall be submitted for review and approval by the planning department.~~

~~At a minimum, the plan shall indicate a two feet six inches (2½ feet) wide, landscaped area bordering the surfaced area along all property lines. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; the side or sides of the lot that face a street or an alley shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and 60 inches (five feet) at maturity.~~

~~b. The areas fronting a right of way or an alley shall be landscaped with a grouping of three palms every 20 linear feet of frontage or one canopy tree every 25 feet of frontage.~~

~~c. An in-ground irrigation system that covers 100 percent of the landscaped areas shall be required.~~

~~d. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.~~

DRAFT

SECTION 3. REPEALER.

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

SECTION 4. CODIFICATION.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

MAYOR

CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney Date

First Reading: _____, 2016
Second Reading: _____, 2016

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

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

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CITY OF MIAMI BEACH NON-SPECIMEN TREES

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 46, "ENVIRONMENT", ARTICLE II, "CARE AND MAINTENANCE OF TREES AND PLANTS", DIVISION 2, "TREE PRESERVATION AND PROTECTION," BY TO MODIFY THE DIAMETER AT BREAST HEIGHT OF NON-SPECIMEN TREES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, it is the City's intent to prevent the destruction of the City's existing tree canopy and promote its expansion; and

WHEREAS, it is in the best interest of the City to improve the aesthetic appearance of new development and protecting designated historic landscapes; and

WHEREAS, the City seeks to promote the use of canopy trees to sequester carbon dioxide emissions and that increase climate change; and

WHEREAS, the adoption of the provisions set forth below are necessary to accomplish the above objectives.

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

Chapter 46 - ENVIRONMENT

ARTICLE II. - CARE AND MAINTENANCE OF TREES AND PLANTS

DIVISION 2. - TREE PRESERVATION AND PROTECTION

Sec. 46-56. - Definitions.

* * *

Prohibited tree species: Those tree species listed in Chapter 24 of the Miami Dade County Code, as amended, whose sale, propagation, planting, importation or transportation shall be prohibited under Miami-Dade County regulations.

Non-specimen tree: Any tree that is not designated by the City of Miami Beach as an exempt tree, and which:

- a. Is located on public land or ~~zoning districts other than single-family districts~~ private land, having no less than a three-inch DBH or ten-foot mature height; or

- b. Is a replacement tree or any non-exempt tree that is represented or identified in a planning or development document for the purposes of securing an approved city building or demolition permit.

* * *

Specimen tree: A tree with an individual trunk that has a DBH of 12 inches or greater, or any multiple-trunk tree in which the sum of the diameters of all the trunks at DBH is 12 inches or greater, but not including non-native species of the genus Ficus.

* * *

Sec. 46-58. - Scope, exemptions and prohibited species.

It shall be unlawful for any person, unless otherwise permitted by the provisions of this division, to perform tree removal work or effectively destroy any non-specimen tree, specimen tree or heritage tree located within the boundaries of the City of Miami Beach, on either public or private property, without first obtaining a tree work permit.

- (1) Exemptions. The following shall be exempt from the provisions of this division, and do not require a tree work permit:
 - (a) Removal of prohibited species that do not have a heritage tree designation or are located in a designated historic district.
 - (b) Removal of dead trees or trees destroyed by an act of God. This exemption does not apply to any trees or palms effectively destroyed through violations of those provisions set forth herein.
 - (c) Any tree that, as the result of damage, disease or other cause, poses imminent danger to health, safety or property, and therefore requires immediate removal, may be removed without obtaining a tree work permit: provided that the owner of the property can establish that such hazardous condition(s) existed prior to the removal.
 - (d) Removal of trees within the yard area of an existing single-family residence in a single family zoning district; provided the trees are not-specimen trees with a DBH of less than nine six (6) inches or greater. This exemption does not apply to trees that are growing on public rights-of-way adjoining existing single family residences.

Sec. 46-59. - Tree work permit application processing, requirements, and review.

- (1) Permit, when required. A tree work permit shall be required:
 - (a) For the removal or relocation of any non-specimen tree, specimen tree or heritage tree within the City of Miami Beach that is subject to review as specified in section 46-58.

No person, agent or representative thereof, directly or indirectly, shall cut down, remove, relocate, or effectively destroy any non-specimen, specimen or heritage tree situated on any property described in section 46-58, without first obtaining a tree work permit as hereinafter provided. No building permit shall be issued by the city's building department, and no right-of-way permit shall be issued by the public works department, for any work that has the potential to affect trees, including new construction, additions, carports, pools, decks, fences, driveways, parking lots, tennis courts, demolition, or similar work, unless it

has been determined that no tree work permit is required, or a valid tree work permit has been issued in accordance with this division.

- (2) Application requirements. Applications for tree work permits shall be made on the form provided for that purpose by the public works department. The application shall include a written statement indicating the reasons for the removal or relocation of each tree and shall describe the proposed tree work. The following documentation and any applicable fees shall accompany applications:
 - (a) Applications for all locations except for existing single-family homes. Applications for tree work, in conjunction with any new construction, including new single-family homes and additions, shall include a tree survey drawn to scale identifying the species and listing the height, spread and DBH of all existing trees shall be provided. The tree survey shall be prepared by and bear the seal of a professional land surveyor, licensed in the State of Florida. In addition, a tree disposition and site plan drawn to scale identifying and listing all existing trees and specifying the condition of each tree and whether such trees are to remain, to be removed or to be relocated, shall be provided. This plan shall also illustrate the location of all existing structures and/or all proposed new construction, as applicable, the location of any overhead and/or underground utilities, the new locations of existing trees to be relocated on site, and all areas affected by construction-related activities. such as access routes to the property, and staging area. The plan shall be prepared by and bear the seal of a landscape architect currently licensed to practice in the State of Florida.
 - (b) Applications for existing single-family homes. Applications for tree work at existing single-family homes shall require a site sketch indicating the approximate location and disposition of the tree(s).
 - (c) A tree replacement plan prepared in accordance with section 46-61.
 - (d) The public works department shall determine the completeness of an application pursuant to this subsection. and provide notification to the applicant of any material that is required for the issuance or denial of the tree work permit.
- (3) Review of application. Upon receipt of a completed application, the public works department shall review the application for compliance with the regulations as set forth in this division. Such review may include a field inspection of the site. The public works department shall issue an intended decision approving, denying or approving with conditions the application within 30 calendar days from the date the application is deemed completed.
- (4) Issuance of permit. The tree work permit, if approved by the public works department, shall be issued. The property owner shall be responsible for insuring that the tree work permit is displayed until the authorized work is completed. If the permitted work is not completed within one year from the issuance date, the permit shall become subject to revocation.
- (5) Fees. Fees for tree work permits shall be established by the city commission. Applications from government agencies for tree removals solely in areas dedicated to public use may, at the discretion of the city commission, be exempted from application and permit fees.
- (6) Final inspection. No later than six months following the completion of the authorized work, the applicant shall schedule a final inspection with the public works department for verification and acceptance of the final authorized work. The inspection shall be

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

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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: Commissioner Kristen Rosen Gonzalez

DATE: March 9, 2016

SUBJECT: Referral To Sustainability and Resilience Committee - Discussion regarding Green Corridor Program as authorized under Section 163.01, Florida Statutes, a/k/a the Green Corridor Property Assessment Clean Energy (PACE) District

The Green Corridor Property Assessment Clean Energy (PACE) District, hereinafter referred to as the "Green Corridor", through its Third-Party Administrator, Ygrene, provides 100% financing to commercial and residential property owners for energy efficiency, renewable energy, and hurricane protection improvements. Financing is repayable over the long term through the property owner's property tax bill. The Green Corridor was established in 2012.

By way of background, 163.08, Florida Statutes, was created by the state legislature to authorize the establishment of PACE programs. In fact, Chapter 163 authorized a "local government," (including a separate legal entity established by a city) may finance energy related "qualifying improvements" through voluntary assessments. Specifically, Section 163.08, Florida Statutes, provides that improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of alleviating the property's burden from energy consumption and assists in the fulfillment of the state's energy and hurricane mitigation policies. Further, Section 163.08(5), Florida Statutes, provides that local governments may enter into a partnership with one or more local governments for the purpose of providing and financing qualifying improvements.

I would like to refer to the Sustainability and Resiliency Committee a discussion item relating to joining the "Green Corridor" Program, through the implementation of an Interlocal Agreement. The Green Corridor has as members Cutler Bay, Palmetto Bay, Pinecrest, South Miami, Miami, Coral Gables, Miami Springs, and several other cities.

The Purpose of the Corridor, and participation in the Green Corridor through the Interlocal Agreement would be to participate in the Corridor, and utilize it as a means of implementing and financing a qualifying improvements program within the participating jurisdictions.

RENEWABLE ENERGY

Emerging technologies
Photovoltaic systems (electricity)
 Solar thermal hot-water systems
 Solar thermal systems for pool heating

Solar PV systems can reduce your electricity bills by up to 80%, saving you money and enabling you to produce your own energy from a clean, sustainable source.



ENERGY EFFICIENCY

Additional building openings for natural light
 Air filtration
 Air sealing and ventilation
 Attic, floor, walls, roof, ducts
 Bathroom, ceiling, attic, and whole-house fans

Building envelope

Classroom lighting
 Cool roof
 Defect correction
 Evaporative coolers
 Geothermal exchange heat pumps
 HVAC systems
 Insulation
 Kitchen exhaust variable air-volume controls
 Lighting (fixture retrofits only)
 Natural gas storage water heater
 Occupancy-sensor lighting fixtures
 Pool equipment
 Reflective insulation or radiant barriers
 Refrigerator case LED lighting
 Sealing & duct leakage
 Skylights
 SMART parking-garage bi-level fixtures
 SMART parking-lot bi-level fixture
 SMART pathway lighting
 SMART wall-pack fixtures
 Solar tubes
 Solar water heater system
Tankless water heater
 Task ambient office lighting
 Weather stripping
 Window filming
 Windows and glass doors
 Wireless daylight-lighting controls
 Wireless HVAC controls & fault detection

HURRICANE PROTECTION

Gable-end bracing
 Perimeter-opening protections
 Raising building elevations
 Roof deck & foundation strength improvements
 Roof-to-wall connection reinforcement
 Secondary water barrier
 Storm shutters
Wind-resistant shingles or other roofing

Sealing and insulating the "shell" of your building, particularly around windows, vents and ducts, is a cost-effective way to save up to 20% on heating and cooling costs.

Protecting your roof, windows, doors and external fixtures from hurricane force winds not only makes your home safer but can also substantially reduce the amount you pay in insurance premiums each year.

CUSTOM MEASURES

Building energy-management controls
 Co-generation (heat and energy)
 Emerging technologies
 Fuel cells
 HVAC duct zoning-control systems
 Hydrogen fuel
 Industrial equipment, motors and controls
 Irrigation pumps and controls
 Lighting controls
 Natural gas
 Other fuel sources
 Wind-turbine power system

By heating only the hot water you need when you need it, demand initiated, or tankless, hot water heaters are 25-35% more efficient than conventional systems.

ELIGIBILITY REQUIREMENTS

- 15% Equity in the Property
- Current on Mortgage Payments for 3 Years
- Current on Property Taxes for 3 Years
- No Bankruptcy for 3 Years
- Minimum Finance Amount of \$2,500

IT'S EASY TO GET STARTED

1. Visit us online at www.CleanEnergyGreenCorridor.com to apply and get connected with financing.
2. Choose your contractor.
3. Make the clean energy improvements of your choice.
4. Repay the financing through your property tax bills over periods of up to 20 years.

Or visit us in person to speak with a knowledgeable member of our staff.

Granado, Rafael

From: Grieco, Michael
Sent: Sunday, February 28, 2016 7:30 PM
To: Granado, Rafael
Subject: March 9 Referral to Land Use Committe

Rafael,

Please include this email in said LUDC referral, to be titled **“Referral Regarding Incentivizing Workforce Housing in the Private Sector.”**

The intention is to move past our current efforts in recommitting some city property to incentivizing private property owners and developers to contribute to the workforce housing inventory. I would also include in this referral a direction to the city manager to seek any grant money that could support our efforts in keeping our workers here. There is an obvious intercity traffic benefit to encouraging a work-live scenario for more folks, but the idea of having more people in city day and night with skin in the game is the main motivator. I want to encourage Maria Ruiz and the Planning Department to seek direction from Seattle’s approach, as they have experienced similar shortages in such housing.

Please print the PDF @

https://metropolitan.fiu.edu/research/services/economic-and-housing-market-analysis/s_fl_a_housing_practice.pdf

and the page <https://www.theurbanist.org/2014/06/30/workforce-housing-recommendations/>

and attach to the referral.

Thanks

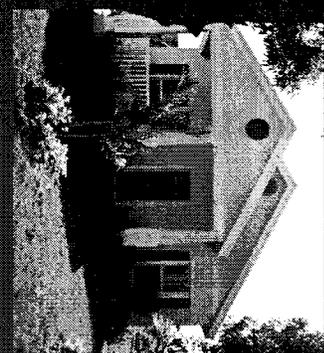
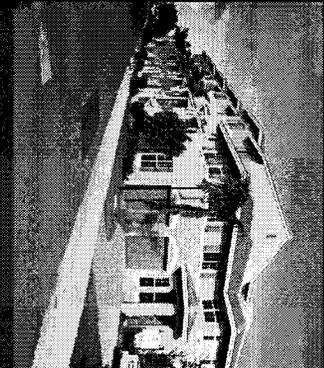
MIAMI BEACH

MICHAEL GRIECO, Commissioner

1700 Convention Center Drive
Miami Beach, FL 33140

Tel: 305-673-7204 | Fax: 305-673-7096
michaelgrieco@miamibeachfl.gov

SIGN UP FOR OUR NEWSLETTER [HERE](#)



South Florida Workforce Housing Best Practices

City of Boynton Beach, City of Delray Beach, Town of Davie, City of Miami Beach and City of West Palm Beach

November 2008

Prepared for: South Florida Regional Business Alliance
Prepared by: The Metropolitan Center
at Florida International University

Acknowledgements

The South Florida Regional Business Alliance gratefully acknowledges the

John D. and Catherine T. MacArthur Foundation

*for its support of regional partnerships and initiatives in the area of affordable and workforce housing.
This regional study would not have been possible without their support.*

*The South Florida Regional Business Alliance would also like to acknowledge the
following organizations for their time and support of this regional effort.*

Broward Housing Partnership

Broward Workshop

Economic Council of Palm Beach County, Inc.

FAU Center for Environmental and Urban Solutions

FIU Metropolitan Center

Greater Miami Chamber of Commerce & the Chamber's Workforce Housing Committee

Housing Leadership Council of Palm Beach County, Inc.

South Florida Regional Planning Council

ULI Southeast Florida / Caribbean

Acknowledgements

Vivian Brooks, Assistant Director
Community Redevelopment Agency
City of Boynton Beach

Hanna Matras, Senior Planner
City of Boynton Beach

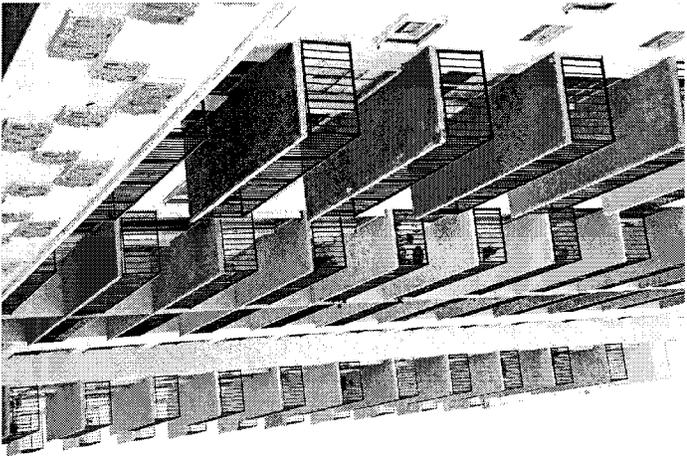
Shirley Taylor-Prakelt, Director
Housing and Community Development
Town of Davie

Diane Colonna, Executive Director
Community Redevelopment Agency
City of Delray Beach

Roberto Datorre, Executive Director
City of Miami Beach CDC

Denis Russ, Director of Community Development
City of Miami Beach CDC

Terri Murray, Executive Director
Northwood Renaissance
City of West Palm Beach



FIU Metropolitan Center Research Team

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*Cover Design & Report Design and Layout:
Candy Hurtado*

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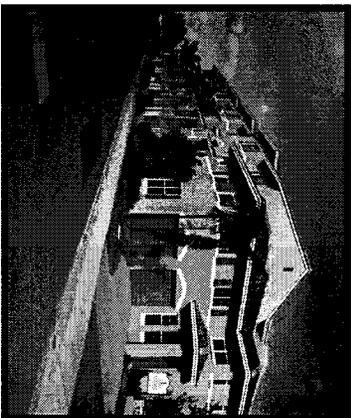
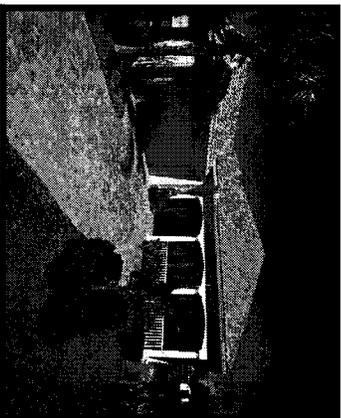
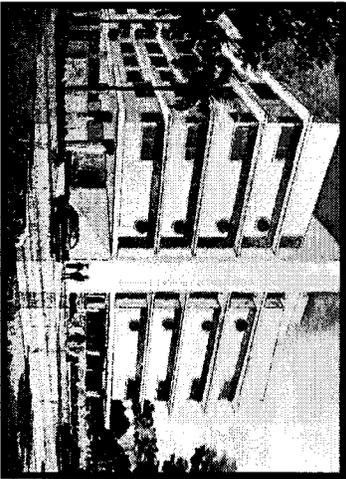
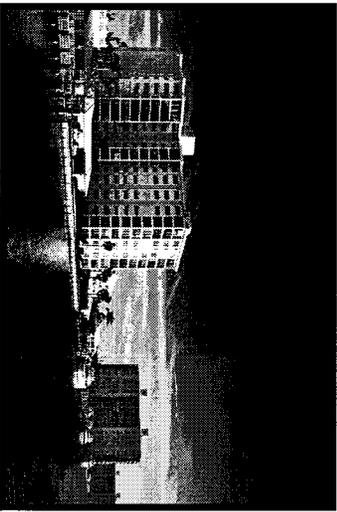
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A. Introduction

South Florida Workforce Housing Best Practices is a companion study to the 2008 *South Florida Workforce Housing Needs Assessment*. The study highlights the accomplishments of South Florida municipalities that have been proactive in addressing the workforce housing needs of their respective communities. The best practice case studies are the product of a "scorecard" assessment of affordable housing delivery among South Florida's county and municipal governments. The scorecards were prepared by the Florida International University Metropolitan Center on behalf of the Broward Housing Partnership (BHP) and Housing Leadership Council of Palm Beach County (HLC/PBC) as part of their workforce housing needs assessments. The Municipal Scorecard for Affordable Housing Delivery® (MS-AHD) model was created to monitor and evaluate

the progress of local governments in developing and implementing workforce/affordable housing policies and building management and institutional capacities to address these issues in the long-term.

The MS-AHD implementation in Broward and Palm Beach Counties enabled the MCFIU to assess the progress of the counties and larger municipalities during the past year. The MS-AHD also enabled the MCAHD to highlight best practice examples in South Florida for other local governments to emulate and perhaps replicate within their local context. The following sections summarize the MS-AHD assessments in Broward and Palm Beach Counties and highlights specific workforce housing best practice efforts that have been initiated.



South Florida's workforce housing supply and affordability mismatch was exacerbated by speculative investment that resulted in multiple conversions of rental units to condominiums and an overall development trend in recent years toward a more upscale housing demand external to the local market

B. The Municipal Scorecard for Affordable Housing Delivery®

The Municipal Scorecard for Affordable Housing Delivery® (MS-AHD) model was created to provide a systematic and comprehensive approach toward the policy development, implementation and performance evaluation of workforce/affordable housing initiatives at the local level. The expectation is that in order for local governments to address the urgency, complexities and long-term commitment to workforce/affordable housing issues there is the need to institute a systematic, comprehensive and performance-based approach.

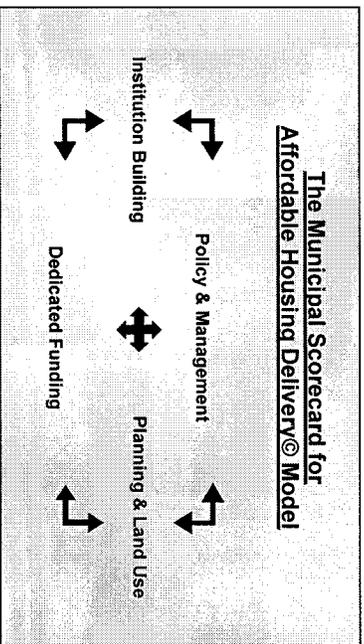
The MS-AHD's systematic and comprehensive approach is a "strategy" linked to a set of objectives (processes) and measures to evaluate performance (outcomes). The initial application of the MS-AHD model identified and mapped the lead indicators (processes) and guideposts to determine the extent to which local governments in South Florida had adopted systematic and comprehensive approaches to their workforce/affordable housing needs. The identification and mapping of lead indicators that serve as the "drivers" of performance is the critical first step in performance evaluation as lead indicators are predictive in nature.

The following are the guiding principals of the MS-AHD model:

- 1) Each municipality has a "resident workforce" that is integral to the character of each community and a "commuter workforce" that supports the local economy;
- 2) The creation of an effective response to workforce/affordable housing needs requires solutions being developed and implemented at both the municipal and county levels of local government;
- 3) An effective policy response will necessitate a coordinated and integrated approach to affordable housing production and preservation;
- 4) Current federal and state programs are insufficient both in terms of funding and lack of coordination and integration with other important government layers that control or influence the delivery of affordable housing, including land use planning, zoning and community redevelopment activities; and
- 5) Local workforce/affordable housing programs and initiatives must be performance-driven.

Methodology

The MS-AHD model consists of four (4) interrelated and mutually-supporting workforce/affordable housing delivery "process criteria." The four processes provide the basis for a systematic and comprehensive workforce/affordable housing delivery system. Together these processes aim to provide the essential policy skills and leadership, management commitment, dedicated funding and on-going institutional capacity-building to enable the successful development and implementation of a sustainable workforce/affordable housing delivery system. Further, the MS-AHD serves as a performance measurement tool that can evaluate the effectiveness of a municipality in designing and implementing a workforce/affordable housing delivery system. The expected outcome of this approach (strategy) should be a sustained level of workforce/affordable housing production and preservation.



The MS-AHD methodology involves an assessment of current policies, plans and other initiatives that each municipality has adopted to address their workforce/affordable housing needs and issues. The assessment includes a review of each municipality's Comprehensive Plan and recent Comprehensive Plan Evaluation and Appraisal Report (EAR). The review also includes HUD-Consolidated Plans, Local Housing Assistance Plans (LHAPs) and Community Redevelopment Area (CRA) Plans, where applicable. The methodology also includes an interview component with relevant city/town departments and agencies, including Planning and Zoning, Housing and Community Development and Community Redevelopment Agencies (CRAs).

1) Policy and Management Process

Effective policy and professional management are inseparable in an effective affordable housing delivery system. Coherent policy direction and sound management practice are essential. Clear policy direction will include a commitment to professional management capacity and resources. Organizational and professional management capacity are important requisites for the effective planning and implementation of affordable housing strategies. An effective policy and management process for affordable housing delivery will demonstrate clear policy direction and professional management capacity resulting in measurable affordable housing production and preservation initiatives.

Policy and Management Assessment

The adoption of a comprehensive local workforce/affordable housing policy and the implementation of a coordinated and integrated housing management system are potential outcomes of an effective policy and management process. A comprehensive workforce/affordable housing policy must specifically address each of the other interrelated elements of the MS-AHD model – Planning and Land Use, Dedicated Funding, Institution Building. Therefore, the MS-AHD policy and management assessment would first determine whether a comprehensive and overarching workforce/affordable housing policy has been adopted, and secondly, whether the necessary professional management resources have been inputted to effectively support the implementation of the workforce/affordable housing policy.

Absent a comprehensive local workforce/affordable housing policy, the MS-AHD assessment targets a municipality's various housing sub-policies - HUD Consolidated Plan, Comprehensive Plan and Community Redevelopment Plan. The coordination and integration of these planning policies, including their level of management capacity, are critical in the State of Florida as together these plans currently determine the extent of workforce/affordable housing production and preservation at the municipal level.

2) Planning and Land Use Process

Effective planning and land use will contribute to both policy formulation and strategy implementation in an affordable housing delivery system. Planning will inform policy and then create appropriate land use changes to promote affordable housing development opportunities. As such, the MS-AHD model determines whether planning is being used as a vehicle for informing affordable housing policy decisions and a means for implementing affordable policy strategies. An effective planning and land use process for affordable housing delivery will also integrate workforce/affordable housing with related planning initiatives involving economic development, transportation and capital improvements.

Planning and Land Use Assessment

Land use and zoning changes that would provide new opportunities and incentives for affordable housing production and preservation are potential outcomes of an effective planning and land use process. A municipality's Comprehensive Plan can be an effective tool for developing and implementing workforce/affordable housing policies and strategies. However, it is important that correlations are identified between the required Housing Element and other key elements of the Comprehensive Plan. Specifically, how do the policies and objectives of the Housing Element correlate with the policies and objectives of the Future Land Use, Public Facilities, Transportation and Capital Improvements Elements and certain "optional" elements such as Economic Development which can provide the necessary planning for expanded employment opportunities for the local workforce.

The Planning and Land Use assessment also determines the level to which a municipality's HUD Consolidated Plan, Local Housing Assistance Plan (LHAP), and Community Redevelopment Area (CRA) Plan are coordinated and integrated with the Comprehensive Plan to provide clear visioning and strategies for workforce/affordable housing production and preservation. The HUD Consolidated Plan, LHAP and CRA Plan provide many of the important financing tools for workforce/affordable housing development.

3) Dedicated Funding Process

The MS-AHD model includes a process for developing and sustaining a local, dedicated funding source for workforce/affordable housing. Workforce/affordable housing policies and strategies must be supported by a long-term dedicated funding stream. A local dedicated funding source shows government commitment and an assurance that planned affordable housing opportunities are realized. A dedicated funding process for affordable housing delivery will also include support to county/city departments and other housing agencies responsible for implementing affordable housing policies and strategies.

Dedicated Funding Assessment

The establishment of a housing trust fund or a workforce/affordable bond issue are potential outcomes of a local dedicated funding process. Local dedicated funding includes long-term support for a variety of workforce/affordable housing development strategies including land acquisition, construction, financing and housing rehabilitation/preservation. Dedicated funding also includes staff support for departments and agencies responsible for the planning and management of workforce/affordable housing programs and services including outside non-profit housing development organizations.

The earmarking of CRA tax increment financing (TIF) funds is a potential "short-term" dedicated funding source for workforce/affordable housing development. While the funding is limited to designated community redevelopment areas, there is substantial flexibility in the use of TIF funds to support workforce/affordable housing development activities. Likewise, larger municipalities have access to various federal and state housing funds, e.g. Community Development Block Grant (CDBG), HOME, and State Housing Initiatives Program (SHIP), which can be piggybacked and combined with local housing financing tools to address workforce /affordable housing needs. Federal and State programs also provide support for the on-going planning and management of local housing programs. Newly allocated Neighborhood Stabilization Program (NSP) funds should also be targeted and leveraged with existing housing resources.

4) Institution Building Process

Institution building is seen as an important long-term process for addressing a community's affordable housing needs. Sustainable affordable housing policy and strategies will include on-going institutional capacity building among local government, business and industry, educational institutions and community-based organizations (CBOs). This effort includes the development of formal public/private partnerships and the collaboration of all key stakeholders. Institution building includes the development and leveraging of local financing resources, expanding the functions of non-profit housing organizations and the development of employer assisted housing (EAH) programs and strategies.

Institution Building Assessment

The formation and active engagement of working public/private partnerships involving key stakeholders and employer assisted housing (EAH) programs are potential outcomes of a local institution building process. The MS-AHD model determines the extent to which municipalities have formally engaged the private sector – business and industry - and community-based nonprofit organizations in developing and implementing workforce/affordable housing policies and strategies. The model also assesses the extent to which individual municipalities have expanded in-house capacity to improve the management of workforce/affordable housing programs, including the leveraging of local financing resources with non-profit housing developers and private lending consortia.

C. General Findings

As previously noted, the MS-AHD model was applied in both Broward and Palm Beach Counties as part of the 2007 Affordable Housing Market Updates prepared on behalf of the Broward Housing Partnership (BHP) and Housing Leadership Council of Palm Beach County (HLC/PBC). The following is a summation of the key findings:

Policy and Management Assessment

- * County and municipal governments in Broward and Palm Beach Counties lack a comprehensive and systematic policy approach to workforce/affordable housing issues;
- * While lacking a comprehensive and systematic approach, a significant number of local governments have begun to address their workforce/affordable housing needs through policy changes within the Comprehensive Plan, including recent EAR-based amendments;
- * Most local governments do not effectively integrate changes to the Housing Element of their Comprehensive Plans with other critical elements such as Future Land Use, Public Facilities, Transportation, Economic (optional) and Capital Improvements;
- * Few local governments correlate policy initiatives in their Comprehensive Plans with housing and development policies within their respective HUD Consolidated Plans, Local Housing Assistance Plans (LHAPs) and Community Redevelopment Area (CRA) Plans;
- * The local delivery of workforce/affordable housing policies and programs are typically fragmented among each local government's Housing and Community Development and Planning & Zoning Departments and Community Redevelopment Agencies (CRAs);
- * Combining in-house management and operational functions is generally problematic in local affordable housing delivery systems;
- * Local governments that have made progress in addressing their workforce/affordable housing needs demonstrate a discernible level of coordination and communication among key departments and agencies;

- * While many local governments have instituted "expedited" permitting processes, a comprehensive single-application process for workforce/affordable projects is non-existent; and
- * Several local governments "fund" impact fee waivers for workforce/affordable housing projects, but actual impact fee waivers are prohibited by state government regulation.

Planning and Land Use Assessment

- * Local governments that have made strides in addressing their workforce/affordable housing needs have generally undertaken coordinated, inter-departmental and inter-agency planning efforts to implement their workforce/affordable housing policies;
- * Coordinated and integrated planning efforts generally include recent EAR-based amendments involving Future Land Use and Transportation Elements and accompanying Unified Land Development Regulations;
- * Local governments that have been pro-active in workforce/affordable housing production have inventoried and identified publicly-owned real property in accordance with Chapter 166.0451, Florida Statutes, *Disposition of Municipal Property for Affordable Housing*;
- * Effective planning coordination and integration typically includes HUD Consolidated Plans, Local Housing Assistance Plans (LHAPs) and Community Redevelopment Area (CRA) Plans;
- * Local governments have not effectively addressed economic and industrial planning issues in conjunction with their workforce/affordable housing policies and initiatives; and
- * Several local governments have made efforts to expand mixed-use and transit oriented development (TOD) opportunities to accommodate economic development and mixed-income, workforce housing projects.

Dedicated Funding Assessment

- * Few local governments have developed a local dedicated funding source for affordable housing, instead relying on traditional federal and state funding, e.g. CDBG, HOME, SHIP for affordable housing;
- * Local governments that have made strides in addressing their workforce/affordable housing needs have typically earmarked CRA tax increment financing (TIF) funds toward projects;
- * Several local governments have effectively piggybacked various federal and state housing funds, e.g. CDBG, HOME, and SHIP, with local housing financing tools, including TIF funds, to address their workforce/affordable housing needs;
- * Local workforce/affordable housing programs are principally designed to assist first-time homebuyers with substantial mortgage subsidies; and
- * There is little evidence that local governments have given priority to workforce/affordable housing programs aimed at purchase/rehabilitation, rental rehabilitation or targeted neighborhood revitalization.

Institution Building Assessment

- * While South Florida's workforce/affordable housing policy issues have been effectively articulated and promoted through the efforts of the Broward Housing Partnership, Greater Miami Chamber of Commerce and Housing Leadership Council of Palm Beach County, working private/public partnerships that advance and sustain workforce/affordable housing production has not been developed;
- * Several local governments through their planning and community development departments and CRAs have made significant strides working with community-based organizations such as community land trusts (CLTs) and community development corporations (CDCs) in developing and preserving workforce/affordable housing;

- * While there are several good examples in place in South Florida of local government working effectively with non-profit housing developers, e.g. CLTs, CDCs, this capacity is largely undeveloped;
- * Several local governments, through their community development departments and CRAs, have been successful in developing local lending consortia to help finance workforce/affordable housing initiatives;
- * Employer Assisted Housing (EAH) initiatives are generally undeveloped and the private/public collaborations that are necessary for their success have not been established;
- * The effective leveraging of local financing resources with federal, state and other local public and private resources is an undeveloped institutional capacity.

D. Best Practice Case Study Examples

The following best practice case studies were chosen to demonstrate how successful workforce/affordable housing projects were developed in South Florida. Case studies were selected that provide the clearest evidence of how a more comprehensive and integrated housing delivery system can effectively implement workforce/affordable housing policies and objectives. The case studies focus on specific housing projects and the policies and management capacities that were critical to their success. Four of the projects were identified in the MS-AHD assessment of Broward and Palm Beach Counties. The fifth project, Miami Beach Rental Housing Preservation, was included in the Design Institute at Abaco's 2007 focus on workforce/affordable housing in South Florida.

City of Boynton Beach Workforce Housing Redevelopment

Boynton Beach serves as a South Florida best practice case study for workforce housing redevelopment. The Boynton Beach Community Redevelopment Agency (CRA) partnered with a private developer, the Cornerstone Group, to include affordable housing at The Preserve, a master-planned luxury condominium and townhome community. The Preserve consists of 180 two and three-story townhouses with 50 workforce housing units designated for households earning less than 120 percent of AMI. Through a joint financing effort, income eligible homebuyers can qualify for as much as \$160,000 in financial assistance on a condominium or townhouse. The CRA estimates that with up to \$60,000 in developer contributions, up to \$50,000 in SHIP funds and a potential \$50,000 from the CRA's Homebuyer's Assistance Program, the price on a \$279,990 three-bedroom condominium can be reduced to as low as \$119,990.

The City of Boynton Beach has demonstrated a high-level of coordination and integration through the Department of Development which combines the City's Planning and Zoning and Community Improvement Divisions (CDBG Administration) under one roof. There is also a good working relationship between the City's Department of Development and the Community Redevelopment Agency (CRA). The two departments have worked effectively together in the planning and implementation of the City's Workforce Housing Program.

The Boynton Beach CRA has been active in other workforce housing infill projects including providing a \$3 million land write-down for Ocean Breeze, a mixed-income development consisting of 84 rental units for low- and moderate-income household and 56 townhome units. The CRA has also partnered with the Boynton Beach Faith-Based CDC to create three new homes in the Heart of Boynton neighborhood. The CRA sold the CDC the land for \$10 in exchange for affordability, upgraded design and energy efficiency.



The Boynton Beach CRA has been active in other workforce housing infill projects including providing a \$3 million land write-down for Ocean Breeze, a mixed-income development consisting of 84 rental units for low and moderate income household and 56 town home units



Urban Infill: The Preserve

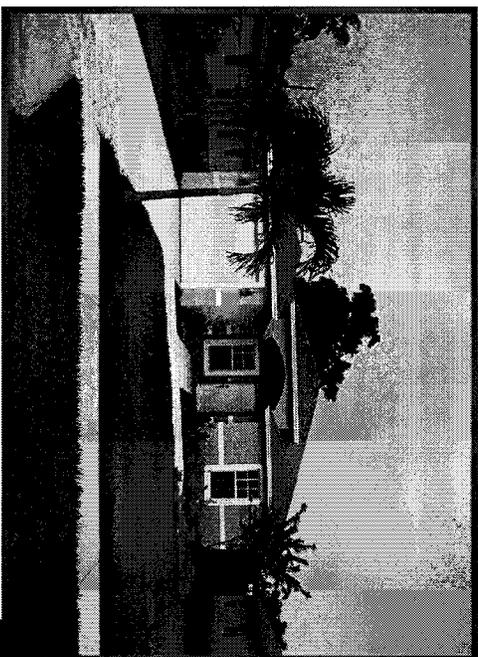
City of Delray Beach Community Land Trust

Delray Beach serves as a South Florida best practice case study for its creation and support of the Delray Beach Community Land Trust (CLT). The creation of the Delray Beach Community Land Trust (CLT) was a key recommendation of the SW Neighborhood Redevelopment Plan adopted by the City Commission in 2003. The CLT was developed as a long-term solution to eliminating barriers to affordability in housing by providing an affordable housing stock within the City in perpetuity. The CRA put forth more than \$4,000,000 in funding to support the CLT during FY 2006-2007. During FY 2005-2006 the City and CRA transferred deeds on nineteen (19) lots to the CLT to utilize as part of the affordable housing inventory. In July of 2006, the City transitioned its First Time Homebuyer Program, which provided traditional down payment assistance, into a Sub-recipient Partnership Program with the Community Land Trust for the purpose of creating even more affordable purchase prices. Under the Sub-recipient Housing Partnership Program, subsidy is awarded (based on occupants income eligibility) to the CLT to be applied towards the principal reduction of construction costs of each eligible unit. This strategy enhances each unit's affordability by keeping the subsidy attached to the unit as opposed to the occupant to ensure affordability in perpetuity.

The CLT receives funding allocations from the Community Redevelopment Agency's (CRA) tax increment financing (TIF) fund and State Housing Initiatives Partnership (SHIP) to produce workforce housing units that will remain affordable for future homebuyers. The City's Family/Workforce Housing policy emphasizes the integration of workforce units into market rate developments. Recent modifications to the Family/Workforce Housing Ordinance give the CLT first right-of-refusal when workforce units that have been built by private developers are put up for sale. Significant coordination and integration exist among these three departments and the Delray Beach Community Land Trust in the planning and implementation of the City's Family/Workforce Housing Ordinance. The City of Delray Beach has committed Community Redevelopment Agency (CRA) tax increment financing (TIF) funds to augment workforce housing development projects. TIF and SHIP funds are combined to produce affordable first-time homebuyer units in conjunction with the Delray Beach Community Land Trust (CLT). A total of \$492,433 in SHIP funds were allocated in Fiscal Year 2006-2007 for first-time homebuyer assistance with the subsidy attached to the housing unit through the CLT. The CLT homebuyer program produced and closed-on ten (10) units in 2007 that are dedicated to low and moderate income homebuyers. Additionally, both TIF and SHIP funds (\$500,000) were used to acquire and convert the historic La France Hotel into 14 affordable apartment units.

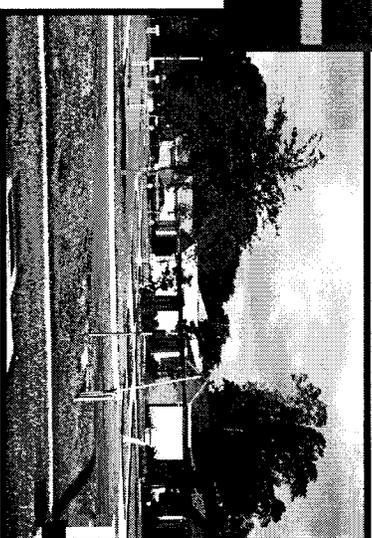


Community Land Trust Purchase/ Rehabilitation



Community Land Trust Purchase/ Rehabilitation

Delray Beach serves as a South Florida Best Practice case study for its creation and support of the Delray Beach Community Land Trust



Swinton Community Land Trust: Single-Family Development

Town of Davie Affordable Housing Policy

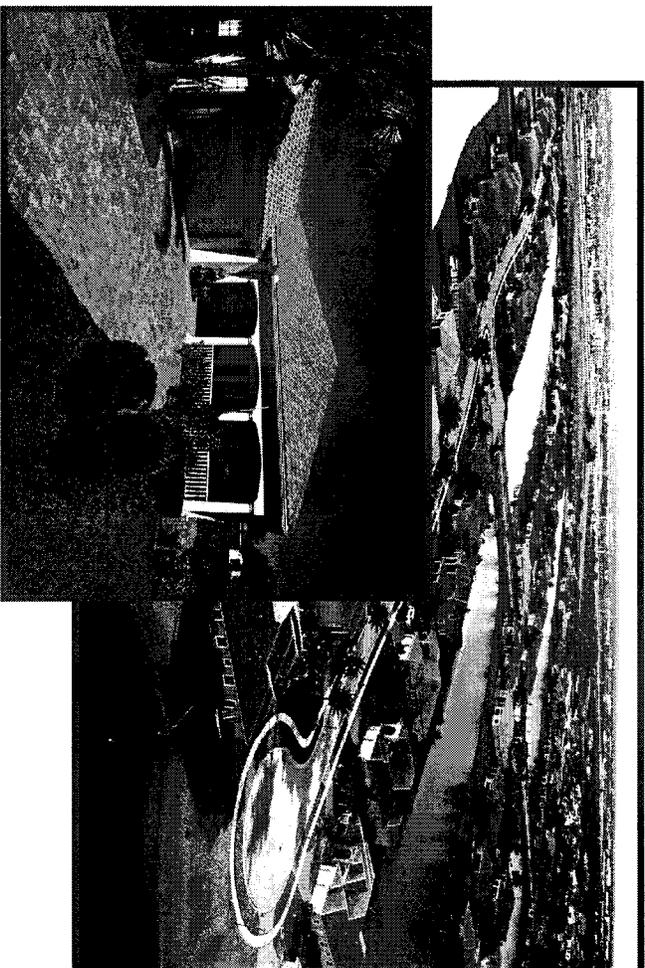
The Town of Davie serves as a South Florida best practice case study for the adoption of affordable housing/inclusionary zoning ordinance and management capacity. The Town's passed its first omnibus affordable housing/inclusionary zoning ordinance on April 16 2008. The goal of the ordinance is "to provide new, sanitary, and sustainable housing by mandating that all new residential developments with 10 units or greater must set aside 20 percent of the units as affordable housing or pay into a trust fund. The fee would ask \$9.00 per square foot not to exceed 1,600 sq ft (\$14,100) in a plan which mirrors the bonus density code of Broward County.

The Town of Davie has a high level of coordination and integration among key departments involved with the delivery of affordable housing programs. There is a good working relationship among the departments of Housing and Community Development, Planning & Zoning and Engineering which guide housing development applications through the process and waive every fee for affordable housing except water and sewer impact fees which are mitigated using SHIP funds. To expedite the permitting process the Town created the Development Services Department which is comprised of Planning & Zoning, Occupational License, Engineering and Code Enforcement. If a plan has at least one affordable housing unit it receives a "red sticker" and is "hand walked" through the permitting process by the Housing and Community Development Director. The Director of Housing and Community Development carefully reviews all prospective affordable housing projects to verify their level of benefit and period of affordability. The waiver of all fees, e.g. Parks and Recreation's Impact Fees, Design Review and Site Plan Processing Fees, Engineering Review Fees, Building Permit Fees, etc., are based on this review.

The Town of Davie has demonstrated a significant level of "in-house" capacity-building in advancing its affordable housing policies and programs. Capacity-building is found in the Town's Housing and Community Development and Planning and Zoning Departments. Within the past 3 years the Town has shown the ability to effectively leverage local funding sources with federal and state housing resources. For example, the Town has effectively leveraged \$1.3 million in tax increment financing (TIF) funds and private financing to build twenty-two (22) affordable housing units through Habitat for Humanity. The Town was creative in leveraging \$500,000 from the Broward County Housing Authority with donated services from the Children Services Council and Memorial Health Care Systems (MHS) in renovating the Ehlinger public housing project.

The Town of Davie has demonstrated an effective and efficient use of federal, state and local funds in addressing their affordable housing needs. The Town effectively leverages local funds e.g. tax increment financing (TIF) and the Community Endowment Fund (CEF) with HUD Community Development Block Grant (CDBG) and HOME funds and State Housing Incentives Program (SHIP) funds. The Town of Davie also uses \$130,818 in CDBG funds for Fair Housing, Citizen Participation & Support Services to expand Fair Housing Education & Outreach Programs designed to remove impediments to fair housing choices and provide a wide range of housing opportunities for Davie residents.

The Town of Davie has a high level of coordination and integration among key departments involved with the delivery of affordable housing programs.



City of Miami Beach Rental Housing Preservation

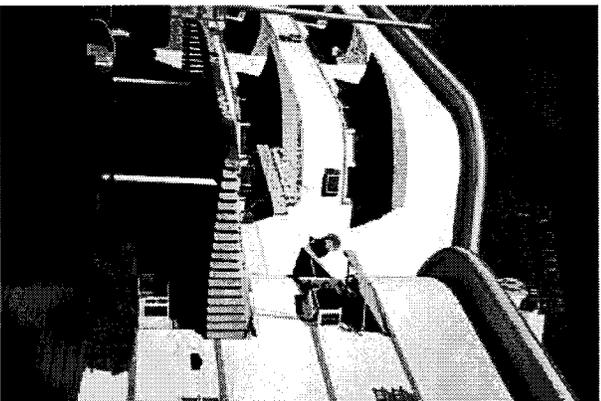
Miami Beach serves as a South Florida best practice case study for rental housing preservation. The first three projects included the historic Allen Apartment Hotel, London House and Barclay Plaza Hotel. The projects were undertaken by the Miami Beach Community Development Corporation (MBCDC) in collaboration with the City of Miami Beach and City of Miami Beach CRA. The projects will provide affordable housing opportunities for low- to moderate-income renters in Miami Beach (including workforce housing and housing for artists and cultural workers). The MBCDC reconfigured the units to provide a mix of efficiencies and studios, and one-, two-, and three-bedroom units. The configuration and rents of the units are designed to meet the increasing need for multi-bedroom rental units (a current gap in the housing supply) that are affordable to lower income residents. Housing studies show that 70 percent of Miami Beach residents are employed in low-wage service industries and 60 percent of residents make less than \$32,000 per year.

The three project buildings were purchased for \$13.7 million using City of Miami Beach CRA tax increment financing (TIF) funds. The Allen Apartment Hotel is located on a 9,625-square foot parcel and contains 42 units with an average size of 255 square feet. Currently the building is vacant and boarded up. When reconstruction is completed, the building will contain 23 units.

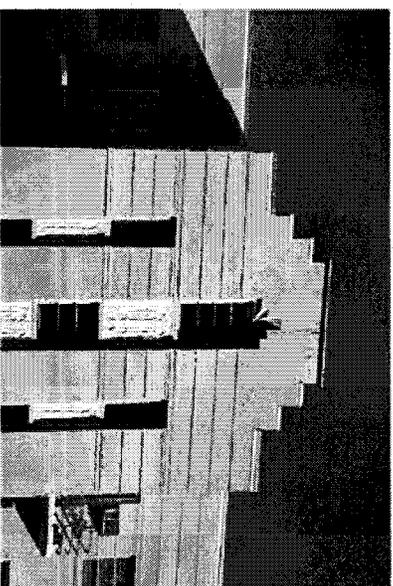
The Barclay Plaza Hotel is located on a 26,250-square foot site and contains 66 efficiency units averaging 267 square feet in size. At present, the Barclay Plaza Hotel is primarily occupied by low-income elderly residents, which means that most residents would likely qualify for affordable housing assistance when the units are rehabilitated. When construction is completed, the Barclay will contain 33 units. The London House is located on a 12,073-square foot site and contains 54 units averaging 252 square feet in size. Like the Barclay Plaza Hotel, the London House is occupied as low-income rental housing. When reconstruction is completed, the building will contain approximately 31 units. The MBCDC has incorporated "Green Communities" criteria into the building designs which promote public health, energy conservation, operational savings and sustainable building practices in affordable housing design.

The MBCDC is also involved with other rental housing preservation projects including the 36 unit Villa Matti Apartments and 34-unit Villa Maria Apartments. These projects have been undertaken by the Miami Beach Community Development Corporation (MBCDC) working in partnership with the City of Miami Beach and Miami-Dade County. Sources of funds for the Villa Matti Apartments include HUD Section 202, Miami-Dade County HOME and HODAG and City of Miami Beach CHDO funds. The Villa Maria Apartments were funded with City of Miami Beach HOME, SHIP and CDBG funds and Miami-Dade County HOME and Surtax funds.

The projects will provide affordable housing opportunities for low- to moderate-income renters in Miami Beach (including workforce housing and housing for artists and cultural workers)



London House in Miami Beach

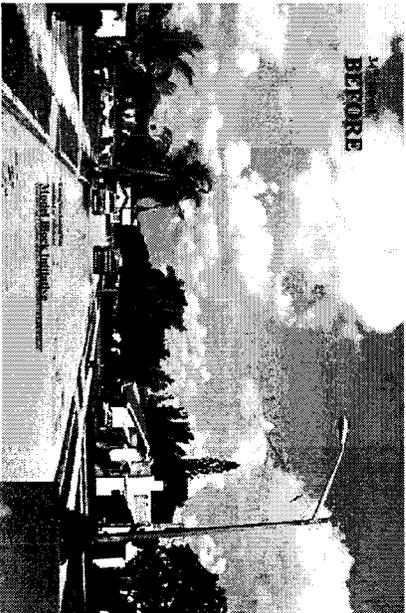


Allen Apartment Hotel in Miami Beach

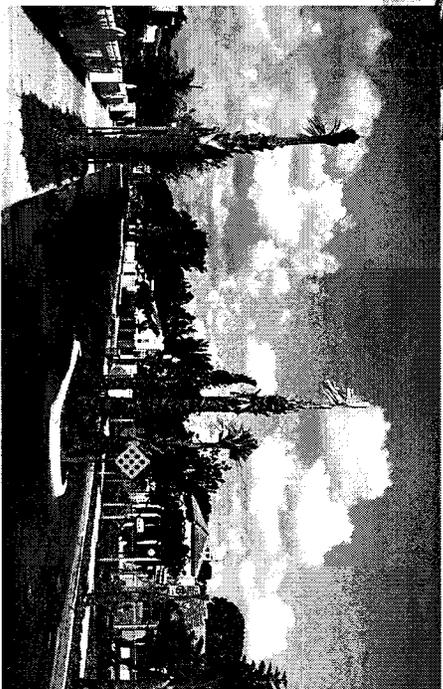
City of West Palm Beach Model Block

The Model Block Program in the Northwood community of West Palm Beach serves as a South Florida best practice case study for neighborhood revitalization through affordable housing development. In the Model Block Program, a likely block or two is identified for comprehensive improvements such as infrastructure improvements, addition of attractive street lighting and green landscape improvements along with the purchase and rehabilitation or new construction of homes that are affordable to low- to moderate-income first-time homebuyers. It is often difficult to attract homebuyers to urban areas with an aging infrastructure, large number of absentee owners and deteriorated housing. The Model Block Program provides visible targeted comprehensive improvements attracting first-time homebuyers and creating a positive ripple effect on other revitalization efforts across a wider area.

"Miracle on 34th Street", the first Model Block Project in Palm Beach County, was undertaken by Neighborhood Renaissance, Inc. (formerly known as Northwood Renaissance) in collaboration among South Florida LISC, the City of West Palm Beach and local developer, Complete Property Management, resulting in the purchase, rehabilitation and resale of nine (9) mission style homes, facade improvements to adjacent homes along with street improvements, traffic calming, lush landscaping, and the installation of attractive street lighting. Model Block II was a continuation of Model Block I and expanded improvements to the 600 blocks of 32nd & 33rd Streets. Phase III incorporated a Community Land Trust component to ensure that the newly built Florida-style bungalow homes remain affordable to future generations to come. In all, the Model Block Program resulted in 33 affordable home ownership opportunities for low- to moderate-income families and an \$8 million investment in the neighborhood. Funding sources include City of West Palm Beach HOME & CDBG, Palm Beach County SHIP, and Knight Foundation homebuyer grants administered through LISC.



In all, the Model Block Program resulted in 33 affordable home ownership opportunities for low- to moderate-income families and an \$8 million investment in the neighborhood



Workforce Housing Policies and Strategies: Recommended Solutions

This section provides recommended workforce housing policies and strategies that build on the findings of the Municipal Scorecard for Affordable Housing Delivery@ (MS-AHD) best practice case studies.

The recommended policies and strategies are divided into the four elements of the MS-AHD model:

- Policy and Management
- Planning and Land Use
- Local Dedicated Funding
- Institutional Capacity Building

A. Policy and Management

Creation of a Comprehensive Regional Workforce Housing Policy

A comprehensive "South Florida Regional Workforce Housing Policy" should be formulated that addresses the findings of this study and the outcomes of the South Florida Regional Housing Conference. The South Florida Regional Workforce Housing Policy be considered for incorporation into the Housing Element of the South Florida Strategic Regional Policy Plan (SRPP).

Creation of a Regional Affordable Housing Delivery System

The South Florida Regional Workforce Housing Policy should be implemented through a comprehensive "workforce housing delivery system" that would include the four (4) elements of the MS-AHD model. The creation of a regional workforce housing delivery system will help ensure the effective coordination and integration of South Florida's workforce housing planning and management activities. Community-based, private/public partnerships would serve as the organizational vehicle for the workforce housing delivery system's operation and implementation. Mission-driven public/private housing partnerships will help to maximize and effectively apply public and private sector resources by de-politicizing program delivery and differentiating administrative and operational functions within the larger workforce housing delivery system.

Creation of a Comprehensive Single Permit Process for Workforce Housing Projects

A "Comprehensive Permit" process is recommended to fully expedite the approval of proposed workforce/affordable housing projects subject to compliance with local and regional workforce/affordable housing goals and objectives. The Comprehensive Permit would involve a single application by project proponents for all local approvals, e.g. zoning, site plan review, etc. with a time certain for project approval.

Implementation of a Performance Measurement System

The design of the South Florida Workforce Housing Delivery System should include a performance measurement system to provide accountability in the management and implementation of the South Florida Regional Workforce Housing Delivery System.

Policy Emphasis on Rental Housing Preservation and Production

A comprehensive South Florida "Rental Housing Preservation Policy" initiative is recommended to address the pressing need of working households earning 80 percent or less than the area median income (AMI). Specific housing policy goals and objectives, rental program designs and funding allocations need to be identified to help preserve and expand this critical workforce housing supply.

B. Planning and Land Use

Coordination and Integration of Workforce/Affordable Housing Plans

South Florida counties and municipalities should coordinate and integrate the workforce/affordable housing planning and policy initiatives set forth in their Comprehensive Plans, HU Consolidated Plans, State Local Housing Assistance Plans (LHAPs) to specifically address the need for workforce/affordable housing.

Create New Planning Objectives and Program Activities for Workforce/Affordable Housing

South Florida counties and municipalities should provide specific planning objectives and program activities within their HUD Consolidated Plans and State Local Housing Assistance Plans (LHAPs) to address the production and preservation of workforce/affordable rental housing.

Community Redevelopment Area (CRA) Planning for Workforce/Affordable Housing

South Florida municipalities with Community Redevelopment Area (CRA) Plans should include specific policies and strategies for developing workforce/affordable housing, including mixed-income rental housing.

Aggressive Urban Infill Strategies for Workforce/Affordable Housing

South Florida counties and municipalities should forge working partnerships with profit and non-profit housing organizations to go beyond the basic requirements of Chapter 166.0451, Florida Statutes. Disposition of Municipal Property for Affordable Housing, and facilitate more aggressive urban infill strategies utilizing existing government-owned land to accommodate future workforce/affordable.

Land Use and Zoning Incentives for Workforce/Affordable Housing

South Florida counties and municipalities should provide policies and objectives in the Future Land Use Element of their Comprehensive Plans and amendments to the Unified Land Development Regulations that encourage and enable workforce/affordable housing development opportunities including: density relief; expansion of multi-family residential districts and reductions in parking requirements.

Ensure no "Net Loss" of Existing Rental Housing Supply

South Florida counties and municipalities should add policy provisions to the Housing Element of the Comprehensive Plan that all future development will not result in a "net loss" of existing workforce/affordable rental housing for households earning 80 percent or less than the area median income (AMI).

C. Local Dedicated Funding

Create Local Public/Private Dedicated Funding Sources for Workforce/Affordable Housing

South Florida counties and municipalities should create local public/private dedicated funding sources in support of workforce/affordable housing projects and program activities. Potential funding sources include: housing trust funds (non-SHIP), bond issues and tax increment financing (TIF) funds.

Leverage Local Private Funds with Federal, State and Local Public Funds

South Florida counties and municipalities should create locally designed workforce/affordable housing programs that effectively leverage local financing with federal and state housing grant programs including CDBG, HOME, SHIP and newly allocated Neighborhood Stabilization Program (NSP) funding.

Target Workforce/Affordable Housing Funds to Neighborhood Revitalization

Workforce/affordable housing funding should be targeted to comprehensive neighborhood revitalization efforts that include public infrastructure investments, code enforcement and increased crime prevention.

Funding Emphasis on Purchase/Rehabilitation and Rental Rehabilitation Activities

South Florida counties and municipalities should re-direct workforce/affordable housing funding away from deep subsidy, first time homebuyer programs to targeted neighborhood purchases/rehabilitation and investor-owned, rental rehabilitation programs.

Pre-development Funding Support for Non-Profit Workforce/Affordable Housing Development Organizations

South Florida counties and municipalities should provide pre-development funding assistance to able non-profit housing organizations, including community land trusts (CLTs) and community development corporations (CDCs) to increase workforce/affordable housing development opportunities in targeted neighborhoods.

D. Institutional Capacity-Building

Support Private-Public Housing Partnerships in Implementing South Florida's Workforce Housing Delivery

South Florida's workforce housing delivery should be operationalized through new and existing private-public housing partnerships. Housing partnerships should serve as intermediaries between local governments and communities in a workforce/affordable housing delivery system.

Develop a Regional Workforce Housing Lending/Equity Investment Consortium

Develop a Regional Workforce Housing Lending/Equity Consortium to provide financing assistance for local workforce housing program initiatives involving purchase/rehabilitation and rental housing preservation.

Support for Employer Assisted Housing (EAH) Programs

Institutional capacity-building for long term workforce/affordable housing development in South Florida will require the creation and support of Employer Assisted Housing Programs.

Capacity-Building for Non-Profit Housing Development Organizations

South Florida counties and municipalities should provide financial support to capacity-building efforts of non-profit housing developments organizations, including community land trusts (CLTs) and community development corporations (CDCs).

Alternative Funding Sources for Affordable/Workforce Housing

South Florida counties and municipalities should seek out or create alternative funding sources for workforce/affordable housing. The creation of local housing trust funds and the use of the New Market Tax Credits program to acquire, rehabilitate and re-sell foreclosed homes (REOs) are examples of alternative funding mechanisms.

Support Alternative Building Designs and Materials for Workforce/Affordable Housing

South Florida counties and municipalities should support alternative building designs and materials including "green" building methods, which could reduce the costs of workforce/affordable housing development.



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Workforce Housing Recommendations

By Owen Pickford @pickowen On June 30, 2014

City	Units 2010-2013 m			Land Use Policies			Finance Policies						Other Programs/Policies				
	Rental	Ownership	Total	Inclusionary or Incentive Zoning	Fee Reduction/Waiver	Expedited Processing	Residential Linkage Fee	Commercial Linkage Fee	Tax Increment Financing	Local Housing Trust Fund	Tax Exempt Bonds	Federal Resources for Affordable Housing	Community Land Trust	Land Bank	Tax Exemption or Abatement	Employers Assisted Housing	Other
Seattle	1,964	236	2,200	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Atlanta	NA	NA	NA	No	No	No	No	No	No	No	No	No	No	No	NA	NA	NA
Austin	3,134	1,115	4,249	No	No	No	No	No	No	No	NA	Yes	No	No	No	No	NA
Boston	1,709	127	1,836	No	No	No	No	No	No	No	NA	Yes	No	NA	NA	NA	NA
Dallas	NA	NA	NA	No	No	No	No	No	No	No	No	Yes	No	Yes	NA	NA	NA
Denver	1,574	29	1,603	No	No	No	No	No	No	No	Yes	Yes	No	NA	NA	NA	NA
Minneapolis	1,281	80	1,361	No	No	No	No	No	No	No	No	No	No	NA	NA	NA	NA
Phoenix	1,475	411	1,886	No	No	Yes	No	No	No	No	No	No	No	NA	NA	NA	NA
Portland	2,742	75	2,817	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No
San Diego	2,124	399	2,523	Yes	Yes	Yes	NA	No	No	No	No	No	NA	NA	NA	NA	NA
San Francisco	1,502	58	1,560	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	No	No	No	No	NA
San Jose	1,326	-	1,326	No	No	No	No	No	No	No	No	No	No	No	NA	NA	NA
Washington DC	1,023	305	1,328	No	No	No	No	No	No	No	No	No	Yes	No	NA	NA	NA

Seattle's council has spent a lot of the last year trying to figure out how to address housing costs. Continuing this conversation, four council members met with consultants hired by the city to examine best practices for providing affordable housing. The consultants presented research and advice from their work over the past few months. Their findings were basically a list of 'best practices.' This list included policies pursued in Seattle and other cities that were considered similar to Seattle.

Background

As mentioned by Council Member Mike O'Brien, this process was likely ignited by the South Lake Union rezone. We hope the end result will be a housing strategy that is incorporated into the 2015 updates to the comprehensive plan. In addition to the public interest sparked by the SLU rezone, Seattle housing costs are steadily increasing. The full report indicates that Seattle saw an average 9.2% increase in housing costs between February of 2013 and February of 2014. These two factors are good reason for the council to examine it's laws and policies around housing.

Comparison To Other Cities

The premise of the research was to benchmark Seattle against national housing trends. For this reason, the council directed the consultants to compare Seattle against similar cities across the country. The report presented begins with these comparisons:

City	Units 2010-2013 m	Land Use Policies	Finance Policies	Other Programs/Policies
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- 4 Community Transit to Add New Service in March 2016
- 5 Call to Action: HALA Testimony

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COMMENTS

37 Pieces Of Ric Flair on Seattle's 400-Foot Wide

	Housing Units			Incentives			Financing				Other						
	Rental	Ownership	Total	Inclusionary or Incentive Zoning	Fee Reduction/Waiver	Expedited Processing	Residential Linkage Fee	Commercial Linkage Fee	Tax Increment Financing	Local Housing Trust Fund	Tax Exempt Bonds	Federal Resources for Affordable Housing	Community Land Trust	Land Bank	Tax Exemption or Abatement	Employers Assisted Housing	Other
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EXAMINATION OF HOUSING POLICIES. ATTRIBUTED TO: OTAK AND PENINGER CONSULTING

- Development Costs:** The consultants indicated that the per square foot development costs in Seattle were in the middle of the group.
- Regulatory Restraints:** The Growth Management Act is unique among the cities examined. The consultants point out that there isn't much regulatory difference between the central city and it's region. With that said, they indicated that the regulatory burden was higher than other cities studied.
- Vacancy Rates:** The consultants mentioned that 5% is considered a good vacancy rate in a growing city. Seattle has struggled to reach that rate over the last two years and this was called out as a big area of concern.
- Median Home Values:** I'm not sure what to take away from this but the numbers are kind of depressing. All of the cities looked at had growth of over 5%, Seattle at 10.6%. The Seattle region was the fifth most expensive place to buy house on the list.
- Demographics:** Of the demographics that were compared, three findings were most interesting to me. Seattle has the second oldest median age of all the cities studied, following San Francisco. Seattle has the smallest household size. And the median income in the city is very close to the regional median income

Best Practice Policies

While it wasn't stated explicitly, the findings of the report made it clear that there is no route to affordable housing without a lot more building. Nearly all the policies examined are methods for creating more housing (rather than reducing the cost of existing housing). The following were the primary policies pursued in the cities examined by the consultants:

- Fee Waivers and Expedited Processing:** Most cities have adopted an incentive to either waive fees or expedite permitting in exchange for developers including affordable housing. The biggest difference found was in Austin, where the city has both incentives in place. Developers can take advantage of these incentives by including affordable housing in their development. The affordable housing is enforced through a deed restriction that lasts 10 years. It was also noted that land costs where the development took place was very low and Austin produced the most affordable housing of all the cities looked at.
- Reduced Parking Requirements:** Most of the cities in the survey have done this. The consultants noted that there was a lot of push back, particularly in Portland, echoing the continuous prioritization of residents of parking over lower housing costs.
- Housing trust funds and Transit Oriented Development loan programs:** Both of these use public funds to leverage private funds to build more housing. This leverage allows the public to provide some discretion as to the types of housing that is built while also increasing the overall capital that is used to create housing.
- Land Trusts:** These are used in many cities across the country but are used pretty minimally in Seattle (as far as I know this is the only trust). This method essentially puts aside land so that it is no longer subject to market forces. Over the long run, this greatly reduces the cost of the land because it is not part of the purchase price when it exchanges hands. Consequently this reduces the cost of building and renting or buying.
- Government Property Leasehold Excise Tax:** This was proposed as an alternative to Tax Increment Financing. The way this might work is that government owned land (or land owned by a government entity) is leased to a private business. The private business takes the lease with the expectation of developing affordable housing but also gets the advantage of not paying property taxes. There would be income from the leasing, excise tax and the city could raise bonds against the property.
- Multi-Family Tax Exemption:** The consultants pointed out that this tax-exemption is used widely in Seattle (producing

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Ott Toomet on Washington State Supreme Court Rules On Local Zoning Control Initiative

Scott on Washington State Supreme Court Rules On Local Zoning Control Initiative

RDPence on Urban Hubs Need A CLT Boost

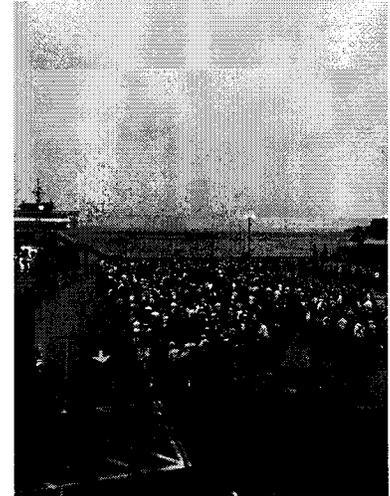
Scott on Urban Hubs Need A CLT Boost

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about 17 hours ago

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about 17 hours ago

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- Multi-Family Tax Exemption:** The consultants pointed out that this tax exemption is used widely in Seattle (producing ~2,700 units) and in certain situations the private development would not occur without the program. Council Member Sawant pushed back, indicating that government or non profits may have built the housing instead. The conversation shifted to indicate that the planning department has made a recommendation include family sized housing in the incentive.
- Other Reductions Of Land Use and Regulatory Obstacles:** There are a lot of options here. One of the important options called out by the consultants were area based environmental analysis, referred to as a Planned Action in Seattle. The consultants indicated that this sort of action provided clarity to developers and to communities greasing the wheels of building additional housing. Yesler Terrace was the most recent example of this in Seattle.
- Housing Levy:** Seattle is unique among the cities examined in that it has voter approved funding to directly build affordable housing. This consultants praised this program and noted that more than 12,000 units have been built or preserved due to the levy.

It should be noted that neither Tax Increment Financing or Impact Fees are allowed under state law but it was acknowledged that a lot of cities use both of those policies.

Major Themes

At the end of the presentation the consultants noted that there were some major themes noticed while examining the success of policies across different cities.

- A market led strategy is important. To be successful it's necessary to understand how market forces affect prices.
- Public-private partnerships have been key. In many cities this has meant that the private groups, like large employers, have been key for providing community support.
- Trust funds have played a huge role in affordable housing development across many cities.
- Land use and regulatory reforms have been absolutely key. More specifically, reducing barriers to development in areas that the community thinks need development have been critical. Examples include increased heights, reduced parking or reduce unit sizes.

What Council Thought

The first big point that Council Member Clark made was that there is a parallel discussion going on about how to preserve "naturally occurring affordable housing." This comment is a nod to affordable housing provided by the private market. In fact there is a lot of affordable housing in the city that is completely private. This housing is the result of something called filtering. New housing is generally more expensive but as it gets older, it becomes less desirable and consequently less expensive.

The second comment Council Member Clark made was to call out a specific part of the report, saying, "There's not going to be one tool" and then quoting:

One reason to recite these accomplishments is to highlight that further change may only result in marginal increase or impact. The "low hanging fruit" of the most impactful policies/programs have already been implemented.

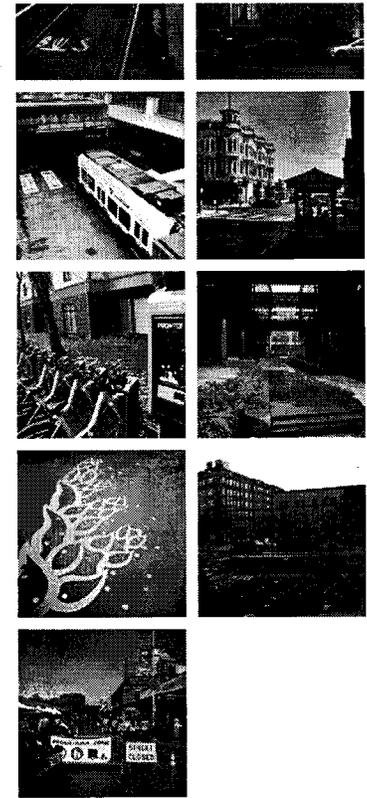
She then went on to indicate that it's unlikely the council will find something that produces 50% of the needed affordable housing.

Council Member Sawant made a point of trying to change the framework of the discussion. In two situations she pushed back hard on the consultants. First, she voiced a lot of skepticism of the Multi-Family Tax Exemption. While the consultants noted that this program alone created the most housing at 80% AMI or below, she indicated that the tax dollars given up for this could've been used by the city (presumably to create affordable). Additionally, Council Member Sawant indicated that impact fees and inclusionary zoning should be considered a best practice and low hanging fruit. The consultants and Council Member Clark indicated that impact fees were not 'low hanging fruit' because they are outlawed. Sawant pushed back that impact fees in a state in which they weren't illegal would be considered low hanging fruit. The consultants did indicate that in many municipalities impact fees (often referred to as linkage fees) were being adopted.

What The Conversation Left Out

The consultants stated that almost every city examined is not producing enough affordable housing. This, coupled with Council Member Clark's comments, worries me greatly. It seems like a mistake to only look at examples where there isn't enough affordable housing for best practices. It also seems like it would be a good practice to actually find examples of cities that do provide enough affordable housing and use those cities as models. It would be a shame if so much effort and political will is spent on something that ultimately isn't really a solution. The end goal should be a city that provides enough affordable housing. In fact, the consultants advice probably puts it best:

<https://www.theurbanist.org/2014/06/30/workforce-housing-recommendations/>



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The City of Seattle should set a quantitative Workforce Housing Goal in the planned 2015 Major Update of the Comprehensive Plan and periodically measure City progress towards the goal in the context of the Comprehensive Plan.

What's Next

A specific examination of incentive zoning is also being conducted. Two other consultants were tasked with researching how the incentive zoning had worked in Seattle and in other municipalities. Their specific recommendations will be presented on July 14th and 15th. In addition to that meeting there are a number of other planned meetings. The council hopes to have legislation drafted with the policy suggestions by September. While this meeting did not discuss incentive zoning (or inclusionary zoning), my prediction is that these programs will be a central part of the overall discussion.

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Owen Pickford

Owen does servicing and consulting for a software company to pay the bills. He has an amateur interest in urban policy, focusing on housing. His primary mode is a bicycle but isn't ashamed of riding down the hill and taking the bus back up. Feel free to tweet at him: @pickovven.



3 Comments The Urbanist

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Bence Komlosi • 2 years ago

I am a researcher / architect and dealing with bottom-up co-housing developments. I am wondering if these kind of real estate developments would be interesting for the state to be supported. In Switzerland, Germany, Austria and in several other countries bottom-up co-housings cooperate with the local municipalities to realize affordable and non-profit housing. In the US the market is probably stronger but I still believe that bottom-up co-housing would be also in the US an efficient way of housing developments. Although you need strong civil initiator groups for this, I believe that the state should support these developments with promotion and social-, financial support. B

^ | v • Reply • Share >



pickovven Moderator → Bence Komlosi • 2 years ago

One of the goals of our organization is to connect people and provide support to grassroots efforts like this. You should come by one of our meetings to talk more about your idea. We have a meeting tonight and you can see all our meetings on our calendar: www.theurbanist.org/calendar or send an email to info@theurbanist.org with questions.

^ | v • Reply • Share >



Bence Komlosi → pickovven • 2 years ago

Thanks! I live in Zürich so I can't go so easily but I'm gonna follow you!

1 ^ | v • Reply • Share >

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pickovven — Hi z breeze, In case you are interested, below are two pieces on folks living in Seattle without cars. <http://www.seattlemag.com/arti...>

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The Urbanist was founded in early 2014 in order to examine and influence urban policies. We believe cities provide unique opportunities for addressing many of the most challenging social, environmental, and economic problems. We serve as a resource for promoting and disseminating ideas, creating community, increasing political participation, and improving the places we live.

Join us each month in Belltown for a social gathering to talk about urban issues and hear from local thought leaders.

When: Second Tuesday / 5.30pm - 7.30pm
Where: Belltown Pub / 2328 First Avenue, Seattle

Questions: info@theurbanist.org

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: March 1, 2016
SUBJECT: **REFERRAL TO THE FINANCE & CITYWIDE PROJECTS COMMITTEE
TO DISCUSS IMPLEMENTING AN OPEN DATA POLICY**

Executive Summary

Open data is a cornerstone of modern American democracy. On his first day in office, President Obama signed an executive order to make open and machine readable data the new federal standard.¹ Open data appeals not only to residents who demand a transparent government, but also policy makers who need accurate and timely information to make data-driven decisions. Miami Beach should recognize the value of data as a strategic asset and adopt a comprehensive open data policy.

Background

The idea of open government in the United States can be traced back to the passage of the Freedom of Information Act (FOIA).² The FOIA sought to foster a stronger relationship between government and its citizens. The digital revolution now serves as the propelling force behind the open data movement of the 21st century. Open data is based on the principle of collaboration. We recognize that government should treat residents not only as clients, but also as partners in building a better society. Technology is an invaluable tool to build a better society. It is also a resource whose capabilities continue to expand, while its costs are reduced. Data is now capable of systematic collection, cheap storage, and advanced analysis. A 2013 McKinsey study reported that open data can yield over \$3 trillion a year in added value to the economy. Governments that adopt open data policies will be able to siphon from this new emerging market. Major US cities like New York, San Francisco, DC, Austin, and many more already embrace open data.

Motivating Factors for Implementing An Open Data Policy

What constitutes open data? Several factors distinguish data as truly “open.” An open government ensures public information is: (a) free for the general public to access, (b) free to redistribute without licenses, (c) machine readable to allow for processing, and (d) subject to privacy and security limitations. Data provides both tangible and intangible benefits to societies that effectively utilize it as an instrument to orchestrate strategy. Open data policies are crafted to promote: (1) service efficiency, (2) accountability, (3) transparency, (4) civic engagement, and (5) economic development.

1. *Service Efficiency* – Cities of the past allowed their departments to compartmentalize data. Cities of the future demand that data silos be knocked down. When data flows freely between departments, there is a greater degree of collaboration. Collaboration drives efficiency and eliminates duplication of effort. Los Angeles, for example, developed an online application called *Street Wize*, which allows users to visualize current and future construction projects on the city right of way.³ By using *Street Wize*, a street excavation project can be planned for *alongside* a utility undergrounding project rather than both projects bookending each other. Still, these types of applications would be rendered useless by inaccurate data.

2. *Accountability* – “*You can’t manage what you don’t measure.*” In one line, Peter Drucker underlined why data matters. The City of Boston recently deployed *City Score*, a succinct dashboard that displays how efficiently the city is operating.⁴ *City Score* holds city departments accountable and pushes them to provide accurate and up-to-date data. A method to ensure reliable data is to automate its collection and calculation whenever possible. The Internet of Things (IoT) leverages sensor technologies to provide precise data in real-time. By utilizing objective machines, the public can always trust the information they are provided is not manipulated.

3. *Transparency* – Making data readily accessible is a major step in rebuilding trust between residents and local government. Gallup released a nationwide poll in 2014, which found that only 24% of respondents had a great deal of trust in local government.⁵ The *US City Open Data Census* tracks the degree in which municipalities provide open access to its datasets. Currently, Miami Beach is not scored. However, Miami-Dade County ranks #30 in the country. Striving to top that list will boost resident pride and promote civic engagement.

4. *Civic Engagement* – The greater purpose of open data is to involve citizens in the political process. Washington, DC published a thorough on-line open data catalogue in 2008. Immediately after the release, DC hosted a “*civic hackathon*” which challenged local programmers to design government applications. The hackathon resulted in the creation of 47 apps with an estimated value of over \$2.3 million.⁶ Open data creates a new format for residents to intimately engage with government.

5. *Economic Development* – Today’s businesses depend on technology to be competitive in the global market. Many cities across the US are experiencing a surge in business enterprises because they have adopted tech friendly policies. Chattanooga, Tennessee started delivering public gigabit internet service in 2009 and within five years venture capital investments went from virtually nothing to over \$50 million.⁷ Locally, Rokk3r Labs (a Miami Beach based tech incubator), raised \$5 million in 2015 and plans to co-build 100 companies in 5 years.⁸ Creating an environment that continues to attract tech startups is crucial so that Miami Beach can continue to diversify its economy.

Recommendation: Develop a Comprehensive Open Data Policy

Executing a successful open data policy requires a comprehensive approach. It is recommended that Miami Beach pursue an open data strategy that will:

1. Establish an Open Data Task Force
 - (a) Assemble a task force consisting of a chief data officer and open data coordinators.
 - Assign the role of chief data officer to execute an open data policy and ensure data collaboration across departments.
 - Designate an open data coordinator from each department.
 - (b) Produce an annual open data progress report.

2. Produce Comprehensive Datasets
 - (a) Release all available datasets through a city data portal.
 - Adhere to the US City Open Data Census standard.
 - (b) Ensure all datasets are reliable, accurate, and as up to date as possible.
 - (c) Guarantee all datasets are as machine readable as possible.
 - Include tabular and spatial data.
 - (d) Develop real-time data capture methodologies that leverage the IoT.
 - (e) Prioritize privacy and security when considering which datasets to release.

3. Create an Open Data Portal
 - (a) Establish and maintain a web portal by or on behalf of the City of Miami Beach to be administered it by the Information Technology Department.
 - Locate the data portal at data.miamibeach.gov.

4. Build a City Dashboard Application
 - (a) Display key performance metrics from each department.
 - Include real-time measures as well as historical trends.
 - (b) Calculate a city index by aggregating department level metrics.

5. Foster Community Partnerships
 - (a) Hold tutorials for residents to familiarize themselves with the open data portal.
 - (b) Fund civic hackathons to promote application development.
 - (c) Seek to engage non-profits like Code for America and the Knight Foundation.
 - (d) Leverage local technology businesses like Rokk3r Labs.

Conclusion

A 21st century city promotes open government because its leaders and residents know that the possibilities are endless when they work together. Miami Beach faces 21st century problems, which is why leveraging tools like technology and open data is *the* 21st century solution. Opening city data will serve to elevate resident confidence and improve services throughout Miami Beach.

¹ McKinsey and Company. *Open data: Unlocking Innovation and Performance with Liquid Information*. 2013

² Smart Cities Council. *Smart Cities Open Data Guide*. 2015.

³ Miller, Ben. *Los Angeles Turns to Mapping to Break Data Silos, Improve Efficiency*. GovTech. 2016.

⁴ Bidgood, Jess. *Tracking Boston's Progress With Just One Number*. The New York Times. 2015.

⁵ McCarthy, Justin. *Americans Still Trust Local Government More Than State*. Gallup. 2014.

⁶ ISL. *Apps For Democracy: An Innovation Contest*. <https://isl.co/work/apps-for-democracy-contest/>

⁷ Executive Office of the President. *Community Based Broadband Solutions*. 2015

⁸ Dahlberg, Nancy. *Rokk3r Labs Attracts \$5 Million in Venture Funding*. The Miami Herald. 2015

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MIAMI BEACH

OFFICE OF THE CITY MANAGER

MEMORANDUM

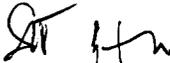
TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: A referral to the Sustainability and Resiliency Committee to discuss Miami-Dade County's grease discharge permitting program within Miami Beach.

The administration is requesting that a discussion item be referred to the March 30, 2016 Sustainability and Resiliency Committee to discuss Miami-Dade County's grease discharge permitting program within Miami Beach.


JLM/SMT/EWS/YP.

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MIAMI BEACH

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: A referral to the Sustainability and Resiliency Committee to discuss the Seabin Project as an option to reduce litter in the City's waterways.

The administration is requesting that a discussion item be referred to the March 30, 2016 Sustainability and Resiliency Committee to discuss the Seabin Project as an option to reduce litter in the City's waterways.


JLM/SMT/EWS/YP

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139 Tel. 305-673-7010 Fax: 305-673-7782

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016



SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO DISCUSS THE REMOVAL OF THE "WING" STRUCTURE ON LINCOLN ROAD

Please add to the March 9, 2016 agenda a discussion of the removal of the Carlos Zapata structure known as the "Wing" located on the 400 block of Lincoln Road. Additionally, as part of the removal of the "Wing", the conversion of the existing fountains adjacent to the structure into planters.

JLM/MM/AM

RESOLUTION TO BE SUBMITTED

C4I Referral To The Neighborhood/Community Affairs Committee - Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management.

(Transportation)

(Item to be Submitted in Supplemental)

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C6

COMMISSION COMMITTEE REPORTS

C6

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: March 9, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF FEBRUARY 3, 2016**

A Land Use and Development Committee meeting was held on February 3, 2016. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and John Elizabeth Aleman. Commissioner Micky Steinberg also attended. Members from the Administration, including, Susanne Torriente, Thomas Mooney, Eve Boutsis, Nick Kallergis, Deborah Tackett, Rogelio Madan, Jeff Oris, Jay Fink, Dan Oates and Wayne Jones as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:05 PM.

1. Presentation Of The Mayor's Ocean Drive Task Force Final Report.

(Sponsored By Mayor Philip Levine
January 13, 2016 Item R9D)

AFTER-ACTION:

Jonathan Plutzik, Chair of the Mayor's Ocean Drive Task Force, presented the task force findings and recommendations to the Committee.

Members of the public spoke

The Committee discussed the recommendations.

MOTION: MG/JA (3-0)

- Move the recommendations, based upon the spreadsheet provided, to the March 9, 2016 City Commission Meeting
- Include all recommended revisions to the specific items discussed
- Any recommendation on the spreadsheet not specifically discussed can be transmitted as favorable.

2. Sidewalk Café Ocean Drive Umbrellas

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article Iv, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And

Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.

(Continued from the January 20, 2016 LUDC Meeting
Sponsored By City Commission
May 20, 2015 City Commission Meeting, Item R5B)

AFTER-ACTION:

Remove from agenda by acclamation

Meeting adjourned at 4:40 PM



JLM/SMT/TRM/MAB/RAM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING
 February 3, 2016
 City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Joyce Gaudet	305-674-0077	'	Royce 803 @ a.d.f. com
2. Roy Gaudet	" "	"	" @ "
3. Jonathan Puffa	917 414 8200	"	JPLUFFA @ TDEBETJ.NOTE
4. J Puffa	917 572-7542	"	2 Puffa @ "
5. Deanne Connolly Graham	854-535-1758	'	deanne @ thebeachchannel
6. Aileen Taylor	905-767-3467	"	norm @ globalcommunity
7. Sean Holcombe	703 862 1081	"	jeanholcombe @ safety.com
8. Michael Goldberg	305-768-4148	"	mgoldber @ GlobalPartners.com
9. Jeremy L. Gray	305-674-1300		Jeremy @ MiamiBeachChambers
10. MARYS SPINELLI	703-672-9091	'	MARYS @ StaffNetwork.com
11. MARYS SPINELLI	305 538 0950		MARYS @ StaffNetwork.com
12. Doreen Cinko	305 496 9535		@
13. Margaret Pace	305-807-6118		@
14. Steven Borker	305 218-1026	'	SBorker @ G.M.A.L. Com
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16.			@
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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: March 9, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF FEBRUARY 17, 2016**

A Land Use and Development Committee meeting was held on February 17, 2016. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and John Elizabeth Aleman. Members from the Administration, including, Susanne Torriente, Thomas Mooney, Raul Aguila, Eve Boutsis, Michael Belush, Eric Carpenter, Enrique Nunez, Ricardo Guzman, as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:05 PM.

1. Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.

(Returning from the January 20, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
December 9, 2015 City Commission Meeting, Item C4A)

AFTER-ACTION:

Representative of the caterer for the Temple presented the proposal. Commissioner Grieco indicated a need to reach out to more properties concerning the proposal.

MOTION: MG/JA (3-0)

Continue to March 30, 2016. Staff to draft an ordinance and more public outreach to be undertaken by the Temple.

2. Annual Evaluation of Parking Impact Fee Structure.

(Returning from the January 20, 2016 LUDC Meeting
Sponsored By City Commission
September 17, 2014 City Commission Meeting, Item R7E)

MOTION: Continued to April 20, 2016 by Acclamation

3. Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit.

(Returning From the January 20, 2016 LUDC Meeting
Sponsored By Commissioner Joy Malakoff
June 10, 2015 City Commission Meeting, Item C4I)

AFTER-ACTION:

Thomas Mooney introduced the item and provided a summary of the changes. Eve Boutsis notes that some further modifications will be made regarding code compliance. Commissioner Malakoff indicated that the City should be responsible for maintaining trees in the right-of-way. Eric Carpenter noted that the cost to maintain the trees within the public right-of-way in the City would be about \$1.5 million per year. Commissioner Grieco was not comfortable with the additional cost to the City. Commissioner Aleman agreed with Commissioner Grieco. The Committee did agree to further discuss this budget and policy item at a later time.

MOTION: MG/JA (2-1)

Recommend that the Ordinance be sent to the Planning Board with a favorable recommendation, including the current requirement that homeowners maintain swale trees.

4. Discussion Regarding The City of Miami Beach's Building Permit Application Process.

(Returning from the January 20, 2016 LUDC Meeting
Sponsored by Commissioner Ricky Arriola
January 13, 2016 City Commission Meeting, Item C4E)

MOTION: Continued to March 30, 2016 by Acclamation

5. Ordinance Amending Height and Setbacks for Mixed-Use Development in the Sunset Harbour Neighborhood.

(Returning from the January 20, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
January 13, 2016 City Commission Meeting, Item C4F)

AFTER-ACTION:

Michael Larkin presented the proposal with his team, which includes increased height to 90 feet and reduced front and side setbacks (15' front setback, 10' interior side setbacks, and 5' rear setback.)

Ralph Andrade representing Beach Towing opposed the ordinance. Kent Harrison Robbins spoke on concerns regarding spot zoning. Representative of the Lofts indicated opposition to the proposed amendments. Additional residents of the Lofts spoke against the proposal. Representative of the Townhomes at Sunset Harbor spoke in favor of the proposal. Members of the public addressed the committee both in favor and opposed to the proposal.

Comm. Aleman and Malakoff underscored the importance of a covenant for the site. Commissioner Grieco indicated concerns with the process.

MOTION: JA/JM (2-1)

Recommend that the City Commission refer the proposed Ordinance to the Planning Board with a favorable recommendation.

6. Discussion Regarding A Complete Review of Sign Ordinances.

(Sponsored by Commissioner Ricky Arriola
February 10, 2016 City Commission Meeting, Item C4G)

MOTION: Continued to March 30, 2016 by Acclamation

7. Discussion Regarding Short Term Rentals in North Beach.

(Sponsored by Commissioner Michael Grieco
January 13, 2016 City Commission Meeting, Item C4H)

AFTER-ACTION:

Thomas Mooney introduced the item
Michael Larkin provided a summary of his draft ordinance
Commissioner Grieco indicated that a recommendation from the Master Planner for North Beach be provided at some point
Members of the public addressed the committee
Commissioner Grieco indicated a need to incorporate requirements for renovating property

MOTION: MG/JA (3-0)

Continue to March 30, 2016. Staff to draft a revised ordinance and include a provision for minimum renovation requirements.

8. Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless of the Year of Construction.

(Sponsored by Commissioner Joy Malakoff
February 10, 2016 City Commission Meeting, Item C4J)

AFTER-ACTION:

Thomas Mooney introduced the item.
Commissioner Grieco agreed with the proposal that plans for a new replacement home be approved prior to the issuance of a demolition permit for an existing home. Not supportive of every home going to the DRB.

MOTION: MG/JA (3-0)

Continue to March 30, 2016 to draft an ordinance only on demolition procedures and to provide the fiscal impact of review of all homes by Design Review Board.

9. CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment.

(Sponsored by Commissioner Michael Grieco
February 10, 2016 City Commission Meeting, Item R9F)

AFTER-ACTION:

Commissioner Malakoff indicated she will not support an ordinance similar to the example presented due to the problems it can bring.
Commissioner Grieco indicated that the City needs to keep on top of the situation and

should bring back for discussion every few months.
Members of the public addressed the committee

MOTION: Continued to April 20, 2016 by Acclamation

10. Discussion Pertaining to a Proposed Ordinance Amendment to Create Operational Regulations for Alcoholic Beverage Establishments Adjacent to the Palm View and West Avenue Residential Areas.

(Sponsored by Commissioner Joy Malakoff
February 10, 2016 City Commission Meeting, Item R5F)

AFTER-ACTION:

Commissioner Malakoff provided an overview of why additional regulations are needed to protect residents and outlined in detail proposed changes.

Commissioner Aleman expressed concern with impact on businesses.

Representative of the Lincoln Road Property Owners Association expressed concern with use and hour limitations.

Other members of the public addressed the committee.

MOTION: Continue to March 30, 2016 by Acclamation. Staff to prepare a draft ordinance in accordance with the discussion, for review on March 30, 2016

The meeting adjourned at 6:00 p.m.



JLM/SMT/TRM/MAB

LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 17, 2016

City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. JERRY BELL	(305) 215-1302		jerry @ bell.davidson.com
2. Graham Rom	305 377 6227		Graham @ brzoninglaw.com
3. SHARON OLSON	305-672-2282		sharon @ hgs.org
4. GREG TORRE	305-812-8884		greg @ gmail.com
5. TOMAS COOPER	305-749-0924		Tomas @ DECORATION.com
6. MAX LEIFER	903 247 1883		max @ DecCapital.com
7. Suzanne Wrythel	954-554-4110		Suzanne @ tesob.org
8. Mike McNeil	305 788 5795		Mike @ MCM.com
9. Elena Giardello	954 558 3902		Elena @ me.com
10. Monika Fentin	305 377-6037		monika @ BRzoninglaw.com
11. Mickey Murray	305-377-6238		Mickey @ brzoninglaw.com
12. Daniel Guehls	305 496 9535		Dan @ gsmj.com
13. Carolina Jones	305 772 3330		Caroline @ fcincibz.com
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MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC)
MEETING ON FRIDAY, FEBRUARY 12, 2016

A meeting of the Neighborhood/Community Affairs Committee was held on Friday, February 12, 2016 at 2:00 p.m. in the Commission Chamber, 3rd Floor of City Hall. Commissioners in attendance: Commissioners John Elizabeth Alemán, Michael Grieco, Kristen Rosen Gonzalez, Joy Malakoff, Micky Steinberg, and Ricky Arriola. Members from the Administration and the public were also in attendance.

THE MEETING OPENED AT 2:05 P.M.

1. Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations

Commission Item C4F, January 15, 2014
(Office of the City Manager)

Max Sklar, Director of Tourism, Culture, and Economic Development

AFTER-ACTION

DIRECTION: Defer to the March NCAC Meeting.

2. Wellness Center Update

Commission Item R7B & R7K, December 9, 2015
(Sponsored by Commissioner Grieco)

Susanne Torriente, Assistant City Manager/Chief Resiliency Officer

AFTER-ACTION

Susanne Torriente, Assistant City Manager/Chief Resiliency Officer presented this item. Susanne Torriente said at the December NCAC meeting staff was asked to broaden the look for the Wellness Center potential site, to look at as many locations as possible. Also, do some additional research in terms of deed restrictions and see if a referendum was needed and really look into the different options regarding zoning to see if there would be loss of greenspace and parking. A more formal view was needed to look at a variety of different places. Since the December NCAC meeting staff has met with the public to understand their needs and to see what we are looking at and where it could be best fit.

Susanne Torriente said her and City Staff learned that a 10,000 square foot facility would be a good size and good fit. Different possible locations were looked at. In the agenda there was a spreadsheet of different locations along with a memorandum from the City Manager that explained the process. Susanne Torriente said they are asking to continue this item to next month's NCAC meeting to give her and staff the opportunity to do a little more research on the deed restrictions, they really want to look at each site and check to see if there is a deed restriction or not. Another thing they would like to do is follow the NCAC committee's request to do some additional outreach. There has been a meeting set a public meeting for Tuesday February 23rd at 6:30 pm at the North Shore Park and Youth Center to received feedback about the potential sites.

Susanne Torriente asked for the Committee to let her know if the team is on the right path with this item. Could there be sites that the City potentially did not think of that should be on the list or should they narrow the search? Susanne Torriente said any feedback that could be provided would be helpful in the process.

Commissioner Grieco motioned to take Allison Park off of the option list for the wellness center.

Commissioner Rosen Gonzalez seconded to take Allison Park off of the option list for the wellness center.

All commissioners in favor.

Roger Abrahamson, resident congratulated the Save Allison Park Committee. He thanked the commissioners for making the motion.

Resident thanked all of the commissioners for listening to the Save Allison Park Committee.

Commissioner Rosen Gonzalez said she encouraged the public to be involved with future topics.

Michael Llorente, Llorente and Heckler, P.A. said parts of this process have unnecessarily adversarial. He thanked the Assistant City Managers Susanne Torriente and Kathie Brooks along with the City for working with them over the last months to coordinate an effort internally.

MOTION: Commissioner Grieco motioned to take Allison Park off of the option list for the wellness center. Commissioner Rosen Gonzalez seconded to take Allison Park off of the option list for the wellness center.

DIRECTION: Commissioner Grieco said to come back to the March NCAC meeting.

3. Discussion Regarding Citywide Street Light and Coverage Audit
Commission Item R9H, December 9, 2015
(Sponsored by Commissioner Grieco)

Eric Carpenter, Assistant City Manager and Public Works Director

AFTER-ACTION

Eric Carpenter, Assistant City Manager and Public Works Director presented the item. During last month's NCAC meeting they were expecting a proposal from a firm to do a citywide photometric analysis. They received the proposal a couple of weeks ago, the cost was such that the city needed to go out and get additional proposals. Eric Carpenter said they sent out a Request for Proposal to a number of vendors. They have contacted 5 different vendors that might be able to provide these services. They expect to have the proposals back from them next week. As soon as the proposals are received they will move forward with the contract and complete the photometric analysis citywide.

Commissioner Rosen Gonzalez asked what the photometric analysis costs. Eric Carpenter said it costs less than the City Manager's discretionary \$50,000.

Eric Carpenter said the photometric analysis will go through all of the streets and identify where we are lacking light, where there is excessive light and how we can approach spreading the light out to make it uniform and consistently better than it is today.

DIRECTION: Come back to the March NCAC meeting with an update.

4. Discussion Regarding Proposed Beach Concession East of South Pointe Park Commission Item R9N, December 9, 2015 (Sponsored by Commissioner Arriola)

Max Sklar, Director of Tourism, Culture, and Economic Development

AFTER-ACTION

Frank Del Vecchio, resident, said some people believe this is not a good location for beach concessions.

DIRECTION: Defer to the March NCAC meeting.

5. Discussion Regarding Proposed Site Options For New Fire Station No. 1 Commission Item C4A, January 13, 2016 (Capital Improvement Projects)

David Martinez, CIP Director

AFTER-ACTION

Virgilio Fernandez, Fire Chief and David Martinez, CIP Director spoke about the item.

Virgilio Fernandez said he would like to see this item deferred to the March NCAC meeting in order to have more time to meet with the home owner associations. David Martinez said they have already approached Flamingo Park Neighborhood Association and they spoke to the president of the South of Fifth Neighborhood Association and he invited them to discuss the possible location for the fire station.

Commissioner Grieco asked if it was next to the dog park on 2nd and Washington Avenue. David Martinez confirmed it is.

Commissioner Rosen Gonzalez asked what the Flamingo Park Neighborhood Association's response was. David Martinez said they sent a letter, going on memory.

Jack Johnson, resident, brought the letter to the podium. The Flamingo Park Neighborhood Association recommends option 3, the property management compound and option 5 the parking lot east of the PAL building be removed from consideration for the fire station. Jack Johnson said there is a parking lot behind Feinberg Fisher that the Association proposes to have the fire station.

Commissioner Steinberg said this item will be continued to the March NCAC meeting.

Commissioner Malakoff said that reaching out to the community is the best thing to do. She said it should be deferred for more community input.

Commissioner Rosen Gonzalez asked while they are scouting locations, what would the cost be to renovate the current fire station for something else. David Martinez said they could do the research to see what the cost would be. David Martinez said it can definitely be renovated.

Commissioner Alemán said that we are going down the correct process with looking at the 5 proposed sites and to understand them.

Frank Del Vecchio, resident, said it is very important for the Fire Chief to go over the area to make sure it is the safest location to have the fire station.

Commissioner Alemán said that the most important thing is for the Fire Chief to make sure the department can keep the residents safe.

Virgilio Fernandez said that all of those things have been looked at, the parking lot that is being proposed in the north does present a problem for the department, and right now the bulk of the calls are in that fire station. He said hopefully they will be putting in a new rescue at station 4 at 69th street and Indian Creek Drive. The goal is to start moving the first alarm territories a little farther south. The thought of moving the station to 2nd and Washington is keeping in mind that we are trying to move station 4 over, station 3 over, station 2 over, and keep station 1 in the first alarm territory. Virgilio Fernandez said all of these things have been looked at. If the location by the school ends up working out that could be a good location. The location in the north puts the station a little too far north to effectively do what they need to do with the rest of the territories.

Commissioner Rosen Gonzalez asked if there a possibility of the restoration. David Martinez said no because to work with the existing facility as it is today would be nearly impossible taking into account the pump station and cost.

Jonathan Groff, Chair of Parks and Recreation Facilities Board, said that the Parks and Recreation Facilities Board's concern is further diminishing Flamingo Park. They stronger do not recommend options 3, 4, or 5. The Flamingo Park has little parking as it is.

Commissioner Rosen Gonzalez asked for Jonathan Groff to tell them what options 3, 4, and 5 are because they do not have it in this agenda packet. He says option 3 is where

the current administration building is that will be torn down, option 4 is by the baseball field, and option 5 is the parking lot between the football field and the tennis courts. PAL parking lot is constantly full. The Parks and Recreation Facilities Board recommends not to diminish the parking in Flamingo Park.

David Martinez said he understands that they were going to run into some difficulties and the difficulties involve parking. When they first contemplated this and it can read in the memorandum, the idea was when they demolish the structures was to return parking there which would help try to balance out the parking that was warranted. More conversations will need to be had with the City Manager and other staff if this were to be an option, but other cities have a combination of a fire station and parking garage type complex could be an option maybe in the PAL parking lot. This is very premature though. It could be something that could be plausible.

Commissioner Steinberg closed the item.

DIRECTION: Continue item to March NCAC meeting.

6. Discussion Regarding Implementing A Rainbow Crosswalk At The Intersection of Ocean Drive and 12th Street on Miami Beach

Commission Item C4G, January 13, 2016
(Sponsored by Vice-Mayor Alemán)

Jose Gonzalez, Transportation Director

AFTER-ACTION

Jose Gonzalez, Transportation Director and Xavier Falconi, Senior Planner, presented the item. Xavier Falconi attended the LGBT committee meeting and presented them with a few different concepts of crosswalks. Jose Gonzalez said they reached out to Miami Dade County to get their input of what they would allow and not allow regarding the types of materials and specifications. They will go back to the next LGBT meeting with the input from Miami Dade County and a plan to move forward.

Jose Gonzalez said he sent the request to the Assistant Director at the county and he will personally follow up with the Director at Miami Dade County Transportation Department.

Jose Gonzalez said the sign toppers came in and the Transportation Department is working with the Parking Department to hopefully install those within a week.

Xavier Falconi said at the LGBT committee meeting on Tuesday, they would like to see a vibrant color to be like one of the options in the agenda packet. The concept was forwarded to the County for review.

Commissioner Alemán said she will try to get this done to the best of her ability.

Commissioner Steinberg said she wanted to make sure the paint is fresh right before gay pride.

DIRECTION: Come back to the March NCAC meeting with an update.

7. Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park

Commission Item R9E, January 13, 2016
(Sponsored by Commissioner Arriola)

Jeff Oris, Economic Development Division Director

AFTER-ACTION

DIRECTION: Defer to the April NCAC meeting.

8. Discussion On The Flamingo Park Master Plan As It Relates To The Demolition Of The Robert C. Haas Racquetball Building And The Addition Of The Padel Courts

Commissioner Item R9Q, January 13, 2016
(Sponsored by Mayor Levine)

John Rebar, Parks and Recreation Director

AFTER-ACTION

John Rebar, Parks and Recreation Director and Elizabeth Valera, Deputy Parks and Recreation Director presented this item. John Rebar said he provided some history and graphics in the agenda handout for the committee and public to see. The Flamingo Park Master Plan is continuing; the tennis center and the football field have been completed. Option L of the Master Plan was approved in 2009. There are several courts, indoor and outdoor courts in the racquetball area. There are 2 buildings, Joe Rubin which houses 4 indoor courts and the Haas building which houses 2 indoor courts. At the time it was decided to demolish the Haas building, but to fully renovate the Rubin building.

In 2014 the Parks and Recreation Department brought back this Master Plan to the new administration to be on the same page. There was mention if they did not need as many handball courts that were slated in 2009, maybe redo a few of them, but otherwise go forward which included the demolition of the Haas building. In March 2015, they started to talk about Padel, which is a popular European sport. The Parks and Recreation Department was looking for a location to bring Padel to the United States. As this plan was moving forward, some members of the public found out and they opposed the demolition. They were petitioning a change to the Master Plan, they wanted to save the Haas building and keep the 2 indoor courts.

John Rebar said that Commissioner Malakoff and he have been in communication with Robert C. Haas's daughter and her main concern was that her father's name be preserved. As long as his name will be put on the building with the new courts she is okay with the demolition of the existing building.

John Rebar said that every 30-40 minutes staff is going to the courts and doing head counts to see how frequent the courts are being used. He said that at no time since the last commission meeting until today have all 4 courts been used at the same time. There are definitely players, but they have not seen a demand to have all 6 indoor courts. One factor with the outdoor courts now is the way the court faces; it has an effect on the

players who play in the morning in regards to the sun. One change that will be made with the new courts is that they will take this into account, so the player will never be looking directly into the sun.

John Rebar gave his recommendation based on what was in the agenda packet he provided.

Mr. Hemedes, player of Padel from Spain, went to the podium to talk about Padel. He said this is a great opportunity to bring this game to Miami.

Jeff Donnelly, resident, read an email that their chair Scott Needleman sent the commissioners. Their longstanding position as an association is that they would like to protect the greenspace in Flamingo Park.

Commissioner Arriola introduced his past teacher Dr. Carter Burris.

Mr. Carter Burris, resident, read a letter from Fred Lewis, a resident of Miami Beach about preserving the racquetball courts.

Commissioner Alemán thanked Mr. Burris for coming out to talk about the item.

Jack Johnson, resident of 10th and Jefferson Street, talked about how he is opposed to additional sports being brought into Flamingo Park. He would like to preserve the greenspace.

Jonathan Groff, Chair of the Parks and Recreation Facilities Board, said that everyone needs to recognize that Flamingo Park is the City's main recreational park. He also stated that Flamingo Park needs a competitive swimming pool.

Commissioner Malakoff responded that the competitive swimming pool has been brought to the full commission and they are waiting for the report from a professional for the different locations for the competitive swimming pool.

Marie Grandy, resident, talked about how she is a player at Flamingo Park and she requests that they stop the demolition of the Haas building. She does not want to lose 33% of the handball courts. They have 75 signatures on a petition. Greenspace would be lost from installing the padel courts.

James Ororick, resident, said he would really love to keep the courts. He said there have been issues where there aren't even enough courts to play on.

Commissioner Rosen Gonzalez asked if there is any way for the City to conduct a survey to see statistically what everyone would like when it comes to the courts.

Commissioner Grieco disagreed with Commissioner Rosen Gonzalez and said they cannot do a poll for every issue.

Commissioner Steinberg asked John Rebar what he needs today to move forward. John Rebar responded and asked for direction since this Master Plan has been sitting around for many years. They did receive direction in September and some people did put forth a petition as stated earlier. John Rebar would like to know if the committee would like the

department to move forward and tell them to stop and change something.

Commissioner Malakoff asked how many 4 wall/racquetball courts are in the plans. John Rebar said the recommendation would be four 4 wall courts and eight 1 wall courts. Commissioner Malakoff said she believes that they already voted as a commission to move forward with this. Also, she wants to make sure the Haas courts will remain named after Robert C. Haas because she made the promise to his daughter.

Commissioner Alemán said the Haas building needs some refurbishment, but it is still sound. John Rebar said once they make some electrical repairs the building can be reopened. Commissioner Alemán confirmed that John Rebar has designs in which they can retain the Haas building and add padel if everyone would like to. Commissioner Alemán said that they can preserve the Haas building and she sincerely hopes that they do.

Steve Krowitz, resident of 47th street, presented a handout to the commissioners. He spoke about padel and paddle ball. He spoke about the courts not being maintained and results in people going to completely different venue.

James Mguill, player at the racquetball courts, said that parking is an issue in Flamingo Park because every space in the parking lot is full, if the City does decide to add padel, parking needs to be reassessed.

Nale Grinda, resident, said that padel is the upcoming sport in racquet sports and Miami is a perfect environment for this sport.

Commissioner Malakoff asked John Rebar if there are any plans if the padel courts are added if there has been any other thought to adding more parking spaces. John Rebar said no.

John Rebar confirmed that the committee would like to keep the Haas Building and the Rubin Building and renovate everything that needs it. He asked about the 4 additional 1 wall courts being added to the north side.

Marie Grandy, resident, said there is no need to take away the greenspace for the 4 single wall courts.

Commissioner Rosen Gonzalez motioned to not bring padel to Flamingo Park and to keep the existing buildings intact with the courts that are there.

Commissioner Malakoff asked about the outdoor fitness cluster. John Rebar said it was already approved by commission.

Commissioner Steinberg seconded Commissioner Rosen Gonzalez's motion and said if padel becomes cool in the future to maybe bring it to North Shore Park.

All in favor.

MOTION: Commissioner Rosen Gonzalez motioned to not bring padel to Flamingo Park and to keep the existing buildings intact with the courts that are there and workout the 4 additional single wall courts. Commissioner Steinberg seconded the motion.

DIRECTION: Go to commission for approval.

9. Monthly Crime Update (Recurring Item On A Monthly Basis)

Commission Item R9D, April 13, 2011
(Sponsored by Commissioner Grieco)

Mark Causey, Police Major

AFTER-ACTION

Mark Causey Police Major presented this item. Mark Causey said one of the biggest items was operation Heat Shield last Saturday, at the Coastguard Base in Miami Beach; it was a joint Police and Fire exercise. Mark Causey said it was a very successful day in identifying opportunities in informing joint response.

Mark Causey said robberies are down over 20%; of the robberies over the past 4-6 weeks there was over 50% arrest ratio. Mark Causey said there was one in North Beach and the Police caught them in Hialeah and recovered the victim's property. Mark Causey said it seems to be a trend; there was a BOLO out for a vehicle in the South of 5th neighborhood that had a firearm, just to take a cell phone. The Unit was on the Macarthur Causeway and they did a stop and the firearm was in plain view in the back seat.

Mark Causey said beach thefts have been down a little bit and he thinks it is because of all of the special events that have been going on with the enhanced staffing. He said he is looking forward to the Commission passing the beach closure at the 22:00 hour instead of midnight.

Commissioner Grieco said he wanted to talk about the road rangers and traffic flow. He would like to know the status of hiring and implementing of the road rangers.

Mark Causey said there will be a brand new afternoon shift motorcycle squad; their hours will probably be 11 am-9 pm. Their main mission is going to be to handle rush hour traffic. They will be starting March 7th; they are doing their bi-annual shift bid. Road rangers for the City of Miami Beach are what PD calls traffic congestion specialists, the posting just came out today. Mark Causey said he has been receiving applications from Broward and Miami Dade road rangers. Mark Causey said he is waiting for 2 quotes to come in for 4 trucks because there will be 2 working the morning rush hour shift and 2 working the afternoon rush hour shift. They are looking at one F-250 4 by 4 so when there is flooding on Indian Creek the truck will not get stuck, also if they need to move around an VMS board they can. When they are not helping out with those missions they will be driving around up and down the main arteries to make sure no UPS, Fedex, or Coca Cola truck is blocking anything.

Mark Causey talked about the experiment on 41st street. They are in the middle of week #3, 41st street and Prairie Avenue; they put up VMS boards and signs. You can only travel north and south, the objective is to make sure residents can get across 41st street during rush hour traffic because most people are trying to go east and west bound. Depending on how this study goes, they will look into doing a couple more of the avenues adjacent to Prairie Avenue and see how it goes.

Mark Causey talked about Ocean Drive. He said the off-duty component is working; there are 6 off-duty officers and a sergeant on certain days of the week. The Ocean Drive squad made another robbery arrest last night. From the investigative side, the arrest of drug dealers continues on Ocean Drive, Lummus Park, and the beach area. On the 100 block and 9th street, there were a lot of arrests last week. Some of the arrests made were career criminals. Mark Causey said one of the statistics the police were looking at related to the homeless, was looking at the amount of arrests made last year for the homeless, which was 1,600 arrests making up 25% of the arrests last year. The homeless are given the option to seek help from our community services, the police are also trying to get them to comply with the rules, but if they don't there is no choice besides arresting them. Mark Causey said last year he added another homeless outreach police officer; 3 years ago they only had one. They also increased night time missions to reach out to the homeless; it used to be 1 a week, then 2 a week, now it is 3 a week.

Commissioner Rosen Gonzalez asked if the police are arresting the 1,600 homeless people and they are just coming right back what is the point.

Mark Causey said if the homeless fall under a category called the habitual misdemeanor offender (HMO), which is one of the state statutes meaning they are a career criminal. If they just have hundreds of arrests, mainly for drinking in public or trying to take food off of someone's plate on Ocean Drive. Mark Causey said unless the police attend the bond hearing, which they try to attend 7 days a week. Once they show up to court they get credit time served and they are released.

Commissioner Rosen Gonzalez asked if the police show up to court if it is a longer time the homeless person stay there.

Mark Causey said it depends on what happens between the Miami Beach Police Department, the State, and the Public Defender and what the judge says. One of the recent cases with an HMO, they ended up getting him retained for a psychological evaluation, which means he will be in there for at least 6 days. Especially for the homeless people who are not taking their medication, once the judge can give the order for the psychological evaluation, it is one step closer to placing them in a facility that can help them.

Commissioner Rosen Gonzalez asked if we have these mental health facilities. Mark Causey said Miami Dade County does.

Mark Causey said there is currently a facility being worked on that will probably be the largest in Miami Dade County, just for the mental health care.

NO ACTION TAKEN

10. Discussion Regarding A Mid-Beach Intermodal Facility

Commission Item C4A, February 10, 2016
(Transportation)

Jose Gonzalez, Transportation Director

AFTER-ACTION

Jose Gonzalez, Transportation Director and Milos Majstorovic, Transportation Operations Supervisor presented the item.

Jose Gonzalez said the need for locations and facilities throughout the city where various modes of transportation can come together and integrate has been documented as far back as 20 years ago. This need has been reaffirmed as part of the Transportation Master Plan. There is a need of all three areas of the City: North, Mid, and South Beach for what is called an intermodal facility, which is a hub where various forms of transportation can come together. Jose Gonzalez said they have been looking throughout the city for locations where this type of facility could be feasible. They have been looking fairly closely in the Mid-Beach area the past couple of months as a result of the Mid-Beach Trolley, which is planned to be launched in the summer of this year. One potential in mid-beach is the Julia Tuttle interchange in Miami Beach. It is a Florida Department of Transportation (FDOT) facility which is used as a construction staging area and for collection of storm debris. If the City can try to accommodate that function somewhere else in the City it would be something they would consider. Jose Gonzalez said the Department of Transportation is also trying to partner with the County and different cities to create these intermodal facilities.

Jose Gonzalez said over the last couple of months they have been doing a feasibility study to look and see if that site even works as an intermodal facility, from a size standpoint it does. It is about 4.8 acres and that is about what they would need for a facility to accommodate the regional bus routes, the trolley system, and serve as a park and ride as well. The ideal locations for park and rides are on the main land. We cannot control what happens over there, but they have been having conversations about a long range transportation plan with the County and FDOT.

Commissioner Malakoff asked if there are any other possible debris sites near there for the County to use. Jose Gonzalez said they have not gone into that level of analysis for alternative sites.

Commissioner Malakoff said that all that we have been talking about is using the Macarthur Causeway for the light rail coming over and going up Washington Avenue and eventually to 17th street and down Alton Road, so why would the intermodal facility need to be at 41st street?

Jose Gonzalez said there are several Miami Dade Transit regional bus routes that come across the Julia Tuttle. In the Mid-Beach area there isn't a hub for something as simple as layovers for buses. There is currently one near City Hall. The purpose of this facility would be for parking, then to take transit.

Commissioner Malakoff asked if this would include a garage. Jose Gonzalez said yes.

Assistant City Manager Kathie Brooks said the City has also been in discussions with the County to get some sort of enhanced bus service over the Julia Tuttle Causeway, so that could work as well.

Commissioner Malakoff said that this will just have to remain in discussion; there is nothing to be decided today.

Commissioner Rosen Gonzalez asked if there are homes near the site for debris. She said before we go through with this to check with the residents in that area.

Assistant City Manager Kathie Brooks and Commissioner Malakoff said the ramp divides the site from the homeowners.

Commissioner Steinberg asked if what Jose Gonzalez would like is recommendation to study the site further. Jose Gonzalez said yes and to pursue alternative sites for the debris storage.

Assistant City Manager Kathie Brooks said the idea is that we don't want to spend a lot of effort in providing a lot of explanation if there is not some idea to entertain the site. If there is they will go out and do the additional work. FDOT uses the site as storm debris.

Commissioner Rosen Gonzalez moved for Jose Gonzalez to find other sites for the debris storage in order to use the site as an intermodal facility.

Commissioner Alemán seconded Commissioner Rosen Gonzalez's motion; she thinks it is worthwhile to pursue a parking garage there.

Jonathan Groff, Chair of the Parks and Recreation Facilities Board, said the site is a perfect location for the intermodal facility.

Commissioner Alemán said there are some incredible trees that she hopes can be preserved.

Assistant City Manager Kathie Brooks said they will be looking at that.

Commissioner Steinberg asked what they think is a reasonable amount of time before we see this item again.

Commissioner Malakoff said they should come back in 2 months to give an update.

MOTION: Commissioner Rosen Gonzalez moved for Jose Gonzalez to find other sites for the debris storage in order to use the site as an intermodal facility. Commissioner Alemán seconded Commissioner Rosen Gonzalez's motion; she thinks it is worthwhile to pursue a parking garage there.

DIRECTION: Come back with an update in 2 months to the April NCAC meeting.

11. Discussion On Encroachments In The Public Right-Of-Way

Commission Item C4I, February 10, 2016
(Capital Improvement Projects)

Eric Carpenter, Assistant City Manager and Public Works Director
David Martinez, Capital Improvement Projects Director

AFTER-ACTION

Eric Carpenter, Assistant City Manager and Public Works Director said that because it

was only talked about at the commission meeting a couple of days ago, he thinks that there will be a lot of further interest in the item.

Commissioner Rosen Gonzalez said no one wants their hedges cut down on Sunset Island III and IV. She wants to know what we can do to work around this.

Eric Carpenter said this was an item that was put on as a referral from the commission to see how we wanted to handle this. They are significantly concerned regarding right-of-way encroachments the first reason is the safety issue, second is the storm water issue, and third is the equity issue. This has been discussed a lot with the neighborhood associations; there is still a difference in opinion. Eric Carpenter is looking for some direction to move forward on how to deal with this.

Eric Carpenter said it is always good to look at data, but sometimes it only takes one incident where you have actively gone in and done construction in the area and you have left something in place where it may have been a liability. This is why they need some clear direction.

Commissioner Alemán said she understands that when they met about this issue the City was going in to do storm water projects, there are situations where there has been an encroachment and it needs to be removed in order to properly implement the storm water structure. It is a necessity to protect everyone's property on the island. If there is a safety issue, then it is a good reason to enforce this.

David Martinez said when they do projects it involves an engineer that designs the plans. When they design the plans, they are sworn to project life. This is not just regarding the islands; it is about the whole City.

Commissioner Steinberg said she does not know if there is a right answer here.

Eric Carpenter said they can set some basic guidelines that make sense and there is always the revocable permit process if someone has an encroachment in the right-of-way that will require special consideration to allow it to remain. There is a codified process allowing for exceptions.

Commissioner Steinberg asked if they would like to draft something and come back and explain with some data.

Commissioner Rosen Gonzalez said there is no one size fits all.

DIRECTION: Come back to March NCAC meeting with details.

12. Monthly Progress Reports For The Following Miami Beach Feeder Pattern Schools: Feinberg Fisher; Biscayne Elementary; Treasure Island; And Nautilus Middle School

Commission Item C4K, February 10, 2016
(Sponsored by Commissioner Michael Grieco)

Leslie Rosenfeld, Chief Learning Development Officer

AFTER-ACTION

DIRECTION: Defer to the March NCAC meeting.

13. Discussion Regarding The Installation Of A Pedestrian Crosswalk Over Alton Road At 57th Street, To Connect Bus Stop To Bus Stop On Opposite Sides Of The Street

Commission Item C4L, February 10, 2016
(Sponsored by Vice-Mayor John Elizabeth Alemán)

AFTER-ACTION

Commissioner Alemán said that it was a little bit confusing, but she would like to an illuminated crosswalk to go across Alton Road not over Alton Road.

Assistant City Manager Kathie Brooks said this would be something similar to what the City has at Fisher Park. It is an FDOT road and it will need to be studied, which will take about 90 days.

MOTION: Commissioner Alemán motioned to initiate study with FDOT. Commissioner Rosen Gonzalez seconded the motion.

14. Discussion On Renaming/Dedicating The Stage At The Bandshell In Honor Of Mr. Clark Douglas Burris

Commission Item C4M, February 10, 2016
(Sponsored by Commissioner Micky Steinberg)

AFTER-ACTION

Commissioner Steinberg talked about how impactful of a person Mr. Clark Douglas Burris was. She said how he had Multiple sclerosis (MS) and was bound to a wheelchair. He taught children how to play guitar and founded what is known as the Miami Beach Senior High Rock Ensemble. He recently passed away. Commissioner Steinberg thought it would be appropriate to name the stage at the Bandshell after him. There will be a memorial for Mr. Burris on the 21st of February.

Commissioner Malakoff said she spoke to Commissioner Steinberg and she would like to co-sponsor the item with her.

MOTION: Commissioner Steinberg motioned to have this item go to the full Commission with a favorable recommendation at this time. Commissioner Rosen Gonzalez seconded to have this item go to the full Commission.

All in favor.

Meeting adjourned at 4:15 P.M.


JLM/KGB/MTG

MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: MEETING OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE (SRC) ON WEDNESDAY, FEBRUARY 17, 2016

A meeting of the Sustainability and Resiliency Committee was held on Wednesday, February 17, 2016, in the Commission Chambers, 3rd Floor of City Hall. Commissioners in attendance: Commissioner Micky Steinberg, Commissioner Ricky Arriola, Commissioner Joy Malakoff and Commissioner Kristen Rosen-Gonzalez. Members of the Administration and the public were also in attendance.

Meeting was called to order at: 1:06 PM

1. Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise

AFTER-ACTION

Susanne Torriente, Assistant City Manager/Chief Resiliency Officer presented the item. She explained that green infrastructure and historic preservation have been an ongoing topic and that AECOM will continue considering these elements in future projects. Bruce Mowry, City Engineer provided an update regarding on going Public Works projects throughout the City. He explained that Public Works is working with United States Geological Survey and other agencies on the management of the City's ground water.

Commissioner Malakoff inquired about meeting ADA standards as streets are raised. Dr. Mowry explained that all sidewalks are ADA-compliant and that it is a requirement for all City projects.

Dr. Mowry described ongoing concerns over grease that is discharged in the sanitary sewer system from local restaurants in Sunset Harbour. Elizabeth Wheaton, Environment and Sustainability Director explained that Miami-Dade County manages the grease discharge operating program, which requires restaurants to have a grease trap within their facility. She added that Miami Beach is preempted by the County from regulating this effluence. Ms. Wheaton mentioned that the county only has one inspector monitoring the grease trap program for the entirety of Miami-Dade and that City administration is considering hiring a building inspector to visit businesses and report grease trap discrepancies

Deborah Turner, First Assistant City Attorney added that the City Attorney's Office has previously investigated this issue and County to permit local jurisdiction for grease trap regulations and enforcement. She suggested a resolution could be drafted urging the county to improve this program. Commissioner Arriola requested that the City Attorney's Office provide the preemption language so that Commissioners can review it.

ACTION: Request City Commission to refer a discussion item regarding Miami-Dade County's grease discharge permitting program to the next Sustainability and Resiliency Committee Meeting.

2. Sustainability Committee Update

AFTER-ACTION:

Dave Doebler, Committee Chairman provided an update on the January 26, 2016 Sustainability Committee Meeting. He explained that new members had been appointed to the committee. Tonya Daniels, Interim Communications Director, gave a brief overview of the new anti-litter campaign. She explained to the Committee that the flexibility of the campaign will allow the Administration to incorporate other elements such as the reduction of plastics and encouraging recycling. This campaign will include tailoring the messages to the different neighborhoods.

MOTION: No further action taken.

3. Update on Improving Resiliency of Government Buildings and Operations to Reduce and Mitigate the Impacts of Greenhouse Gases

*Commission Item C4H, September 2, 2015
(Requested by Commissioner Steinberg)*

AFTER-ACTION:

Ms. Torriente presented the item. She mentioned that the City of Miami Beach, City of Miami and Miami-Dade County were co-applicants to the 100 Resilient Cities Rockefeller grant. Amy Knowles, Deputy Resiliency Officer, provided an update on her efforts to collect and validate data for the resiliency plan. She added that a water working group has been established to understand and improve water usage throughout the City. Mrs. Knowles also explained that the greenhouse gas inventory, a requirement by the Compact of Mayor's, is in progress. Additionally, a planning timeline that reflects the City's history and a communications plan will be incorporated.

Commissioner Rosen-Gonzalez inquired about what the County is doing to reduce water usage. Mrs. Knowles stated that in 2006, the County created a water efficiency plan which forecasted population growth and water reduction efforts revolved around this anticipated progression.

4. Discussion Regarding Potential Drafting of Plastic Bag Ban Ordinance in Anticipation of the State Pilot Program

Commission Item C4K, December 9, 2015

(Requested by Commissioner Grieco)

AFTER-ACTION:

Debora Turner, First Assistant City Attorney presented this item. She stated that the status of plastic bag legislation has not changed since January 2016; SB306 is in the Community Affairs Committee and HB143 is in the Florida House Agriculture and Natural Resources sub-committee.

MOTION: No further action taken.

5. Discussion Implementing City Wide Textile and Electronic Recycling

Commission Item C4D, January 13, 2016

(Requested by Vice-Mayor Aleman)

AFTER-ACTION:

Elizabeth Wheaton presented the item. She explained that the Administration has identified a national organization, Charity Recycling, which offers the opportunity for schools, business, and government agencies to recycle textiles. Their program involves strategically placing bins in areas where the public can drop off unwanted textiles. This program will allow the City to receive \$0.10 per pound of textiles which will then be allocated to the sustainable initiatives fund to promote similar programs. Based on the recommendation of the Committee, staff has considered locations that are supervised and will include City Hall and selected fire stations. This program will be at no cost to the City. Ms. Wheaton added that staff is currently in the process of identifying a company for electronic recycling and that it is recommended that any organization that recycles electronics, have one of two recommended EPA certifications.

Commissioner Rosen-Gonzalez inquired about the projected pounds of textile for this program. Mrs. Wheaton stated that there isn't an expected number, but that staff can return to the Committee after a few months to provide an update

Members of the public addressed the Committee.

MOTION: Refer item to City Commission with favorable recommendation. Motion made by Commissioner Arriola, seconded by Commissioner Rosen-Gonzalez

6. Referral To Discuss Prohibiting Contractors From Using Roundup And Other Chemicals Labeled As Carcinogens In Public Spaces

*Commission Item C4E, February 10, 2016
(Requested by Commissioner Arriola)*

ACTION: Item deferred to the March 30, 2016 Sustainability and Resiliency Committee

7. Referral To Discuss The Elimination And/Or Phasing Out Of Gas-Powered Leaf Blowers

*Commission Item C4F, February 10, 2016
(Requested by Commissioner Grieco)*

ACTION: Item deferred to the March 30, 2016 Sustainability and Resiliency Committee

8. Referral To Discuss Establishing A Kayak Sharing Program At Select Waterfront Parks.

*Commission Item C4B, February 10, 2016
(Requested by City Manager, Jimmy Morales)*

AFTER-ACTION:

Elizabeth Wheaton presented the item. She described that the Knight Cities Challenge grant was advertised in 2015 for municipalities and individuals. The City submitted an application proposing a kayak sharing program similar to the shared bike concept. The idea was recently selected as a finalist. She explained that part of the proposal is to establish a kayak sharing network and to partner with an outside agency that would provide the kayak stations and service them. Ms. Wheaton added that the community will be involved in determining which waterfront parks would work best. The program will also include an educational component to provide users the opportunity to connect with the natural environment and promote stewardship. Winners will be selected within the upcoming months.

Commissioner Rosen-Gonzalez expressed concerns regarding having proper signage directing the public to the stations. Ms. Wheaton explained that interactive resiliency signage would be incorporated in the program and would also serve as self-guided tour. The program will also be tied into the Blueways Master Plan signage.

Members of the public addressed the Committee.

A presentation of the Seabin project was provided.

ACTION: Request City Commission to refer a discussion item regarding the Seabin Project to the next Sustainability and Resiliency Committee.

Meeting adjourned at 2:13 PM

JLM/SMT/ESW/YP

C7

RESOLUTIONS

C7

Condensed Title:

A Resolution Authorizing the City Manager or his Designee to Apply for and Accept three (3) Grants.

Key Intended Outcome Supported:

1) and 2) N/A; 3) Maximize the Miami Beach brand as a world-class destination.

Supporting Data: 2014 Community Satisfaction Survey/Other data: 1) The Miami Beach Fire Department received positive ratings from over nine out of ten resident (93%), and ratings in 2014 were higher than in 2012 (91% positive); over nine out of ten residents (92%) rated emergency medical response as excellent of good, compared to 89% of residents who did so in 2012; 2) The Fire Department has experienced more than a 9% increase in the number of pre-hospital care calls for service from 14,865 in 2001 to 16,243 in 2011; 3) 60% of our residents visited Lincoln Road at least weekly last year.

Item Summary/Recommendation:

A Resolution approving and authorizing the City Manager or his designee to apply for, accept, appropriate funding (including matching funds and any related expenses) and execute any and all documents or agreements in connection with grants and funding requests from the following sources: 1) State of Florida Emergency Medical Services (EMS) in the approximate amount of \$70,000; 2) FM Global in the approximate amount of \$3,000; 3) ArtPlace America in the approximate amount of \$350,000.

Financial Information:

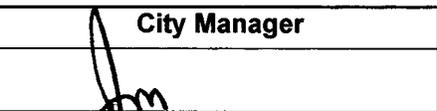
Source of funds	#	Grant Name/Project	Approx. Award	Approximate Match Amount/Source
(20)	1	State of Florida Emergency Medical Services (EMS)/Equipment	\$70,000	\$17,500 Fire Department Operating Budget
	2	FM GLOBAL/Auto Pulse Devices	\$3,000	N/A
	3	ArtPlace/Lincoln Road	\$350,000	N/A

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

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

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, APPROPRIATE FUNDING (INCLUDING MATCHING FUNDS AND ANY RELATED CITY EXPENSES), AND EXECUTE ANY AND ALL DOCUMENTS OR AGREEMENTS IN CONNECTION WITH GRANTS AND FUNDING REQUESTS FROM THE FOLLOWING SOURCES: 1) STATE OF FLORIDA EMERGENCY MEDICAL SERVICES (EMS) IN THE APPROXIMATE AMOUNT OF \$70,000; 2) FM GLOBAL IN THE APPROXIMATE AMOUNT OF \$3,000; 3) ARTPLACE IN THE APPROXIMATE AMOUNT OF \$350,000.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Approval to submit a grant application to the State of Florida, Department of Health for funding in the approximate amount of \$70,000 for equipment related to Pre-Hospital Emergency Services

The State of Florida EMS Matching grant program provides emergency medical service providers with funds to acquire, repair improve or upgrade emergency medical services systems. Funds must be used for the improvement and expansion of emergency medical services within the list of eligible activities outlined by the State.

The Administration intends to request funding in the approximate amount of \$40,000 for two (2) Auto Pulse Systems, which will allow emergency medical services personnel to employ a more effective method for delivering chest compressions. In addition to the Auto Pulse Systems, the Administration intends to apply for funding for a Mass Casualty Incident Trailer, which will provide emergency medical supplies in the event of a mass casualty incident. The trailer is approximately \$30,000, therefore the total amount that the City intends to apply for is approximately \$70,000.

The grant requires a 25% match of the total project cost. The Fire Department has funding available in the amount of \$17,500 in its operating budget to cover the costs of this match.

2. Approval to submit a grant application to FM Global, for funding, in the approximate amount of \$3,000 for fire equipment

FM Global operates in more than 130 countries worldwide and offers a wide range of products, including protection needs. In addition to its core business, FM Global also has a fire prevention grant program designed to help organizations worldwide to more effectively prevent fire in their communities. The grant program provides funding to assist Fire Departments and national, state, regional, local, and community organizations in undertaking a wide array of fire prevention, preparedness, and control efforts. Grant funds must be used for a public purpose.

The administration intends to apply for fire equipment through this program in the approximate amount of \$3,000. This grant does not require matching funds.

3. Approval to submit a grant application to ArtPlace America in the approximate amount of \$350,000 for the Lincoln Road District Revitalization project

ArtPlace America (ArtPlace) is a ten-year collaboration among a number of foundations, federal agencies, and financial institutions that work to position arts and culture as a core sector of comprehensive community planning and development in order to help strengthen the social, physical, and economic fabric of communities.

ArtPlace focuses its work on creative placemaking, which describes projects in which art plays an intentional and integrated role in place-based community planning and development. The program brings artists, arts organizations, and artistic activity into the suite of placemaking strategies, where community development holds a locally informed, human-centric, and holistic role. ArtPlace's National Creative Placemaking Fund invests in planning and development projects where arts and culture play a central role. Since 2011, the National Creative Placemaking Fund has invested in 227 projects across 152 communities of all sizes in 43 states and the District of Columbia.

The Administration intends to apply for funding for a creative placemaking project in the upcoming Lincoln Road Master Plan project. The project aims to accomplish two primary goals. The first is to enhance the aesthetic and social experience of Lincoln Road by addressing its physical and operational challenges through new design. The second is to leverage the ongoing success of Lincoln Road and its neighbors to envision an integrated district that can effectively accommodate the interests of both stakeholders and visitors, and further elevate Miami Beach's status as a global destination. The mission is to create a world-class, 21st century shopping, dining and cultural district inspired by the unique history and character of Lincoln Road. As a significant social and civic place for the city, the new Lincoln Road District will foster community, connectivity and social exchange, and thrive as a both a revitalized center-piece of the community as well as a must-see destination for visitors from around the world.

The City intends to apply for funding for Lincoln Road District in the approximate amount of \$350,000. This grant does not require matching funds and supports the key intended outcome to maximize the Miami Beach brand as a world-class destination.

CONCLUSION

A Resolution of the Mayor and City Commission of the city of Miami Beach, Florida, Approving and Authorizing the City Manager, or his designee, to apply for, accept, appropriate funding (including matching funds and any related city expenses), and execute any and all documents or agreements in connection with grants and funding requests from the following sources: 1) State of Florida Emergency Medical Services (EMS) in the approximate amount of \$70,000; 2) FM Global in the approximate amount of \$3,000; 3) ArtPlace America in the approximate amount of \$350,000.

JLM/JW/JH

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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, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, APPROPRIATE FUNDING (INCLUDING MATCHING FUNDS AND ANY RELATED CITY EXPENSES), AND EXECUTE ANY AND ALL DOCUMENTS OR AGREEMENTS IN CONNECTION WITH GRANTS AND FUNDING REQUESTS FROM THE FOLLOWING SOURCES: 1) STATE OF FLORIDA EMERGENCY MEDICAL SERVICES (EMS) IN THE APPROXIMATE AMOUNT OF \$70,000; 2) FM GLOBAL IN THE APPROXIMATE AMOUNT OF \$3,000; 3) ARTPLACE IN THE APPROXIMATE AMOUNT OF \$350,000.

WHEREAS, the City Administration requests approval to submit a grant application to the State of Florida, Department of Health for funding in the approximate amount of \$70,000 for equipment related to Pre-Hospital Emergency Services, the details of which are as follows:

- The State of Florida EMS Matching grant program provides emergency medical service providers with funds to acquire, repair, improve or upgrade emergency medical services systems;
- Funds must be used for the improvement and expansion of emergency medical services within the list of eligible activities outlined by the State;
- The Administration intends to request funding in the approximate amount of \$40,000 for two (2) Auto Pulse Systems, which will allow emergency medical services personnel to employ a more effective method for delivering chest compressions;
- In addition to the Auto Pulse Systems, the Administration intends to apply for funding for a Mass Casualty Incident Trailer, which will provide emergency medical supplies in the event of a mass casualty incident;
- The trailer costs approximately \$30,000; therefore the total amount that the City intends to apply for is approximately \$70,000;
- The grant requires a 25% match of the total project cost;
- The Fire Department has funding available in the amount of \$17,500 in its operating budget to cover the costs of this match; and

WHEREAS, the City Administration requests approval to submit a grant application to FM Global, for funding in the approximate amount of \$3,000 for fire equipment, the details of which are as follows:

- FM Global operates in more than 130 countries worldwide and offers a wide range of products, including protection needs;
- In addition to its core business, FM Global also has a fire prevention grant program designed to help organizations worldwide to more effectively prevent fire in their communities;
- The grant program provides funding to assist Fire Departments and national, state, regional, local, and community organizations in undertaking a wide array of fire prevention, preparedness, and control efforts;
- Grant funds must be used for a public purpose;
- The administration intends to apply for fire equipment through this program in the approximate amount of \$3,000;
- This grant does not require matching funds; and

WHEREAS, the City Administration requests approval to submit a grant application to ArtPlace America in the approximate amount of \$350,000 for the Lincoln Road District Revitalization project, the details of which are as follows:

- ArtPlace America (ArtPlace) is a ten-year collaboration among a number of foundations, federal agencies, and financial institutions that work to position arts and culture as a core sector of comprehensive community planning and development in order to help strengthen the social, physical, and economic fabric of communities;
- ArtPlace focuses its work on creative placemaking, which consists of projects in which art plays an intentional and integrated role in place-based community planning and development. The program brings artists, arts organizations, and artistic activity into the suite of placemaking strategies, where community development holds a locally informed, human-centric, and holistic role. ArtPlace's National Creative Placemaking Fund invests in planning and development projects where arts and culture play a central role;
- Since 2011, the National Creative Placemaking Fund has invested in 227 projects across 152 communities of all sizes in 43 states and the District of Columbia;
- The Administration intends to apply for funding for a creative placemaking project in the upcoming Lincoln Road Master Plan project;
- The project aims to accomplish two primary goals;
- The first goal is to enhance the aesthetic and social experience of Lincoln Road by addressing its physical and operational challenges through new design;
- The second goal is to leverage the ongoing success of Lincoln Road and its neighbors to envision an integrated district that can effectively accommodate the interests of both stakeholders and visitors, and further elevate Miami Beach's status as a global destination;

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving In Substantial Form And Authorizing The Mayor And City Clerk To Execute A Special Construction Agreement With AT&T In The Amount Of \$181,322; A Right-Of-Way Agreement For Underground Conversions With Florida Power And Light (FPL); And An Applicant-Installed Facilities Agreement For Underground Conversions With FPL, All Of Which Relate To The Underground Conversion Of Overhead Utilities On Hibiscus Island, Which Shall Be Funded Through Special Assessments Collected By Miami-Dade County And Remitted To The City.

Key Intended Outcome Supported:

Build and maintain priority infrastructure with full accountability.
Supporting Data (Surveys, Environmental Scan, etc): The 2014 Customer Satisfaction Survey indicated that over 77% of residents rated recently completed capital improvement projects as "excellent" or "good".

Item Summary/Recommendation:

On May 13, 2009, the Mayor and City Commission adopted Resolution No. 2009-27065, endorsing, as required by the Miami-Dade County Code, the creation by Miami-Dade County of special taxing districts for Palm Island and Hibiscus Island, respectively, for the undergrounding of overhead utilities, subject to and contingent upon compliance with and satisfaction of the requirements for the creation of special taxing districts, as set forth in Chapter 18 of the Miami-Dade County Code.

On September 21, 2010, and upon petition of the residents of Hibiscus Island, Miami-Dade County ("County") adopted County Ordinance No. 10-51, which established a special taxing district known as the Hibiscus Island Overhead Services Relocation Improvement Special Taxing District, to fund the undergrounding of overhead utilities on Hibiscus Island (the "District"). These utilities consist of electric (FPL), telephone (AT&T), and cable TV (Atlantic Broadband).

On April 11, 2012, the Mayor and City Commission adopted Resolution No. 2012-27890, approving and authorizing the City Manager to execute an interlocal agreement with Miami-Dade County, to bill the County for construction costs pertaining to the undergrounding project, and approving and authorizing the City Manager to execute an Underground Facilities Conversion Agreement with FPL.

The undergrounding of the utilities on Hibiscus Island will be performed by the City, in conjunction with the Palm and Hibiscus Right of Way Improvement Project.

The City and the County executed an Interlocal Agreement on May 17, 2012, which establishes the terms, conditions and cost for the undergrounding of the utilities on Hibiscus Island, in a total amount not to exceed \$1,834,581. The \$1,834,581 amount allocated for the actual construction and installation of the underground conversion project is based on the binding estimates of the respective utility companies (FPL, AT&T, and Atlantic Broadband). This amount also includes the fees for the City's contractor and other costs associated with the project.

The City intends to perform the relocation underground of overhead AT&T utilities on Hibiscus Island in conjunction with the Palm and Hibiscus Right of Way Improvement Project. The City's contractor, Lanzo Construction Co., will install the conduits and related components for the undergrounding, after which and upon completion of the City's Capital Improvement project, AT&T will install its wiring and systems.

AT&T has submitted drawings and a cost estimate of \$181,322, which includes the installation of cables, electronic components, and activation of the system required for the undergrounding of existing aerial communication services. The conduits are to be supplied and installed by the City's contractor. The agreement with AT&T is attached. The City must execute this agreement and pay AT&T for all work within 30 days following the execution of the agreement, in order to complete the placement underground of telephone services on Hibiscus Island. Additionally, in order to complete the underground conversion of overhead utilities on Hibiscus Island, the City must also execute a City/County Right-of-Way Agreement for Underground Conversions and an Applicant-Installed Facilities Agreement for Underground Conversions, with FPL.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Source of Funds	Amount	Account
1	\$181,322	350-2338-069357
Total	\$181,322	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DM 	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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING IN SUBSTANTIAL FORM AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SPECIAL CONSTRUCTION AGREEMENT WITH AT&T IN THE AMOUNT OF \$181,322; A RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS WITH FLORIDA POWER AND LIGHT (FPL); AND AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND CONVERSIONS WITH FPL, ALL OF WHICH RELATE TO THE UNDERGROUND CONVERSION OF OVERHEAD UTILITIES ON HIBISCUS ISLAND, WHICH SHALL BE FUNDED THROUGH SPECIAL ASSESSMENTS COLLECTED BY MIAMI-DADE COUNTY AND REMITTED TO THE CITY.**

FUNDING

350 - Line of Credit – Encumbrances

ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

BACKGROUND

On May 13, 2009, the Mayor and City Commission adopted Resolution No. 2009-27065, endorsing, as required by the Miami-Dade County Code, the creation by Miami-Dade County of special taxing districts for Palm Island and Hibiscus Island, respectively, for the undergrounding of overhead utilities, subject to and contingent upon compliance with and satisfaction of the requirements for the creation of special taxing districts, as set forth in Chapter 18 of the Miami-Dade County Code.

On September 21, 2010, and upon petition of the residents of Hibiscus Island, Miami-Dade County ("County") adopted County Ordinance No. 10-51, which established a special taxing district known as the Hibiscus Island Overhead Services Relocation Improvement Special Taxing District, to fund the undergrounding of overhead utilities on Hibiscus Island (the "District"). These utilities consist of electric (FPL), telephone (AT&T), and cable television (Atlantic Broadband).

On April 11, 2012, the Mayor and City Commission adopted Resolution No. 2012-27890, approving and authorizing the City Manager to execute an interlocal agreement with Miami-Dade County, to bill the County for construction costs pertaining to the undergrounding project, and approving and authorizing the City Manager to execute an Underground Facilities Conversion Agreement with FPL.

The undergrounding of the utilities on Hibiscus Island will be performed by the City, in conjunction with the Palm and Hibiscus Right of Way Improvement Project.

The City and the County executed an Interlocal Agreement on May 17, 2012, which establishes the terms, conditions and cost for the undergrounding of the utilities on Hibiscus Island, in a total amount not to exceed \$1,834,581. See Exhibit A, attached hereto. The \$1,834,581 amount allocated for the actual construction and installation of the underground conversion project is based on the binding estimates of the respective utility companies (FPL, AT&T, and Atlantic Broadband). This amount also includes the fees for the City's contractor and other costs associated with the project.

ANALYSIS

The City intends to perform the relocation underground of overhead AT&T utilities on Hibiscus Island in conjunction with the Palm and Hibiscus Right of Way Improvement Project. The City's contractor, Lanzo Construction Co., will install the conduits and related components for the undergrounding, after which and upon completion of the City's Capital Improvement project, AT&T will install its wiring and systems.

AT&T has submitted drawings and a cost estimate of \$181,322, which includes the installation of cables, electronic components, and activation of the system required for the undergrounding of existing aerial communication services. The conduits are to be supplied and installed by the City's contractor. The agreement with AT&T is attached hereto as Exhibit B. The City must execute this agreement and pay AT&T for all work within 30 days following the execution of the agreement, in order to complete the placement underground of telephone services on Hibiscus Island. Additionally, in order to complete the underground conversion of overhead utilities on Hibiscus Island, the City must also execute a City/County Right-of-Way Agreement for Underground Conversions (Exhibit C), and an Applicant-Installed Facilities Agreement for Underground Conversions (Exhibit D), with FPL.

CONCLUSION

The Administration recommends adopting the Resolution.

Attachments:

- Exhibit A – Interlocal Agreement
- Exhibit B – Agreement with AT&T
- Exhibit C – City/County Right-of-Way Agreement for Underground Conversions, with FPL
- Exhibit D – Applicant-Installed Facilities Agreement for Underground Conversions, with FPL


JM/ETC/DM

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING IN SUBSTANTIAL FORM AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SPECIAL CONSTRUCTION AGREEMENT WITH AT&T IN THE AMOUNT OF \$181,322; A RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS WITH FLORIDA POWER AND LIGHT (FPL); AND AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND CONVERSIONS WITH FPL, ALL OF WHICH RELATE TO THE UNDERGROUND CONVERSION OF OVERHEAD UTILITIES ON HIBISCUS ISLAND, WHICH SHALL BE FUNDED THROUGH SPECIAL ASSESSMENTS COLLECTED BY MIAMI-DADE COUNTY AND REMITTED TO THE CITY.

WHEREAS, on May 13, 2009, the Mayor and City Commission adopted Resolution No. 2009-27065, endorsing, as required by the Miami-Dade County Code, the creation by Miami-Dade County of special taxing districts for Palm Island and Hibiscus Island, respectively, for the underground conversion of overhead utilities, subject to and contingent upon compliance with and satisfaction of the requirements for the creation of special taxing districts, as set forth in Chapter 18 of the Miami-Dade County Code; and

WHEREAS, on September 21, 2010, and upon petition of the residents of Hibiscus Island, Miami-Dade County ("County") adopted County Ordinance No. 10-51, which established a special taxing district known as the Hibiscus Island Overhead Services Relocation Improvement Special Taxing District, to fund the underground conversion of overhead electric, telephone, and cable television utilities on Hibiscus Island (the "District"); and

WHEREAS, on April 11, 2012, the Mayor and City Commission adopted Resolution No. 2012-27890, approving and authorizing the City Manager to execute an interlocal agreement with Miami-Dade County, to bill the County for construction costs pertaining to the underground conversion project, and approving and authorizing the City Manager to execute an Underground Facilities Conversion Agreement with FPL; and

WHEREAS, the undergrounding of utilities on Hibiscus Island will be performed by the City, in conjunction with the Palm and Hibiscus Right-of-Way Improvement Project; and

WHEREAS, on May 17, 2012, the City and the County executed an Interlocal Agreement, which establishes the terms, conditions and cost for the underground conversion of utilities on Hibiscus Island, in an amount not to exceed \$1,834,581; and

WHEREAS, the total cost of \$1,834,581, which is allocated for the actual construction and installation of the underground conversion project, is based on the binding estimates of the respective utility companies (FPL, AT&T, and Atlantic Broadband), and includes the fees for the City's contractor and other costs associated with the project; and

WHEREAS, the City's contractor, Lanzo Construction Co., will install the conduits and related components for the underground conversion, after which and, upon completion of the City's Capital Improvement project, AT&T will install its wiring and systems; and

WHEREAS, AT&T has submitted drawings and a total estimate of \$181,322, which includes the installation of cables and electronic components, and activation of the system required for the underground conversion of existing aerial communication services; and

WHEREAS, the City must execute the Special Construction Agreement with AT&T and pay AT&T for all work within 30 days following the execution of the agreement, in order to complete the placement underground of telephone services on Hibiscus Island; and

WHEREAS, in order to complete the underground conversion of overhead utilities on Hibiscus Island, the City must also execute a City/County Right-of-Way Agreement for Underground Conversions, and an Applicant-Installed Facilities Agreement for Underground Conversions, with FPL.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve in substantial form and authorize the Mayor and City Clerk to execute a Special Construction Agreement with AT&T, in the amount of \$181,322; a Right-of-Way Agreement for Underground Conversions with FPL; and an Applicant-Installed Facilities Agreement for Underground Conversions with FPL, all of which relate to the underground conversion of overhead utilities on Hibiscus Island, which shall be funded through special assessments collected by Miami-Dade County and remitted to the City.

PASSED AND ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-29-16

Date

NK

**INTERLOCAL AGREEMENT BY AND BETWEEN
MIAMI-DADE COUNTY, FLORIDA AND THE CITY
OF MIAMI BEACH FOR THE UNDERGROUND
BURIAL OF EXISTING OVERHEAD ELECTRICAL,
TELEPHONE AND CABLE TELEVISION SERVICE
LINES FOR THE HIBISCUS ISLAND OVERHEAD
SERVICES RELOCATION IMPROVEMENT
SPECIAL TAXING DISTRICT PURSUANT TO
ORDINANCE NO. 10-51**

THIS INTERLOCAL AGREEMENT, made and entered into this 17th day of May, 2012, by and between **MIAMI-DADE COUNTY, FLORIDA** (the "COUNTY"), a political subdivision of the State of Florida, and the **CITY OF MIAMI BEACH, FLORIDA** (the "CITY"), a municipality organized and existing under the laws of the State of Florida.

WHEREAS, Section 163.01, Florida Statutes and the Miami-Dade County Home Rule Charter, as amended, permit the **COUNTY** and the **CITY** to enter into interlocal agreements; and

WHEREAS, the Commission of the City of Miami Beach passed and adopted Resolution No. 2009-27065, approving the creation of the **HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT**; and

WHEREAS, the Miami-Dade County Board of County Commissioners, by adoption of Ordinance No. 10-51 on September 21, 2010, created the **HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT**, pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, and Section 1.01 (a) (11) of the Miami-Dade County Home Rule Charter, as amended, and authorized the County Mayor or the Mayor's designee to enter into this Interlocal Agreement with the **CITY** to provide the capital improvements for the District; and

WHEREAS, the District was approved on December 7, 2010, by a majority vote of qualified electors residing within the District; and

WHEREAS, the parties hereto, for the consideration herein as set forth mutually agree as follows:

1. The **CITY** shall design, construct and install or cause to be designed, constructed and installed for the subject District all capital improvements necessary to affect the underground burial of existing overhead electrical, telephone and cable television service lines, in accordance with the minimum standards and requirements set forth by the **CITY**, the Florida Power and Light Company, AT&T, and Atlantic Broadband Cable.

2. The improvements approved to be constructed shall be located within the public Rights-of-Way. The boundaries of the HIBISCUS ISLAND OVERHEAD SERVICES RELOCATION IMPROVEMENT SPECIAL TAXING DISTRICT are shown on the attached Exhibit A.

3. The **COUNTY** shall reimburse the **CITY** for all costs of contract administration, labor, materials and supplies necessary to provide the capital improvements described herein. Total cost not to exceed \$1,834,581.00

4. The **COUNTY**, from special assessments collected from within the District, will pay in full to the limit specified in Section 3 all costs incurred by the **CITY** within 30 days of receipt of itemized final invoicing.

5. The **CITY** shall indemnify and hold harmless the **COUNTY** and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the **COUNTY** or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the **CITY** or its employees, agents, servants, partners, principals or subcontractors. The **CITY** shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any

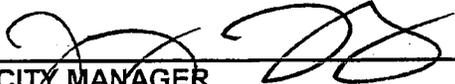
kind or nature in the name of the **COUNTY**, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provided, however, this indemnification shall only be to the extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of that Statute whereby the **CITY** shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$100,000, or any claim or judgment or portions thereof, which, when totaled with all other claims or judgment paid by the **CITY** arising out of the same incident or occurrence, exceed \$200,000 from any and all personal injury or property damage claims, liabilities, losses or causes of action which may arise as a result of the negligence of the **CITY**.

IN WITNESS WHEREOF, the parties having caused this Interlocal Agreement to be executed by their respective and duly authorized officers.

[Remainder of Page Intentionally Left Blank--Signature Page and Exhibit to Follow]

CITY OF MIAMI BEACH,
FLORIDA

MIAMI-DADE COUNTY,
FLORIDA


CITY MANAGER
BY ITS CITY COMMISSION


COUNTY MAYOR OR
MAYOR'S DESIGNEE

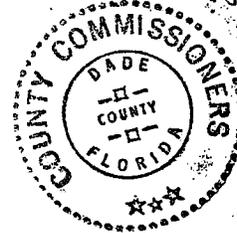
ATTEST:




CITY CLERK

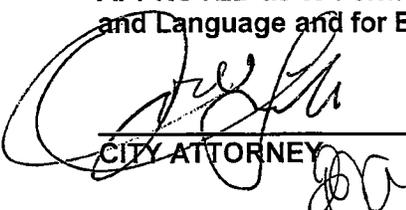

DEPUTY CLERK 4/17/12

(SEAL)



RISK MANAGEMENT (if applicable)

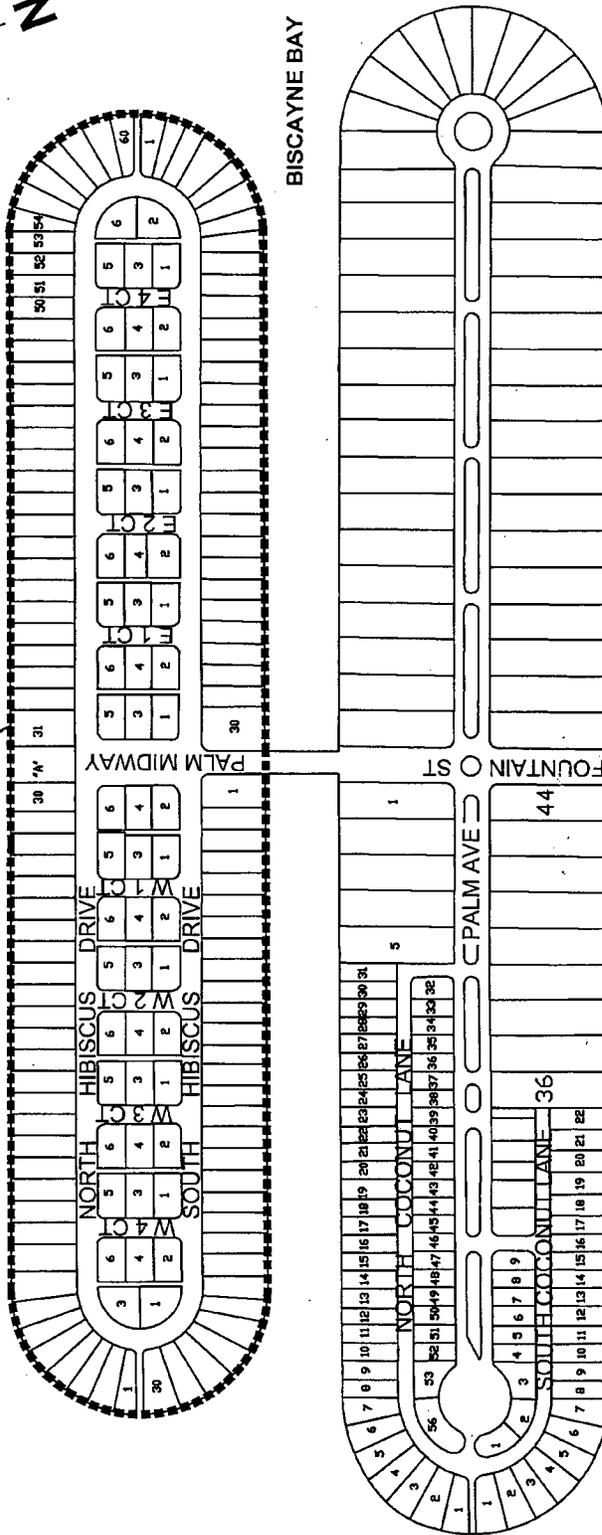
APPROVED as to Form
and Language and for Execution


CITY ATTORNEY 4/17/12

APPROVED as to Legal Form


ASSISTANT COUNTY
ATTORNEY

PROPOSED
DISTRICT
BOUNDARIES



HIBISCUS ISLAND
OVERHEAD SERVICES RELOCATION IMPROVEMENT
SPECIAL TAXING DISTRICT

EXHIBIT "A"

R-40 (COMM. 0005)
SECTION: 5 - 54 - 32 & 32 - 53 - 42

**SPECIAL CONSTRUCTION AGREEMENT
For Conversion of Overhead Facilities to Underground**

Project #: **6MP06226A**

Customer Name: **City of Miami Beach**

Authority: **A0095DG**

Customer Number:

AT&T Contact: **Andres Hernandez**

Work Site Address: **Hibiscus Island**

Telephone: **305-222-0932**

This Agreement (" Agreement") is entered into by and between BellSouth Telecommunications, LLC d/b/a AT&T Southeast ("AT&T") and City of Miami Beach ("Customer" or "City"). AT&T and Customer hereby agree to the following terms and conditions:

1. **Special Construction Work & Consideration.** This Agreement is for the Special Construction Work described on *Exhibit 1*, attached hereto and incorporated herein by this reference ("Special Construction Work"). Exhibit 1 includes conditions precedent to AT&T commencing the Special Construction Work ("Conditions Precedent"). As consideration for the Special Construction Work, Customer agrees to pay AT&T for the work on an "actual cost" basis. The Customer affirms that the Estimated Special Construction Work Charges below is an estimate and that the actual costs incurred by AT&T may be higher. Said estimated cost is subject to change due to factors including, but not limited to, changing conditions in the field or changes in cost of labor or materials. Customer agrees to make advance payment of 100% of the estimated cost totalling **\$190,822.00** ("Estimated Special Construction Work Charges"), **\$9,500.00** of which Customer has previously paid to AT&T, such that **\$181,322.00** is due and payable. Customer will pay such amount to AT&T within 30 days following full execution of this Agreement. Payment of such amount in full is required before the Special Construction Work will begin. Payment shall be made by mail to AT&T's offices at AT&T CWO Coordinator, 1876 Data Drive, 5th Floor North, Attention: Susan Rinehart, Hoover, AL 35244, or to such other address as AT&T may designate in writing. Upon completion of the work, AT&T will compute the actual cost of the work ("Special Construction Work Charges"). Any difference between the amount of the advance payment and the Special Construction Work Charges will either be paid by the Customer to AT&T within 30 days of Customer's receipt of an invoice therefor (in the event actual exceeds estimated) or refunded to the Customer by AT&T (in the event actual is less than estimated).
2. **Cost Estimate.** The Estimated Special Construction Work Charges amount is valid for 180 days from November 27^h, 2015. If this Agreement is not fully executed within the said period, then AT&T may require the Customer to request a new cost estimate, and the Estimated Special Construction Work Charges amount may change.

3. **Changes in Scope of Work or Field Conditions.** If the Customer initiates changes in the scope of the work after the date of this Agreement or there exists a condition in the field or other relevant circumstance discovered after the date of this Agreement that is different from the conditions or circumstances that were assumed in preparing the Estimated Special Construction Work Charges, AT&T may require the Customer to request a new cost estimate, the Estimated Special Construction Work Charges amount may change, and the parties will cooperate to sign an amendment to this Agreement incorporating any relevant changes to the Estimated Special Construction Work Charges or scope of work.
4. **Breach; Termination.** If either party breaches any material provision in this Agreement, then the other party may terminate this Agreement by written notice to the breaching party; provided that, prior to any such notice of termination, the other party provides written notice of the breach to the breaching party, and the breaching party fails to cure the breach within 30 calendar days from receipt of the notice of the breach. The time to cure shall be extended for a reasonable time to allow for cure if the breach cannot be cured within 30 calendar days and if the breaching party continues expeditiously to cure.
5. **Early Termination.** In event of termination of this Agreement for any reason in advance of completion of the Special Construction Work, in addition to any other remedies that may be available to AT&T, AT&T shall have the right to retain any Estimated Special Construction Work Charges previously paid by the City that compensate AT&T for Special Construction Work performed up to the date of termination, and AT&T may complete any segment of the Special Construction Work then in progress. Following such termination, AT&T shall return to the City any such portion of such prior payment that is in excess of such amounts that compensate for Special Construction Work performed up to the date of termination and/or which was in progress prior to the date of termination. If actual costs incurred by AT&T for Special Construction Work performed up to the date of termination exceed the prior payments, the City shall be responsible to pay any such excess amount within 30 days following receipt of an invoice from AT&T.
6. **Force Majeure; Time to Complete.** Any information provided by AT&T, its agents servants or employees that the project will be complete by a certain date or within certain time period is an estimate and not binding on AT&T, its agents, servants or employees. Estimated completion dates and the Special Construction Work are subject to circumstances, including without limitation, changing conditions in the field, and force majeure conditions, including, without limitation, weather, labor disputes, vendor/contractor disputes, and other conditions or circumstances outside of AT&T's control.
7. **Damages; No Damages for Delay.** In the event of termination of this Agreement for any reason set forth herein in advance of completion of Special Construction Work, the City shall have no claim or remedy against AT&T, except a claim to collect any excess payment amount, as set forth in Section 5. In the event of any claims arising from this Agreement, neither party shall liable for

any consequential, incidental, or indirect damages. Under no circumstances will AT&T be held liable to Customer, Customer's agents, servants, contractors or employees or any alleged delay in the Special Construction Work.

8. Severability. Any provision of this Agreement held by court of competent jurisdiction to be invalid or unenforceable shall not impair or invalidate the remainder of this Agreement and the effect thereof shall be confined to the provision so held to be invalid or unenforceable.

9. Successors and Assigns. This Agreement is binding upon and shall inure to the benefit of the parties and their respective successors and assigns.

10. Counterparts. This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original, but all of which when taken together shall constitute one and the same instrument.

11. Effect of Waiver. No consent or waiver, express or implied shall be deemed a consent to or waiver of any other breach of the same or any other covenant, condition or duty.

12. Headings. The headings, captions, and arrangements used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

13. Modification. This Agreement constitutes the entire agreement between the parties and can only be changed in a writing or writings executed by both of the parties. Each of the parties forever waives all right to assert that this Agreement was the result of a mistake in law or fact.

14. Interpretation. The parties agree that this Agreement shall not be interpreted in favor or against either party. The parties further agree that they entered into this Agreement after conferring with legal counsel, or after having a reasonable opportunity to confer with legal counsel.

15. Applicable Law. This Agreement shall be governed and interpreted in accordance with the laws of the State of Florida without regard to Florida conflict of law principles.

16. Attorneys' fees. If either party seeks to enforce its rights under this Agreement through legal action, the prevailing party shall recover from the other party all costs and expenses incurred, including, but not limited to, reasonable attorneys' fees.

17. Authority. The signatories to this Agreement represent and warrant that they are duly authorized to execute this Agreement.

18. Indemnification and Hold Harmless. Subject to applicable law and without waiver by the Customer of any relevant sovereign immunity rights under Florida law, including without limitation without waiver of any applicable rights or limitations under Section 768.28, Fla. Stat., Customer, Customer's agents, servants, contractors and employees hereby agree to indemnify and hold harmless AT&T and its employees, agents and contractors from and against any and all claims, costs, and expenses, judgments or actions for damage to property or injury or death to persons and/or arising from or relating to the work that is the subject of this Agreement, if and to the extent any such claims are caused by the acts or omissions of the Customer, Customer's agents, servants or employees.

19. Final Agreement. THIS AGREEMENT REPRESENTS THE ENTIRE AND FINAL EXPRESSION OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF. THIS AGREEMENT MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES; THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES. NO MODIFICATION, RESCISSION, WAIVER, RELEASE OR AMENDMENT OF ANY PROVISION OF THIS AGREEMENT SHALL BE MADE, EXCEPT BY A WRITTEN AGREEMENT SIGNED BY BOTH PARTIES.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative on the dates set forth below.

City of Miami Beach, Florida

**BellSouth Telecommunications, LLC
d/b/a AT&T Southeast**

By: _____
Printed Name

By: _____
Printed Name

By: _____
Authorized Signature

By: _____
Authorized Signature

Title: _____

Title: _____

Date: _____

Date: _____

By signing below, the Association agrees to Exhibit 1, Part C of this Agreement and acknowledges the information in Exhibit 1, Part E of this Agreement.

Palm-Hibiscus-Star Islands Association, Inc.

By: _____

Title: _____

Date: _____

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-25-16

Date

NK

EXHIBIT 1

The Special Construction Work that is the subject of the Agreement to which this Exhibit 1 is attached is as follows:

The work area is the area within the City of Miami Beach, as shown on Attachment A (“Work Area”). The Special Construction Work is the following work within the Work Area: Installation by AT&T of underground cable and related aboveground equipment (collectively, the converted system) to replace AT&T aerial facilities, including cables, terminals, service wires, poles, anchors and guys, in the Work Area; cutover of existing communications service on such aerial facilities to converted system; and removal of the aerial facilities and any AT&T-owned poles following cutover, resulting in conversion of the aerial facilities to underground. The work does not include conversion to underground or removal of any facilities, such as poles, owned by parties other than AT&T.

In addition to any conditions precedent to AT&T commencing the Special Construction Work identified in the Agreement to which this Exhibit 1 is attached, the following shall be Conditions Precedent to AT&T commencing the work and shall be obligations of the City and/or **Palm-Hibiscus-Star Islands Association, Inc. (HOA)** where specified:

- A. **Conduit.** At no cost to AT&T, the City will furnish and shall (1) install the 4” and 2” Schedule 40 conduit, handholes and pullboxes as shown on plans drawings EU02 thru EU24 dated 11-27-2015 (“Conduit Plans”) (2) Install the Service Conduit identified in C below, and (3) Transfer ownership to AT&T of the conduit, handholes and pullboxes referenced in (1) above (collectively, “AT&T Conduit System”), as described below. Upon completion of construction of the AT&T Conduit System, the City shall notify AT&T. AT&T shall within 14 days from date of said notice inspect the AT&T Conduit System and shall notify the City in writing of any observed deficiencies. Upon correction by the City or its contractor(s) of all noticed deficiencies, the City shall notify the AT&T, and the AT&T shall be afforded an opportunity to re-inspect and notify the City of approval or any further observed deficiencies (in which case the above process shall again apply). After approval, the City shall transfer ownership of the AT&T Conduit System free of any liens or encumbrances, and AT&T shall thereafter own and have sole use of the AT&T Conduit System. In the event that any deficiencies are later discovered in the AT&T Conduit System (namely, deficiencies that occurred in connection with the construction and installation), the City shall be the responsible party at the City’s cost to correct or arrange for correction by appropriate contractor(s) of the deficiencies during the warranty period promptly following notice from AT&T. Such warranty period will extend for one (1) year from the date of transfer of ownership of the AT&T Conduit System. Transfer of ownership to AT&T shall be memorialized by the City’s delivery to AT&T of a Bill of Sale in the form attached as Attachment B.

- B. **Permits.** At no cost to AT&T, the City shall grant to AT&T any necessary permits for the installation by AT&T in City right-of-way of the following: any portions of the AT&T Conduit System within such right-of-way as well as AT&T pedestal terminals and cabinets to be installed at necessary locations within such right-of-way as mutually agreed to by the City and AT&T, it being understood that such agreement from the City to such equipment locations is a condition precedent to the Special Construction Work. Any equipment locations on the Conduit Plans are deemed mutually agreed upon by the parties. If the City does not grant separate permits, this Agreement shall constitute City authorization for installation and maintenance of the converted system in the City right-of-way. Receipt of any necessary permits from the City or any other relevant permitting agencies is a condition precedent to the Special Construction Work.
- C. **Service Drops.** At no cost to AT&T, the HOA shall have caused the property owners of each and all properties within the Work Area (each, a "Residence") to do the following (or the City shall do the following): Install one - 1" PVC Schedule 40 conduit from each AT&T network interface device ("NID") on each Residence to the relevant splice box for the relevant Residence. The HOA shall cause each property owner of a Residence to grant to AT&T the exclusive right to use the above conduit on the Residence property for installation of an AT&T service drop. Any property owners that have an aerial service drop will need to place and pay for re-arrangement orders with the AT&T business office in order to arrange for transfer of the aerial drop to underground. The City shall notify property owners of this information after AT&T notifies the HOA that it is the appropriate time to do so, and the HOA shall cause the property owners to do so Pending receipt and completion of any such re-arrangement orders, AT&T will be unable to complete any portion of the Special Construction Work affected thereby.

D. Further Conduit Specifications. In instances where a joint trench will be dug for the installation of AT&T's facilities and the power company's facilities, the power company's FPL's facilities shall be placed at the bottom of the joint trench. Any conduit referenced in A. above placed for AT&T's use (whether in a single or joint trench) shall be at a minimum depth of 24" below final grade. For all conduit referenced in this Exhibit 1 placed for AT&T's use, there shall be at least a 24" vertical separation with well tamped soil backfill between AT&T's facilities and primary or secondary power facilities. All conduits must be equipped with a pull string, and capped at ends.

- E. **Other** Removal of other companies' aerial attachments on jointly used poles is necessary prior to AT&T's removal of its aerial facilities. The City will notify residents of this project (including of the need to place a re-arrangement order with AT&T if and where applicable, as described in C above) and shall notify AT&T and residents of the name and contact information for a representative to receive questions or complaints from City residents about the City's project that is the subject of this Agreement. AT&T may refer such questions or complaints to

the City's representative. In the event other conditions arise that are reasonably necessary as conditions to the Special Construction Work, AT&T will inform the City, and the City will address the conditions.

F. Timing, Conditions Precedent. Following 1 year after execution of this Agreement, in the event Conditions Precedent have not been satisfied, AT&T may terminate this Agreement by notice to the City anytime thereafter, until the Conditions Precedent have been satisfied (and Section 5 of the Agreement to which this Exhibit 1 is attached shall apply in the event of such early termination). When the City believes the Conditions Precedent have been satisfied, the City will notify AT&T in writing, and AT&T shall determine thereafter whether the Conditions Precedent have, in fact, been satisfied. If AT&T does not believe that they have been satisfied, AT&T will notify the City.

Attachment A

Work Area

See attached

Attachment B
Bill of Sale

FOR GOOD AND VALUABLE CONSIDERATION the City of Miami Beach, Florida does hereby bargain, sell, transfer and convey unto BellSouth Telecommunications, LLC d/b/a AT&T Southeast all right, title and interest in and to the AT&T Conduit, as described in that certain Agreement between said parties dated _____, 2015.

TO HAVE AND TO HOLD unto the said Grantee forever.

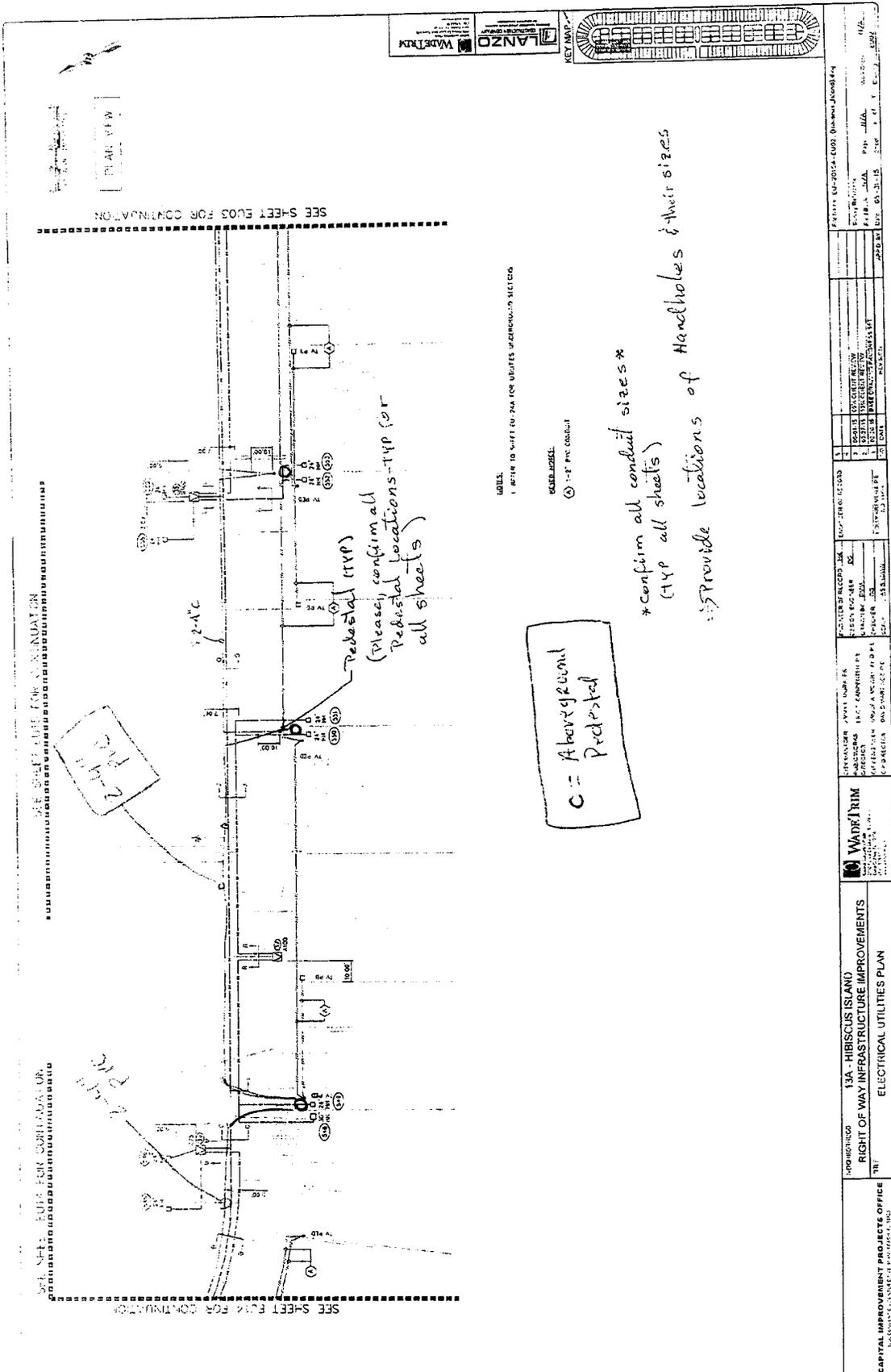
IN WITNESS WHEREOF, the undersigned, has executed this Bill of Sale this _____ day of _____, _____.

CITY OF MIAMI BEACH, FLORIDA

BY: _____

NAME/TITLE: _____

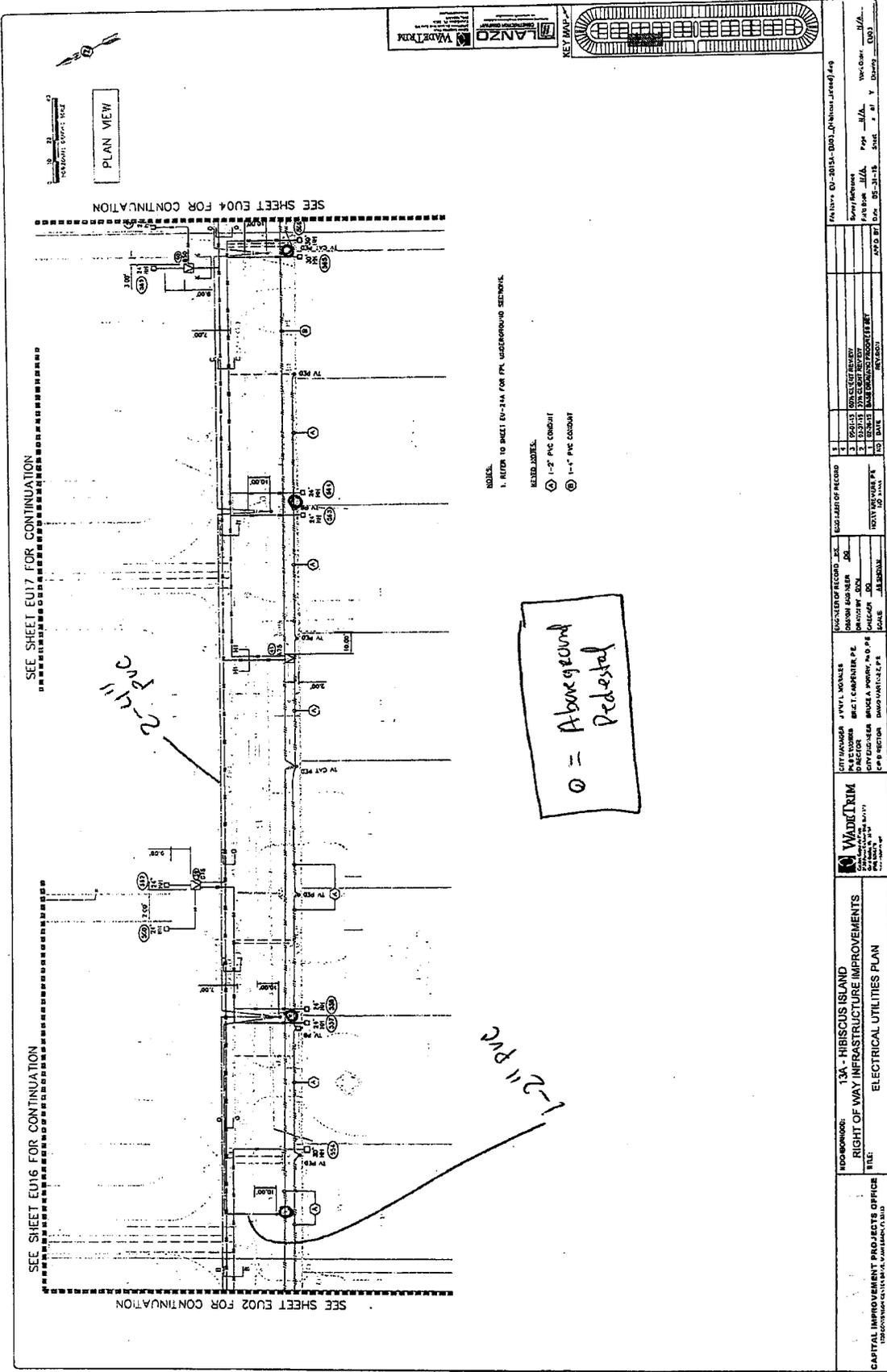
Conduit Plans



C = Above ground Pedestal

confirm all conduit sizes
(TYP all sheets)

Provide locations of Manholes & their sizes



SEE SHEET EU17 FOR CONTINUATION

SEE SHEET EU16 FOR CONTINUATION

PLAN VIEW

SEE SHEET EU04 FOR CONTINUATION

2-111 PVC

1-211 PVC

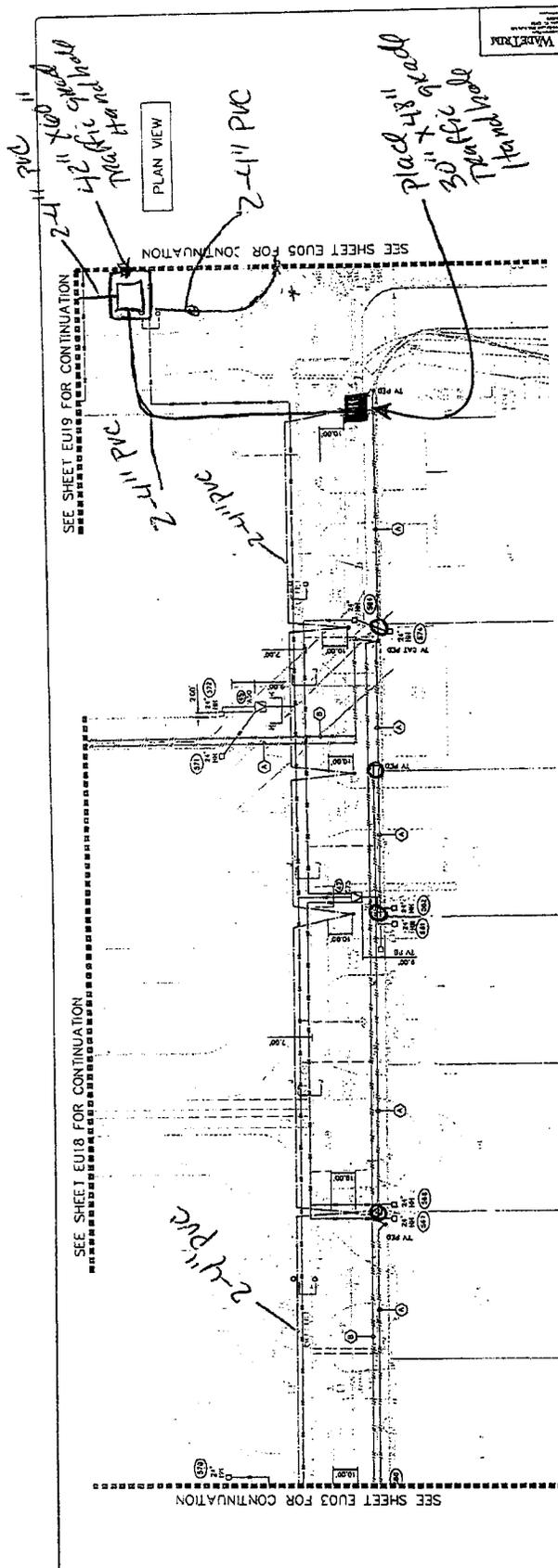
⊙ = Aboveground
⊙ = Pedestal

NOTES:
1. REFER TO SHEET EU-214 FOR PFC UNDERGROUND SERVICES.

KEY: NOTES:
⊙ 1-2" PVC CONDUIT
⊙ 1-4" PVC CONDUIT

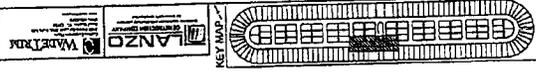


PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		CITY MANAGER: J. W. L. MOYLES CITY ENGINEER: B. J. CARPENTER, P.E. CITY ENGINEER: M. A. POWERS, P.E. CITY ENGINEER: M. A. POWERS, P.E.		PROJECT NO.: 13A-001 SHEET NO.: 13A-001-001	
DESIGNER: WADSWORTH TRIM 1000 W. 10TH AVENUE, SUITE 100 DENVER, CO 80202 PHONE: 303.733.1111 FAX: 303.733.1112 WWW.WADSWORTHTRIM.COM		DATE: 08/14/13 TIME: 10:00 AM		PROJECT NO.: 13A-001 SHEET NO.: 13A-001-001	
PROJECT NO.: 13A-001 SHEET NO.: 13A-001-001		PROJECT NO.: 13A-001 SHEET NO.: 13A-001-001		PROJECT NO.: 13A-001 SHEET NO.: 13A-001-001	

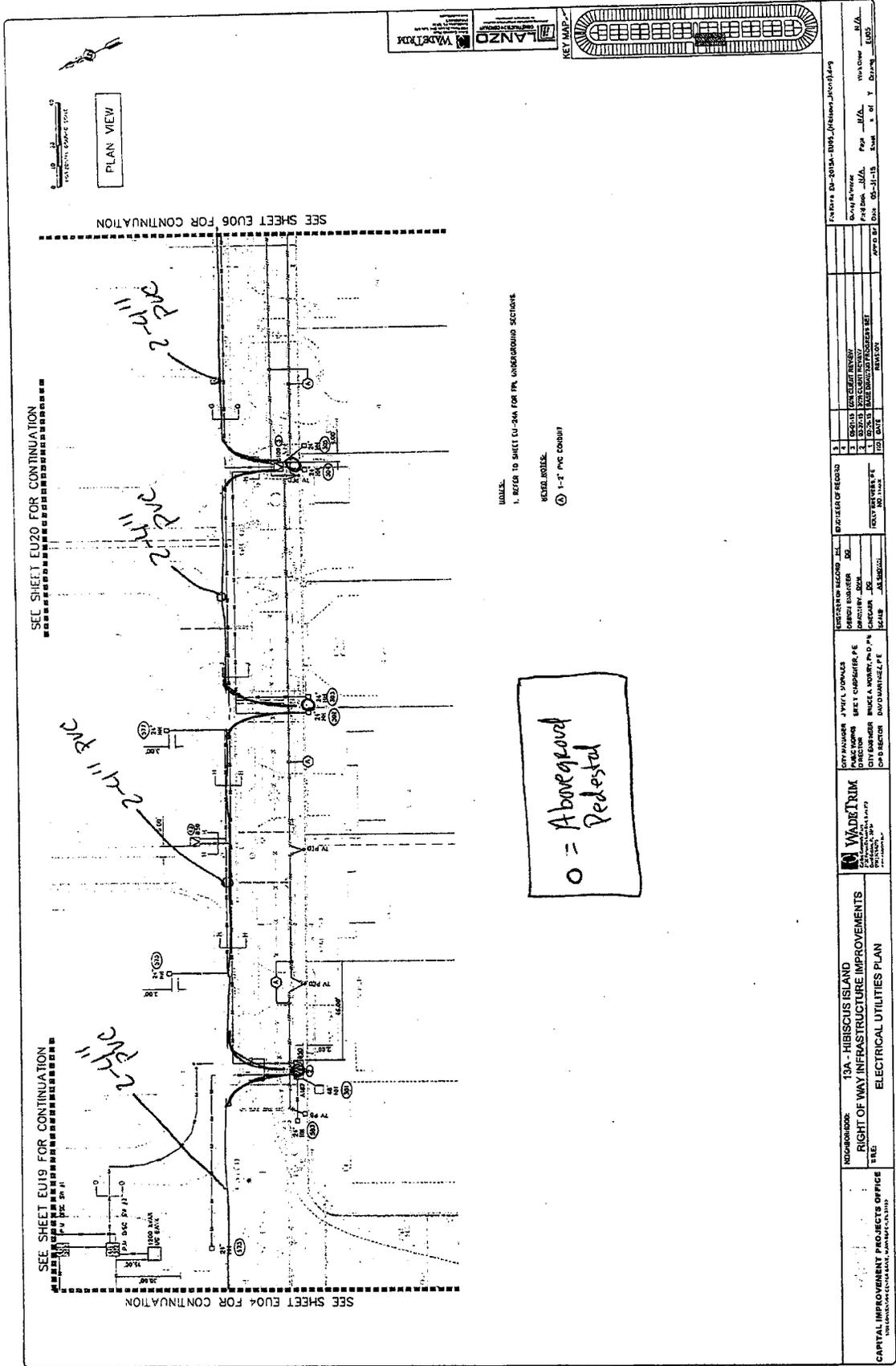


NOTES:
 1. REFER TO SHEET D1-21A FOR PFC UNDERGROUND SECTIONS.
 LEGEND:
 (1) 1-2" PVC CONDUIT
 (2) 1-4" PVC CONDUIT
 * Please add all the pedestals for North side (TYP) *

O = Aboveground Pedestal



PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		DRAWING NO: D1-21A SHEET NO: 1 OF 1	
DESIGNER: WADSWORTH CHECKED: J.A.		DATE: 01-31-15	
PROJECT MANAGER: J.A.		SCALE: AS SHOWN	
PROJECT NO: 13A		SHEET NO: 1 OF 1	



PLAN VIEW

SEE SHEET EU19 FOR CONTINUATION

SEE SHEET EU04 FOR CONTINUATION

SEE SHEET EU06 FOR CONTINUATION

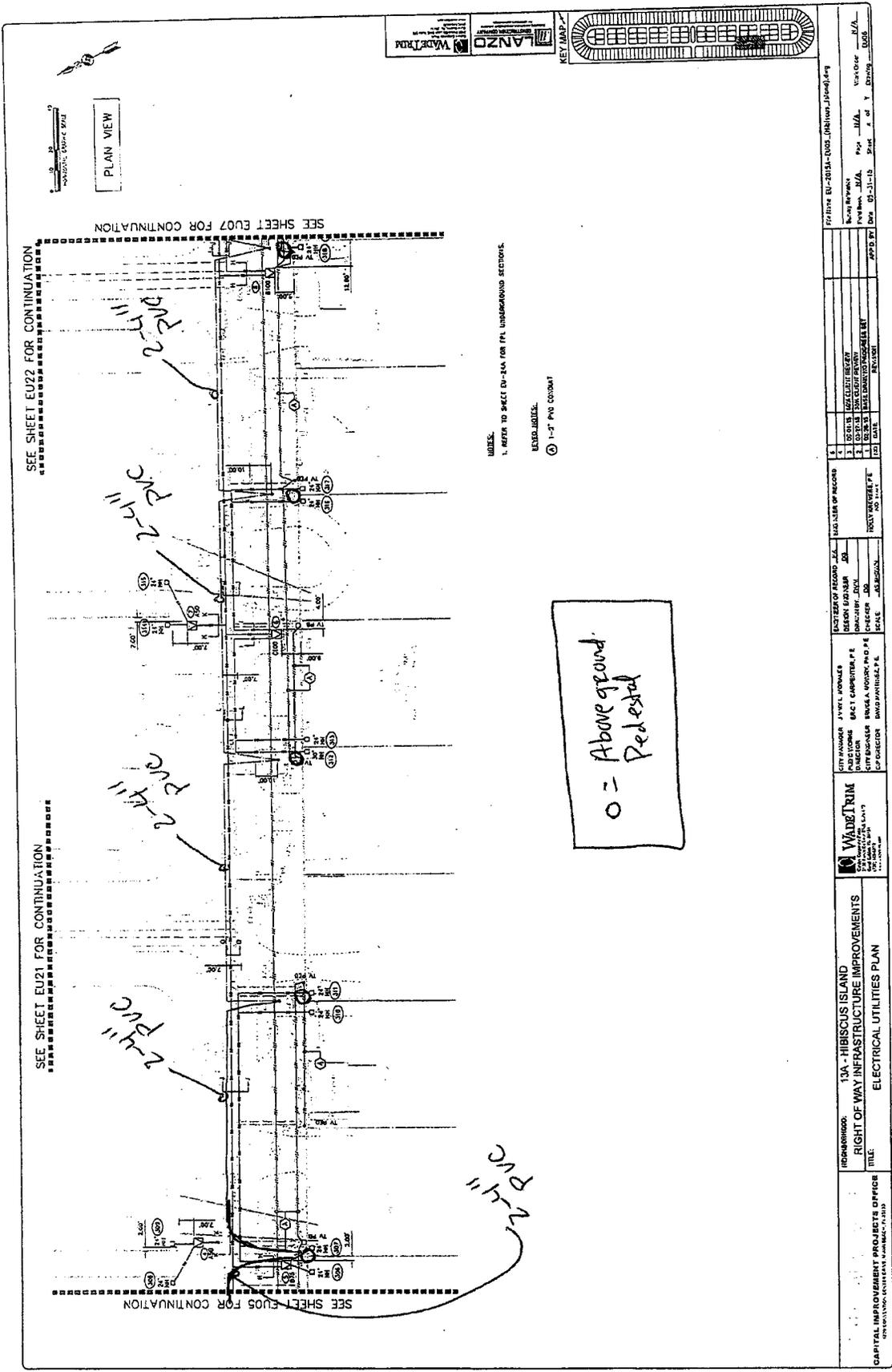
INDEX:
 1. REFER TO SHEET EU-204 FOR PIP UNDERGROUND SECTIONS
 2. SEE LEGEND
 3. 1'-1" PVC CONDUIT

O = Aboveground Pedestal

LANZCO
 WADSWORTH



PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		PROJECT NO.: 13A-01-15 SHEET NO.: 2 OF 7	
DESIGNER: WADSWORTH PROJECT MANAGER: J. J. WADSWORTH PROJECT ENGINEER: J. J. WADSWORTH PROJECT SUPERVISOR: J. J. WADSWORTH		DATE: 05-11-15	
CHECKED BY: J. J. WADSWORTH DATE: 05-11-15		APPROVED BY: J. J. WADSWORTH DATE: 05-11-15	
REVISIONS:		REVISIONS:	
NO. DATE BY DESCRIPTION		NO. DATE BY DESCRIPTION	
1 05-11-15 J. J. WADSWORTH		1 05-11-15 J. J. WADSWORTH	
2 05-11-15 J. J. WADSWORTH		2 05-11-15 J. J. WADSWORTH	
3 05-11-15 J. J. WADSWORTH		3 05-11-15 J. J. WADSWORTH	



SEE SHEET EU21 FOR CONTINUATION

SEE SHEET EU22 FOR CONTINUATION

SEE SHEET EU05 FOR CONTINUATION

SEE SHEET EU07 FOR CONTINUATION

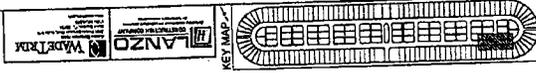
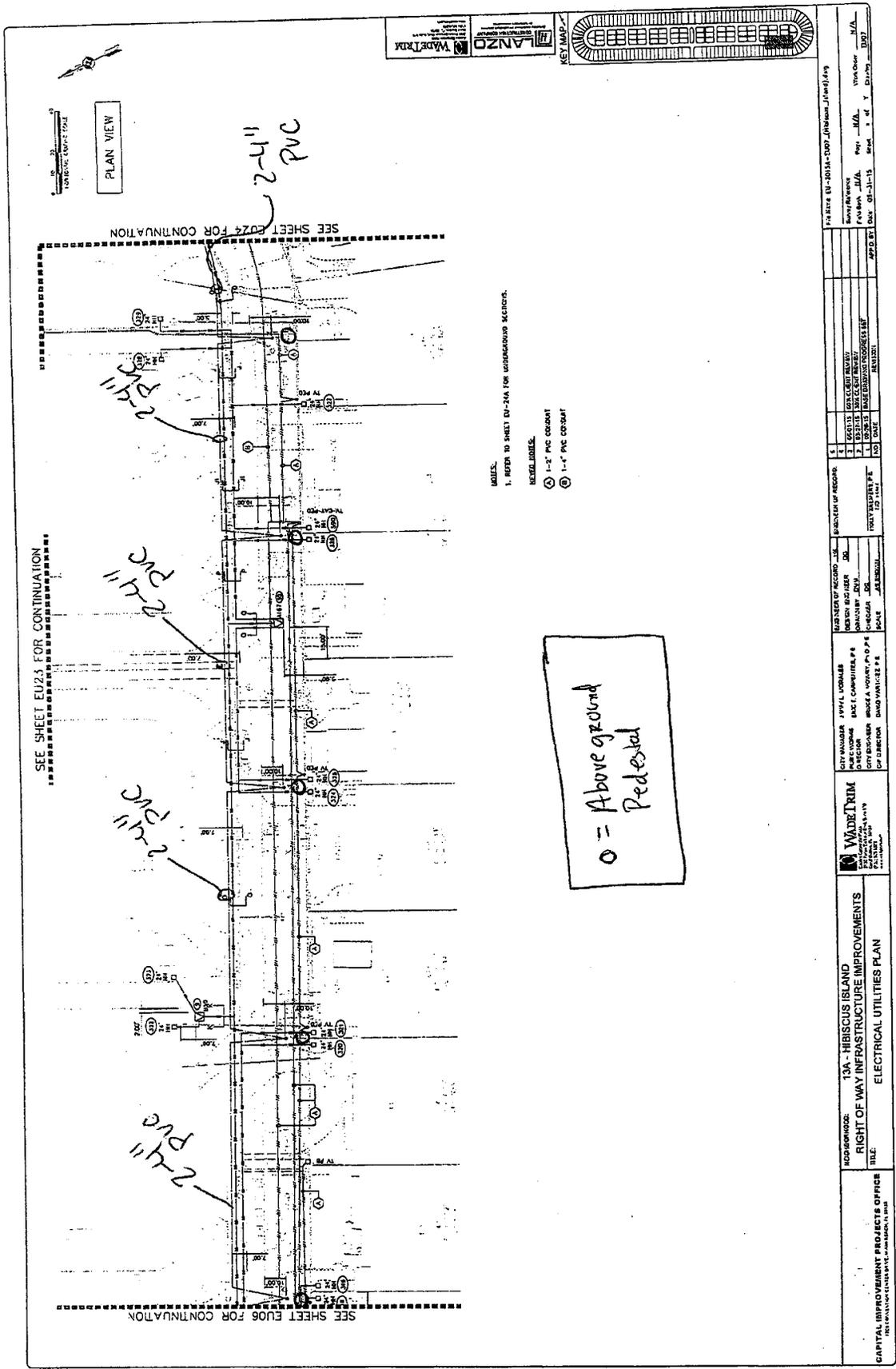
NOTES:
1. REFER TO SHEET EU-20A FOR THE UNDERGROUND SECTIONS.

LEGEND:
○ 1-2" PVC CONDUIT

○ = Above ground
○ = Paved



PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS TITLE: ELECTRICAL UTILITIES PLAN		CITY ENGINEER: JAMES L. HENNINGER PROJECT ENGINEER: BRUCE A. MOSENFELDER, P.E. CHECKER: DAN W. HARRIS, P.E. SCALE: AS SHOWN		DATE: 02-21-15 SHEET: 6 OF 7 DRAWING: 0005	
PROJECT NO.: 13A-005 SHEET NO.: 0005	PROJECT NAME: HIBISCUS ISLAND PROJECT LOCATION: HIBISCUS ISLAND PROJECT DATE: 02-21-15	PROJECT NO.: 13A-005 SHEET NO.: 0005	PROJECT NAME: HIBISCUS ISLAND PROJECT LOCATION: HIBISCUS ISLAND PROJECT DATE: 02-21-15	PROJECT NO.: 13A-005 SHEET NO.: 0005	PROJECT NAME: HIBISCUS ISLAND PROJECT LOCATION: HIBISCUS ISLAND PROJECT DATE: 02-21-15



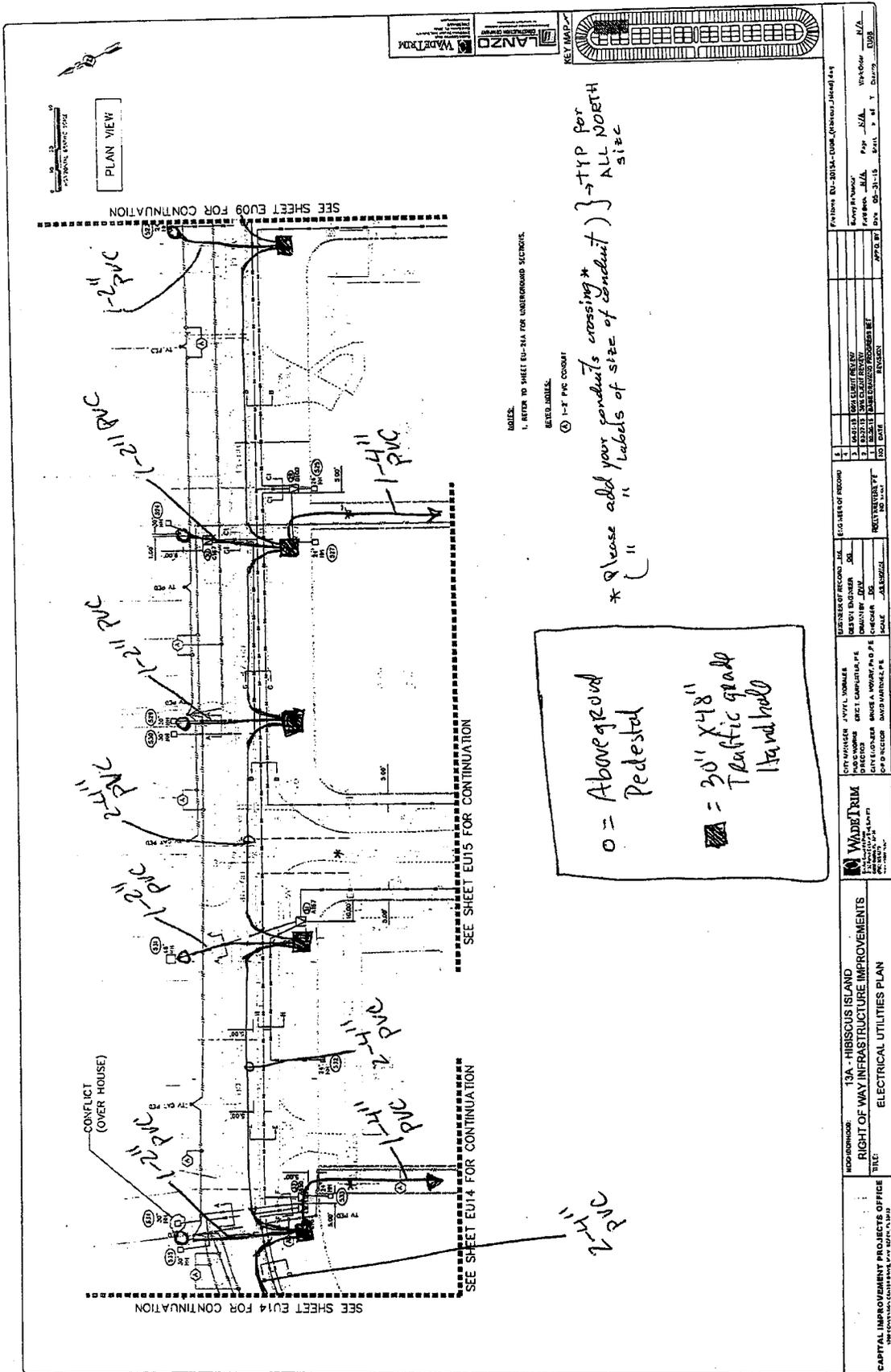
NOTES:
 1. REFER TO SHEET EU-24A FOR UNDERGROUND SECTIONS.

KEY PLAN

- 1-2" PVC CONDUIT
- ⊙ 1-4" PVC CONDUIT

○ = Above ground
 ⊙ = Pedestrel

PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		WALDETRIM ENGINEERING & ARCHITECTURE 1000 W. OCEAN BLVD., SUITE 200 HONOLULU, HI 96813		PROJECT NO. 13A-01-01-01 SHEET NO. 13A-01-01-01-01		DATE: 01/15/15	
DESIGNER: [Name] CHECKER: [Name] DATE: [Date]		APPROVED BY: [Signature] DATE: [Date]		PROJECT NO. 13A-01-01-01 SHEET NO. 13A-01-01-01-01		DATE: 01/15/15	
PROJECT NO. 13A-01-01-01 SHEET NO. 13A-01-01-01-01		PROJECT NO. 13A-01-01-01 SHEET NO. 13A-01-01-01-01		PROJECT NO. 13A-01-01-01 SHEET NO. 13A-01-01-01-01		PROJECT NO. 13A-01-01-01 SHEET NO. 13A-01-01-01-01	



NOTES:
 1. REFER TO SHEET EU-214 FOR UNDERGROUND SECTIONS.
 SEE NOTES.

① 1-2 PVC CONDUIT

* Please add your conduits crossing* } → TYP for ALL NORTH
 (" " Labels of size of conduit) } site

○ = Above ground
 Pedestal
 ■ = 30" X 48"
 Traffic grade
 Hand hold

PLAN VIEW



SEE SHEET EU09 FOR CONTINUATION

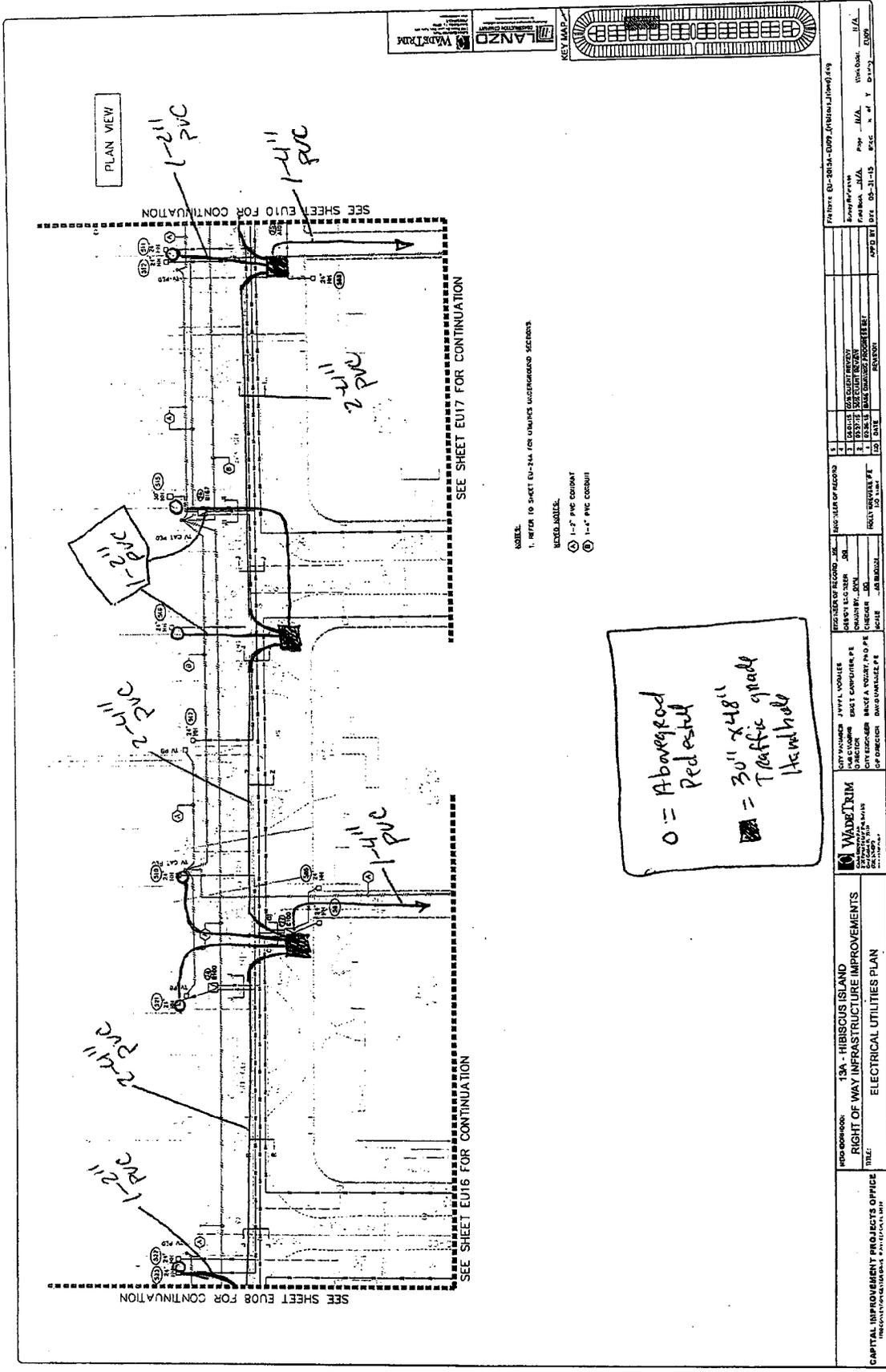
SEE SHEET EU15 FOR CONTINUATION

SEE SHEET EU14 FOR CONTINUATION

CONFLICT (OVER HOUSE)



PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS TITLE: ELECTRICAL UTILITIES PLAN		WADSWORTH PROJECT MANAGER: JAVEL VOMARIS PROJECT ENGINEER: CRYSTAL P. E. PROJECT ENGINEER: DAVID A. WARD, P.E. PROJECT ENGINEER: DAVID MARTINEZ, P.E.		RECORDS OF RECORD DESIGN NUMBER: [] PROJECT NUMBER: [] SCALE: []		EIG ASSET OF RECORD RECORD NUMBER: [] RECORD DATE: []		PROJECT NO. [] SHEET NO. []	
CAPITAL IMPROVEMENT PROJECTS OFFICE 1000 UNIVERSITY AVENUE, SUITE 1000, HONOLULU, HI 96813		WADSWORTH 1000 UNIVERSITY AVENUE, SUITE 1000, HONOLULU, HI 96813		DATE: 05-31-15 DRAWN BY: [] CHECKED BY: [] APPROVED BY: []		PROJECT NO. [] SHEET NO. []		PROJECT NO. [] SHEET NO. []	



PLAN VIEW

SEE SHEET EU10 FOR CONTINUATION

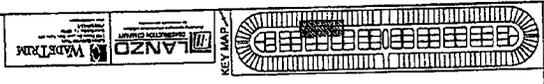
SEE SHEET EU17 FOR CONTINUATION

SEE SHEET EU08 FOR CONTINUATION

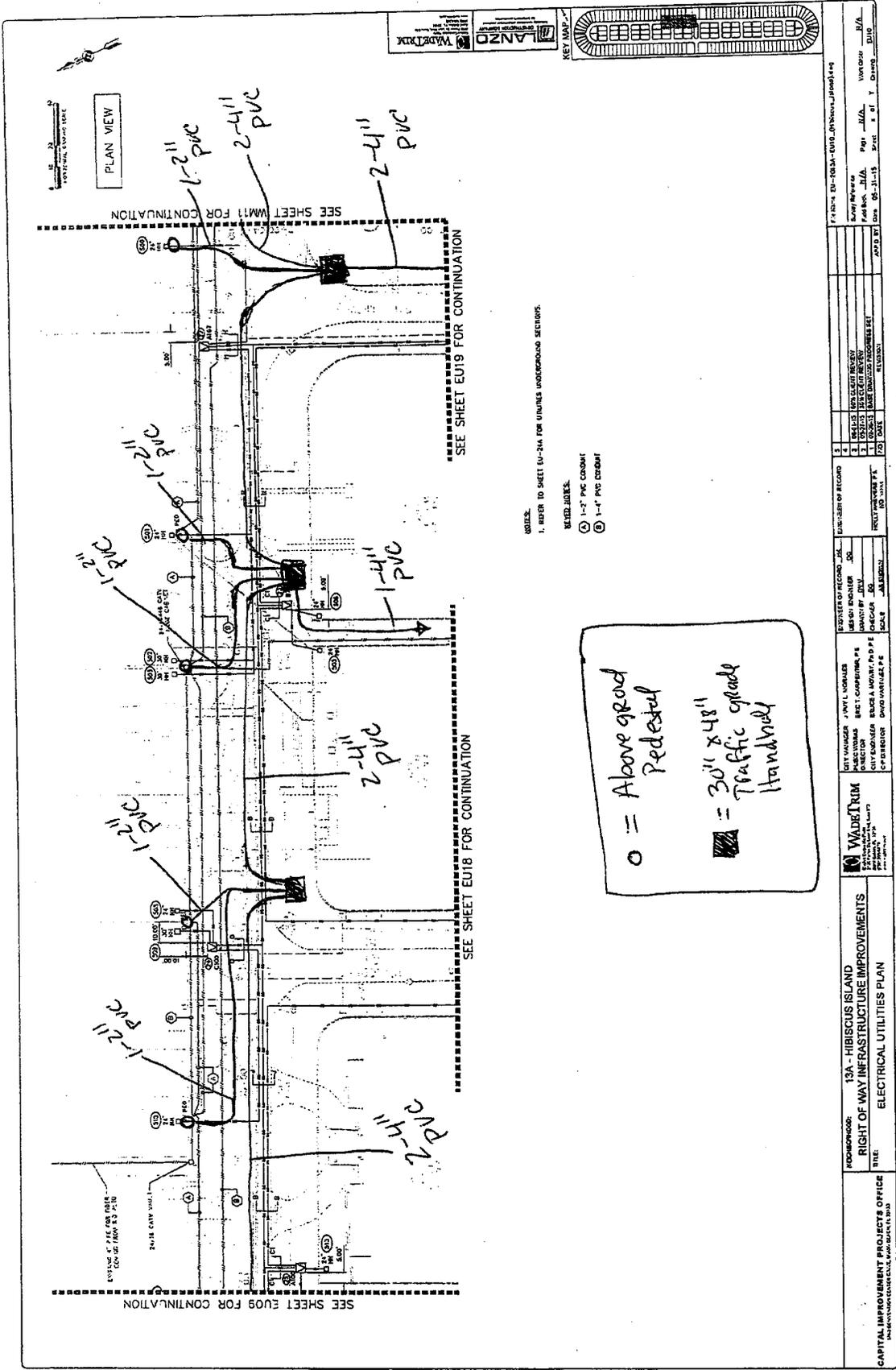
SEE SHEET EU16 FOR CONTINUATION

- NOTES:
1. REFER TO SHEET EU-214 FOR UNITS UNDERGROUND SECTIONS
- KEY SYMBOLS:
- ⊙ 1-2" PVC CONDUIT
 - ⊙ 1-4" PVC CONDUIT

○ = Abovegrade Pedestal
 ◼ = 30" x 48" Traffic grade Handhole



PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS TITLE: ELECTRICAL UTILITIES PLAN		PROJECT NO: 00-203A-E009 (R0101) (19)	
DESIGNER: JAVEL VOYLES CHECKER: JAVEL VOYLES DATE: 08/11/11	PROJECT NO: 00-203A-E009 (R0101) (19)	DATE: 08/11/11	PROJECT NO: 00-203A-E009 (R0101) (19)
CITY ENGINEER: JAVEL VOYLES COUNTY ENGINEER: JAVEL VOYLES STATE ENGINEER: JAVEL VOYLES	PROJECT NO: 00-203A-E009 (R0101) (19)	DATE: 08/11/11	PROJECT NO: 00-203A-E009 (R0101) (19)
PROJECT NO: 00-203A-E009 (R0101) (19)	DATE: 08/11/11	PROJECT NO: 00-203A-E009 (R0101) (19)	PROJECT NO: 00-203A-E009 (R0101) (19)



○ = Above grade
 Pedestal
 ■ = 30" x 48"
 Traffic grade
 Handhole

- NOTES:
1. REFER TO SHEET EU-214 FOR UTILITIES UNDERGROUND SECTIONS.
- KEYED NOTES:
- ① 1-2" PVC CROSBY
 - ② 1-4" PVC CROSBY

PLAN VIEW

SEE SHEET EU09 FOR CONTINUATION

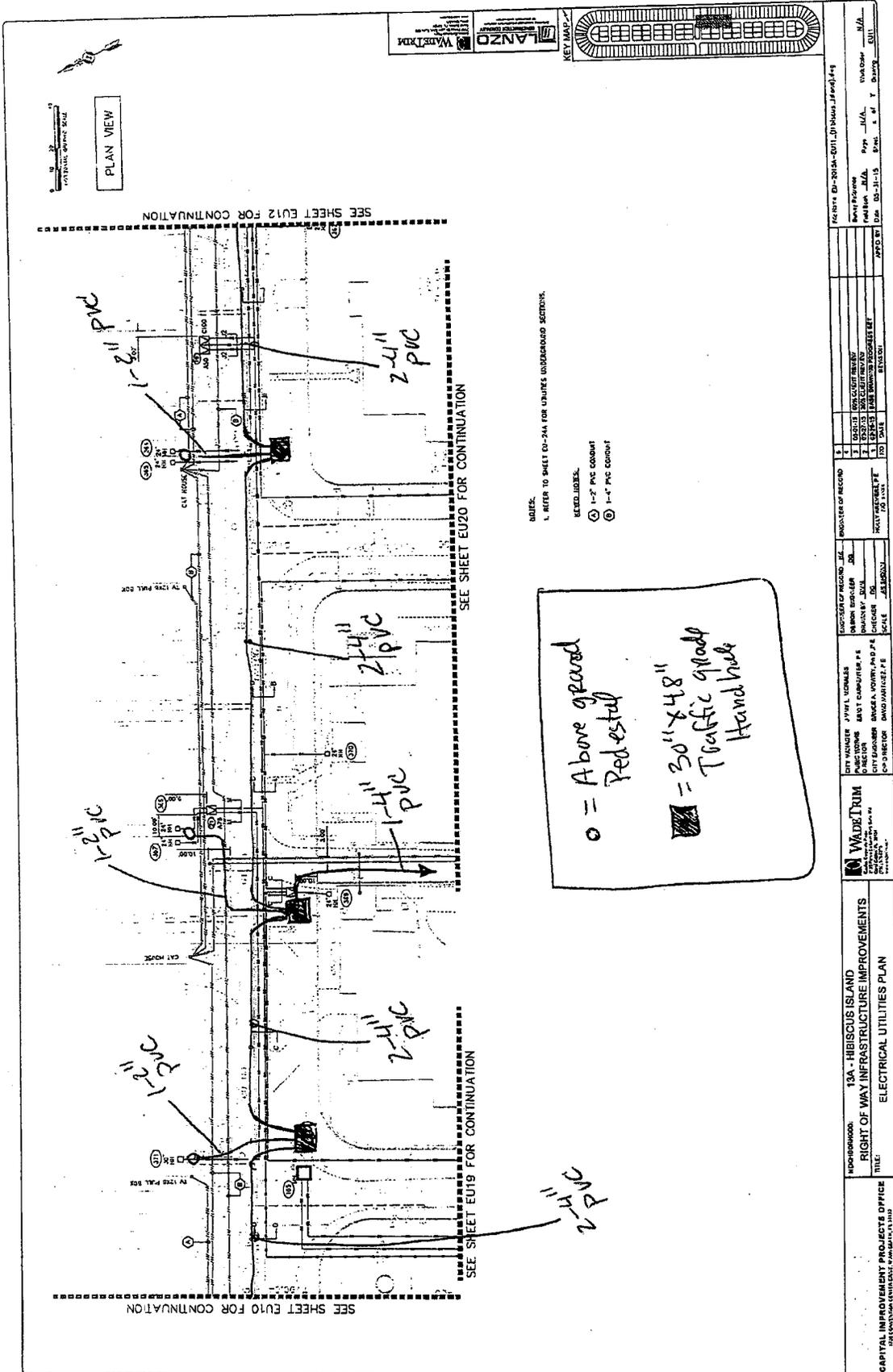
SEE SHEET EU18 FOR CONTINUATION

SEE SHEET EU19 FOR CONTINUATION

SEE SHEET WM11 FOR CONTINUATION



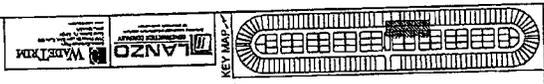
PROJECT NO. 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		CITY MANAGER JAVEL NORRIS CITY ENGINEER ERIC CARROLL CITY CLERK DAVID MARTINEZ		REGISTERED RECORD JOB REGISTERED DESIGNER JIM BROWN REGISTERED ENGINEER JIM BROWN		PROJECT NO. 13A SHEET NO. 11 OF 11	
CAPITAL IMPROVEMENT PROJECTS OFFICE 1300 W. BROADWAY, SUITE 1000 HOUSTON, TEXAS 77002		WADE TRIM 1300 W. BROADWAY, SUITE 1000 HOUSTON, TEXAS 77002		PROJECT NO. 13A SHEET NO. 11 OF 11		DATE 08/11/10	



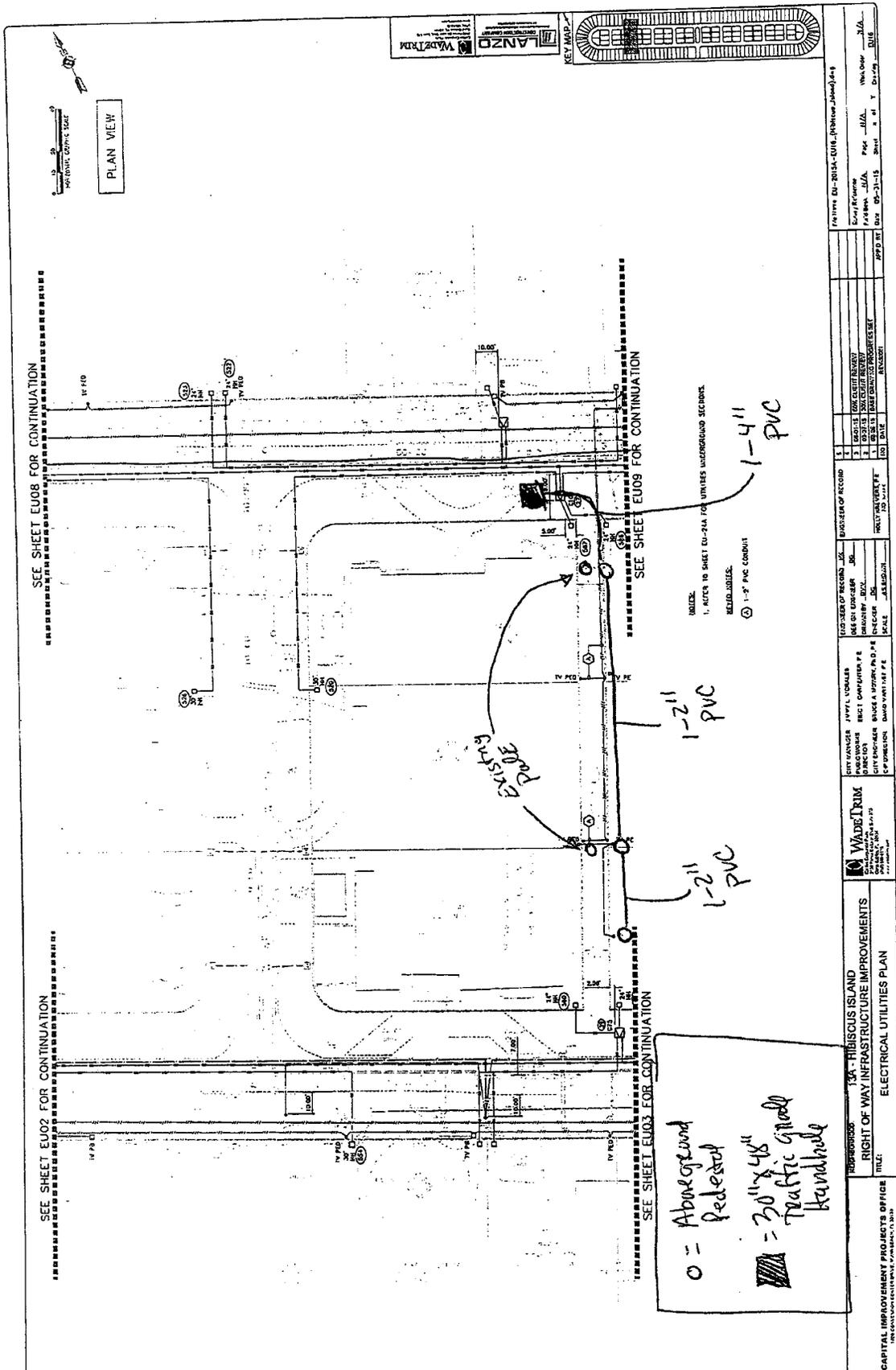
○ = Above ground Pedestal
 ◼ = 30" x 48" Traffic grade Hand hole

- NOTES:
 1. REFER TO SHEET CU-204 FOR UNIQUE UNDERGROUND SETTINGS.
 KEY LEGEND:
 ○ 1-2" PVC CONDUIT
 ◼ 1-4" PVC CONDUIT

PLAN VIEW
 1" = 20'
 NORTH ARROW



PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		CITY MANAGER: JAMES A. WOODS PUBLIC WORKS AND COMMUNITY DEVELOPMENT DIRECTOR: BRUCE A. WOODWARD, P.E. CO-DIRECTOR: DAVID JANTZ, P.E.		PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01	
DESIGNER: WALTER B. WOODS PROJECT ENGINEER: DAVID JANTZ, P.E.		CHECKED BY: [Signature] DATE: 05/11/15		APPROVED BY: [Signature] DATE: 05/11/15	
REVISIONS:		NO. DATE DESCRIPTION		1 05/11/15 ISSUED FOR PERMIT	



SEE SHEET EU02 FOR CONTINUATION

SEE SHEET EU08 FOR CONTINUATION

SEE SHEET EU09 FOR CONTINUATION

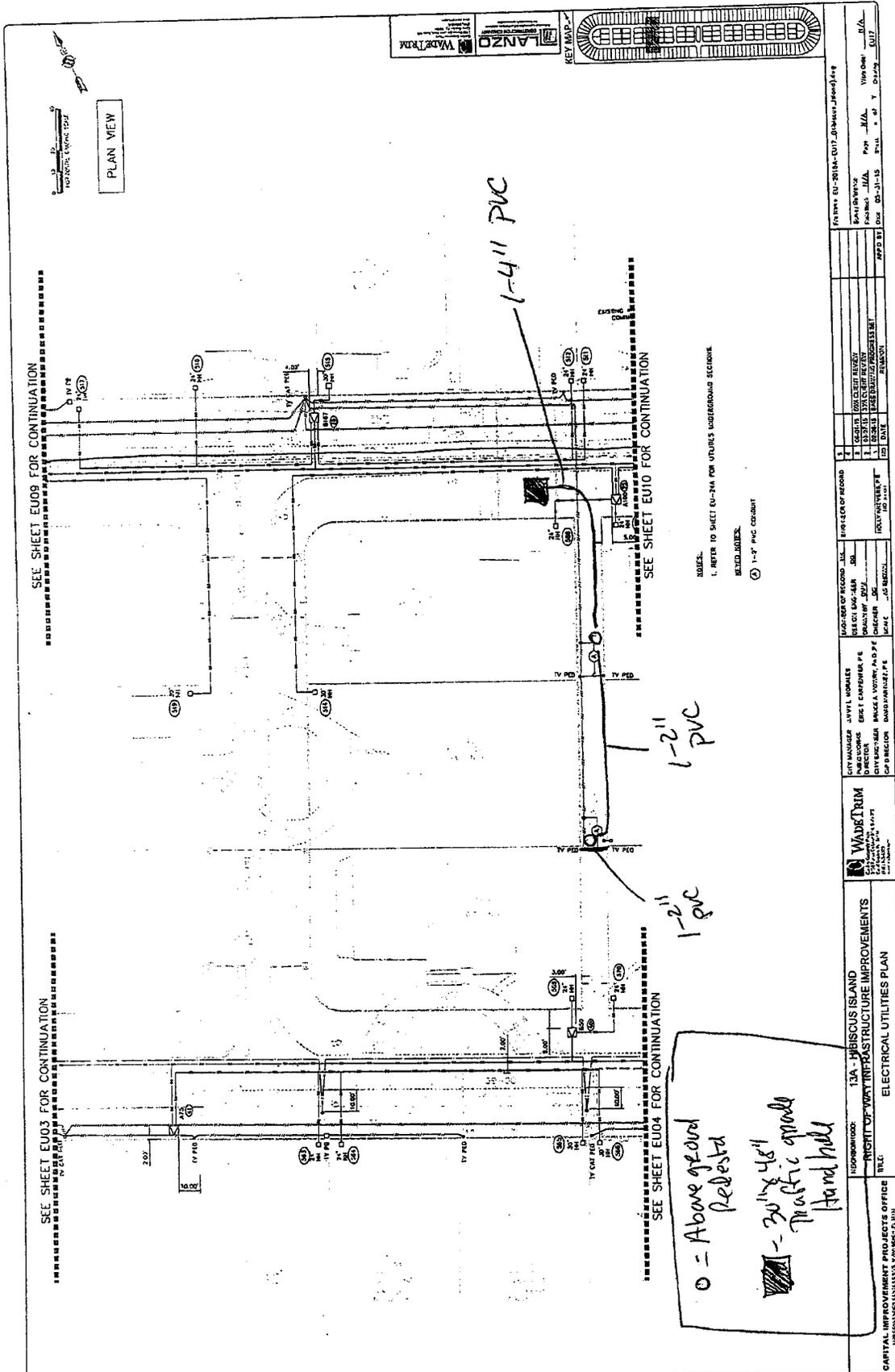
○ = Above ground
 Pedestal
 = 30" x 48"
 Traffic grade
 Handhole

NOTES:
 1. REFER TO SHEET EU-214 FOR UTILITIES UNDERGROUND SECTIONS.
 2. SEE SHEET EU-214 FOR UTILITIES UNDERGROUND SECTIONS.
 3. 1-2" PVC CONDUIT

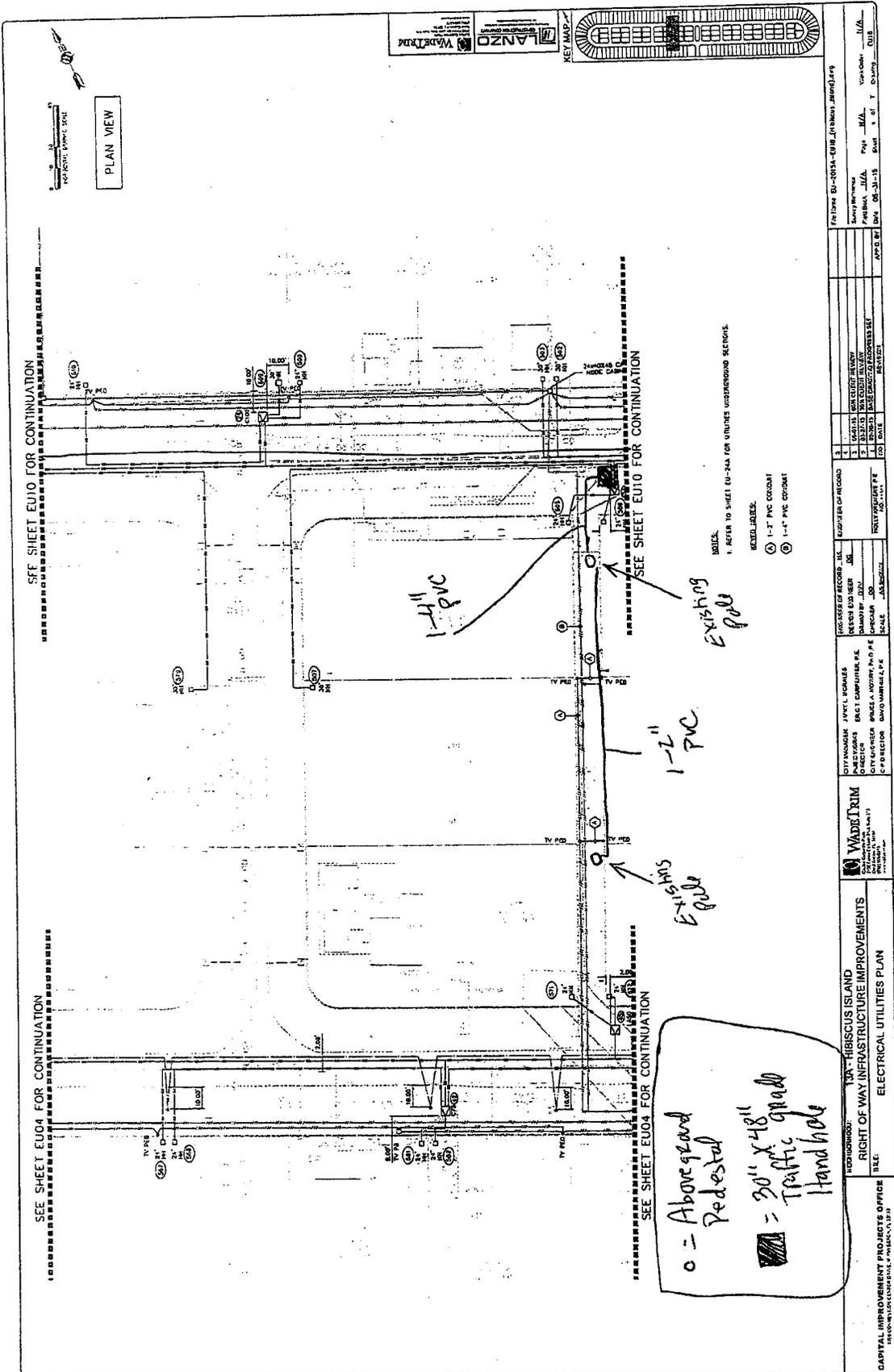
PLAN VIEW



CAPITAL IMPROVEMENT PROJECTS OFFICE 1000 UNIVERSITY AVENUE, SUITE 1000 OAKLAND, CA 94612		PROJECT: TILICUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		WADETRIM 1000 UNIVERSITY AVENUE, SUITE 1000 OAKLAND, CA 94612		CITY ENGINEER: JAMES L. COLEMAN PROJECT MANAGER: P.E. JAMES L. COLEMAN CITY ENGINEER: DAVID W. HARTZ, P.E. PROJECT MANAGER: DAVID W. HARTZ, P.E.		DESIGNER OF RECORD: JAMES L. COLEMAN CHECKED BY: JAMES L. COLEMAN DATE: 08/11/15		REVISIONS: NO. DATE REVISION 1 08/11/15 1.00 SHEET FOR PROGRESS CHECK 2 08/11/15 2.00 SHEET FOR PROGRESS CHECK 3 08/11/15 3.00 SHEET FOR PROGRESS CHECK		DRAWN BY: JAMES L. COLEMAN DATE: 08/11/15 SHEET NO. 1 OF 1 PROJECT NO. 15-001-018 DRAWING NO. 15-001-018-018	
--	--	--	--	---	--	---	--	--	--	---	--	--	--



PROJECT: 13A - WHISCLUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN	
CITY MANAGER: JAVIL WINKLER ENGINEER: ERIC T. CHAMBERLAIN, P.E. DESIGNER: BRUCE A. VOTAW, P.E. CHECKER: DAN R. WILSON, P.E.	PROJECT RECORDS PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01 DATE: 02-11-15
PROJECT RECORDS PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01 DATE: 02-11-15	PROJECT RECORDS PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01 DATE: 02-11-15
PROJECT RECORDS PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01 DATE: 02-11-15	PROJECT RECORDS PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01 DATE: 02-11-15



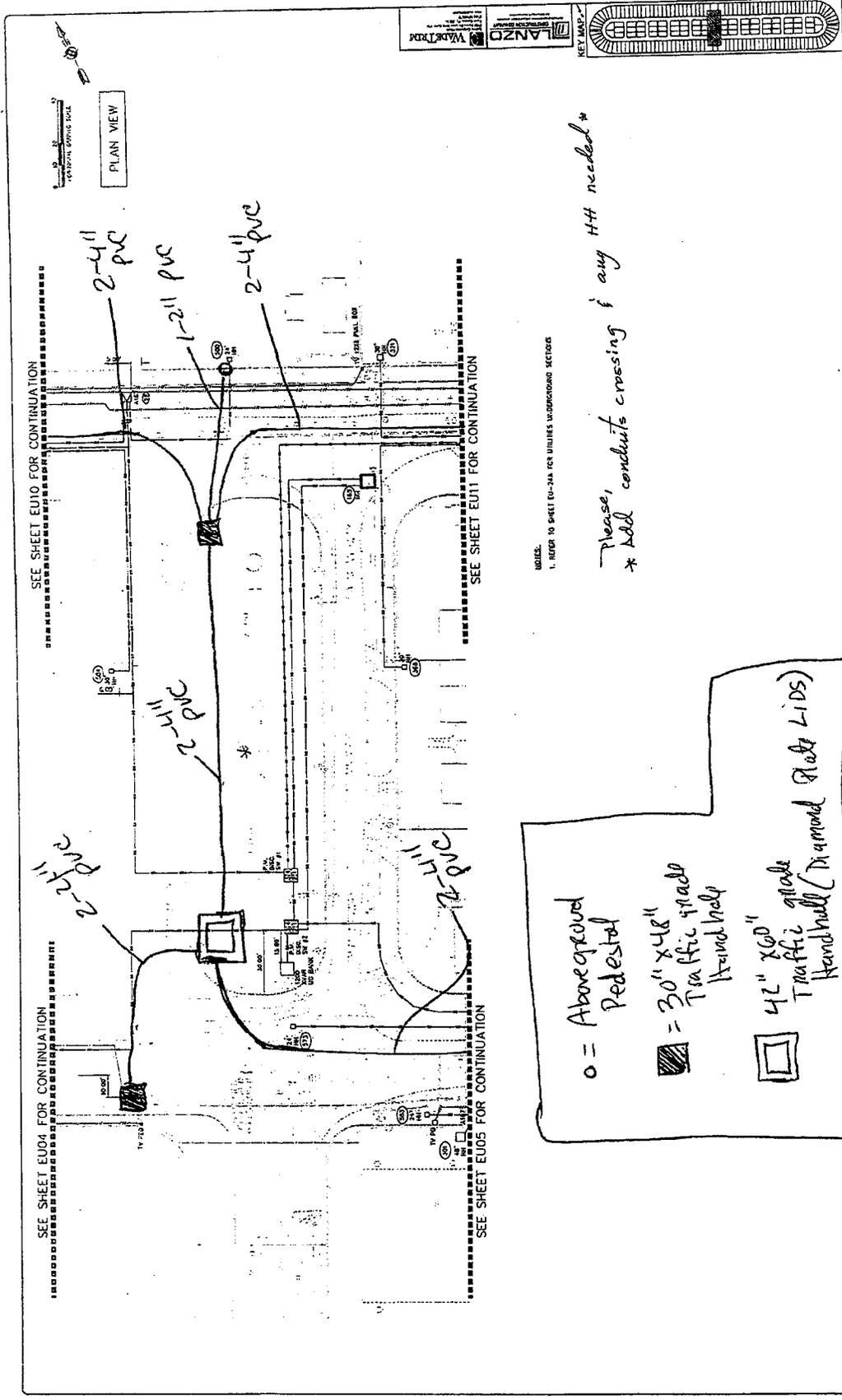
PLAN VIEW



o = Above ground
Pedestal
= 30" x 48" Traffic grade
Hand hole

NOTES:
1. REFER TO SHEET EU-244 FOR UTILITIES UNDERGROUND SECTIONS.
REVISIONS:
① 1-7 PVC CONDUIT
② 1-4 PVC CONDUIT

PROJECT: JJA - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		CITY MANAGER: JAMES L. HOGANES PUBLIC WORKS: ERIC T. CAMPBELL, P.E. DIRECTOR: BRUCE A. HOGAN, P.E. PROJECT MANAGER: DAVID W. WARE, P.E.		PROJECT NUMBER: JJA-001 SCALE: AS SHOWN		DATE: 08/11/15	
DESIGNER: WADETRIM PROJECT NUMBER: JJA-001		CHECKED BY: JIM DATE: 08/11/15		DRAWN BY: JIM DATE: 08/11/15		APPROVED BY: JJA DATE: 08/11/15	
PROJECT LOCATION: HIBISCUS ISLAND, HAWAII		PROJECT NUMBER: JJA-001		SCALE: AS SHOWN		DATE: 08/11/15	



SEE SHEET EU04 FOR CONTINUATION

SEE SHEET EU10 FOR CONTINUATION

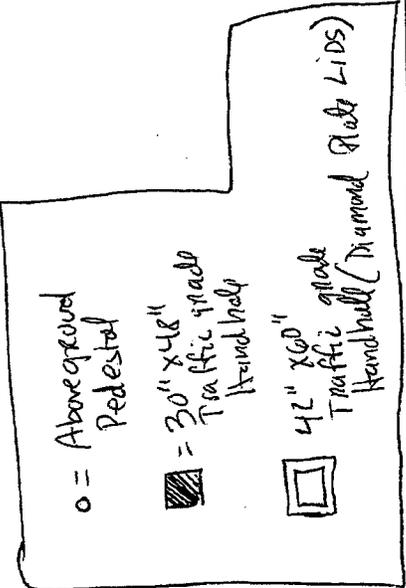
SEE SHEET EU05 FOR CONTINUATION

PLAN VIEW

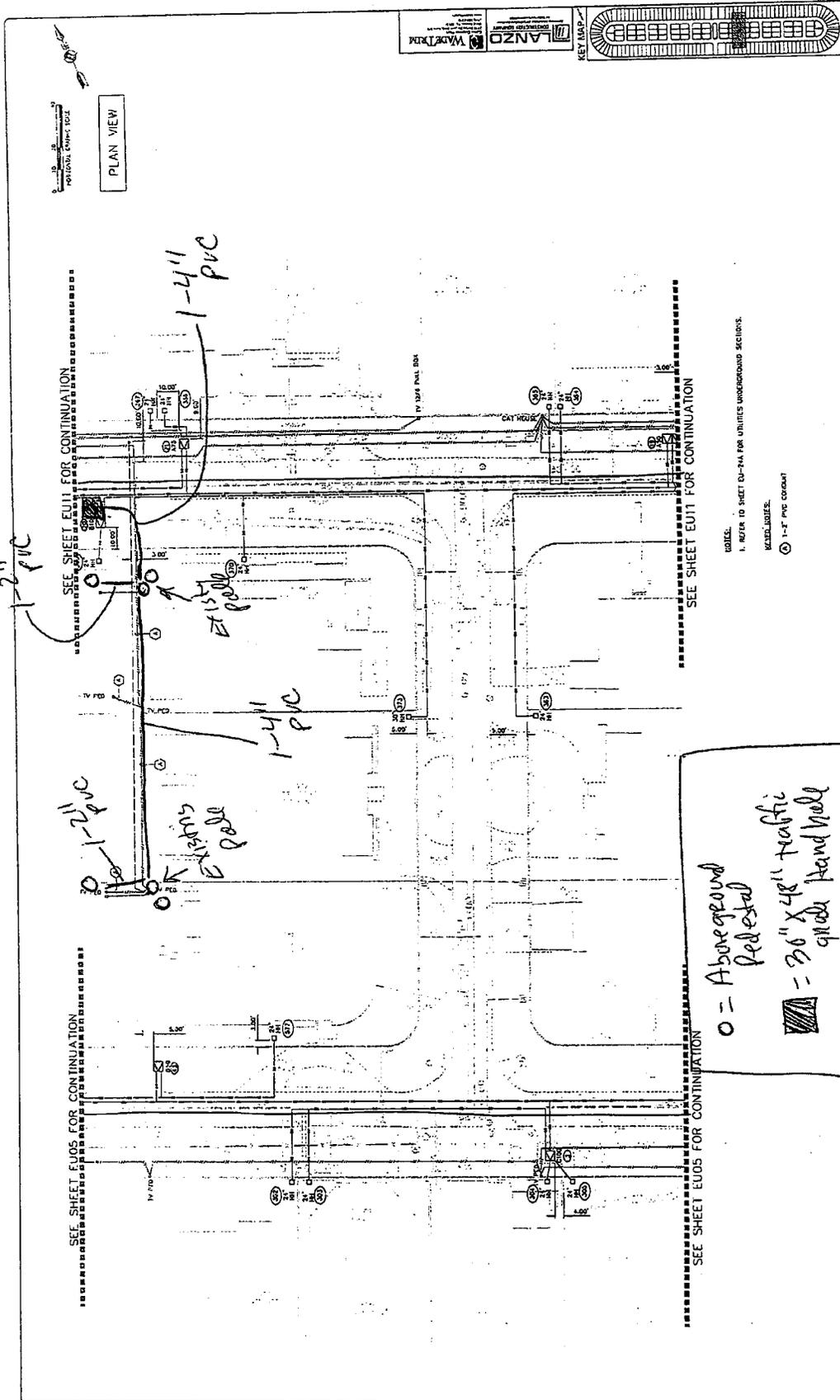


NOTES:
1. REFER TO SHEET EU-00A FOR UTILITIES UNDERGROUND SETTINGS

*Please, conduits crossing & any H&H needed **



PROJECT: 13A - HIRSCUIS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS TITLE: ELECTRICAL UTILITIES PLAN		CITY: HONOLULU COUNTY: HONOLULU PROJECT NO.: 13A-001 SHEET NO.: 13A-001-01		DATE: 05-11-15 DRAWN BY: J. Y. CHOI CHECKED BY: J. Y. CHOI	
NO.	DESCRIPTION	DATE	BY	APP. BY	DATE
1	ISSUED FOR RECORD	05-11-15	J. Y. CHOI	J. Y. CHOI	05-11-15
2	FOR CONSTRUCTION				
3	FOR RECORD				



PROJECT: 13A - BIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS FILE: ELECTRICAL UTILITIES PLAN		PROJECT NO.: 13A-0001 DATE: 08-31-15		SHEET NO.: 13A-0001-0001 TOTAL SHEETS: 13A-0001-0001	
DESIGNER: WASTE TRIM CHECKED: DAVID WATSON, P.E. DATE: 08-31-15		PROJECT NO.: 13A-0001 DATE: 08-31-15		SHEET NO.: 13A-0001-0001 TOTAL SHEETS: 13A-0001-0001	
CITY ENGINEER: DAVID WATSON, P.E. COUNTY ENGINEER: DAVID WATSON, P.E.		PROJECT NO.: 13A-0001 DATE: 08-31-15		SHEET NO.: 13A-0001-0001 TOTAL SHEETS: 13A-0001-0001	

O = Aboveground
 Pedestal
 = 36" x 48" traffic
 grade Hand Made

KEY MAP

LANSO
 WASTE TRIM
 13A-0001-0001-0001

PLAN VIEW
 1" = 40'

SEE SHEET EU03 FOR CONTINUATION
 SEE SHEET EU11 FOR CONTINUATION

SEE SHEET EU11 FOR CONTINUATION
 SEE SHEET EU11 FOR CONTINUATION

SEE SHEET EU11 FOR CONTINUATION
 SEE SHEET EU11 FOR CONTINUATION

SEE SHEET EU11 FOR CONTINUATION
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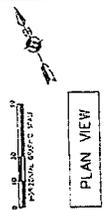
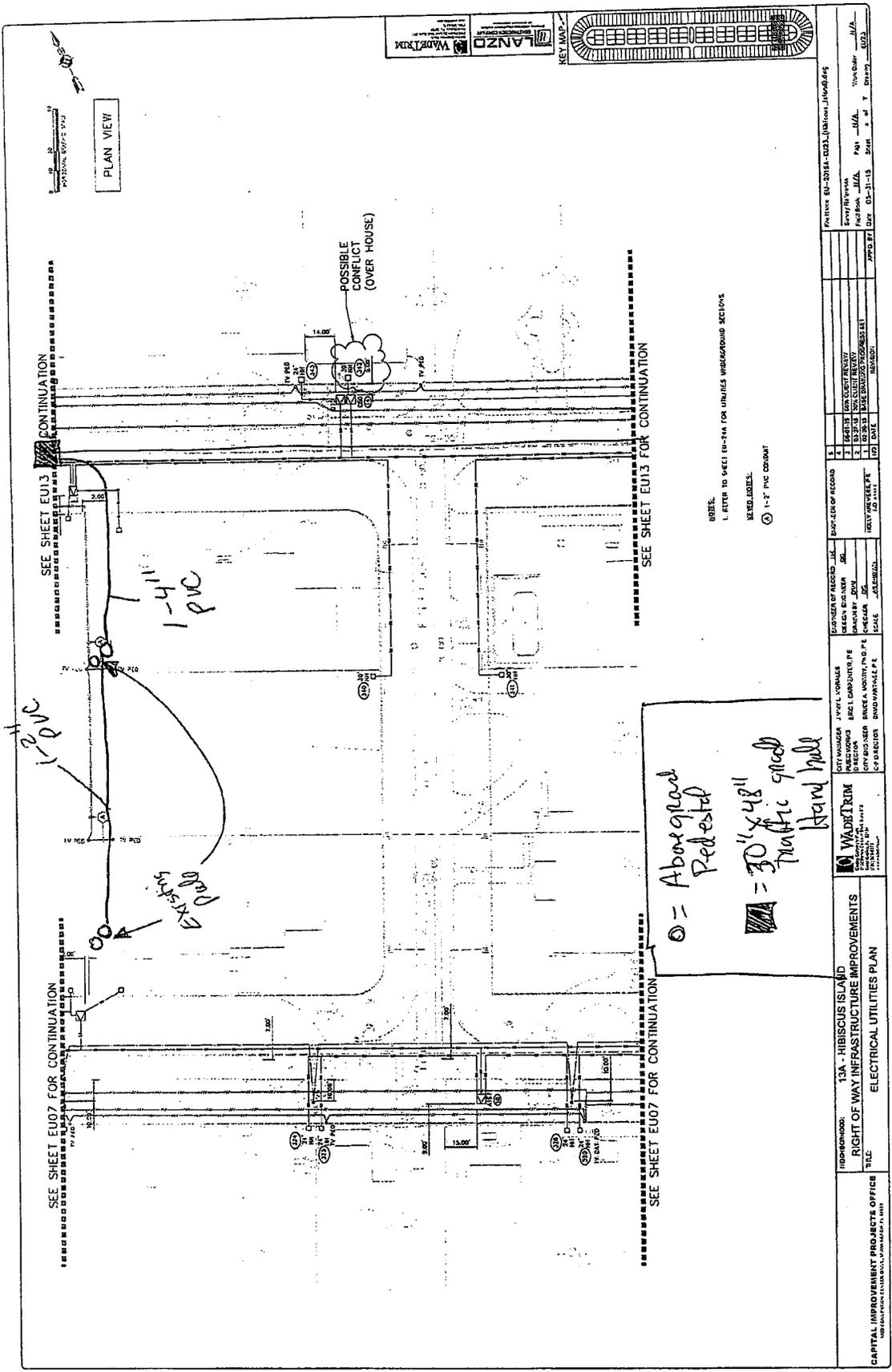
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 SEE SHEET EU11 FOR CONTINUATION



NOTE:
 1. REFER TO SHEET 10-11A FOR UTILITIES UNDERGROUND SECTIONS
 REVISIONS:
 ① 1-7' PVC CONDUIT

SEE SHEET EU13 FOR CONTINUATION

SEE SHEET EU13 FOR CONTINUATION

SEE SHEET EU07 FOR CONTINUATION

SEE SHEET EU07 FOR CONTINUATION

○ = Above grade
 Pedestel
 = 30" x 48"
 Traffic grade
 Heavy hole

PROJECT: 13A - HIBISCUS ISLAND RIGHT OF WAY INFRASTRUCTURE IMPROVEMENTS ELECTRICAL UTILITIES PLAN		DATE: 03-31-15 DRAWN BY: JJA CHECKED BY: JJA APPR'D BY: JJA	
REVISIONS: 1. 03-31-15 2. 03-31-15 3. 03-31-15		PROJECT NO.: 10-11A SHEET NO.: 10-11A	
DESIGNER: WADSWORTH CHECKER: JJA DATE: 03-31-15		PROJECT NO.: 10-11A SHEET NO.: 10-11A	

**CITY/COUNTY RIGHT-OF-WAY
AGREEMENT FOR UNDERGROUND CONVERSIONS (WR# 3085431)**

THIS AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 20____ by and between CITY OF MIAMI BEACH (*Local Government*), a Florida municipal corporation or county with an address of 1700 Convention Center Drive, Miami Beach, FL 331 and Florida Power & Light Company ("*FPL*"), a Florida corporation with an address of P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408-0429.

WHEREAS, Local Government has requested that FPL convert certain overhead electric distribution facilities located within the following boundaries (the "*Conversion*"): Hibiscus Island, in Miami Beach, FL (collectively, the "*Existing Overhead Facilities*") to underground facilities, including transformers, switch cabinets and other appurtenant facilities some of which may be installed above ground (collectively, the "*Underground Facilities*") and has further requested that certain of the Underground Facilities be placed in certain of its road rights-of-way ("*Local Government ROW*") and/or certain road rights-of-way owned by or under the jurisdiction of other agencies ("*Other ROW*"). Local Government ROW and Other ROW may be referred to collectively as "*ROW*"; and

WHEREAS, the Local Government has agreed to pay FPL the cost of such Conversion as required by FPL's electric tariff and Section 25-6.115 of the Florida Administrative Code and has or will enter into a separate Underground Facilities Conversion Agreement with FPL; and

WHEREAS, FPL is willing, subject to the terms and conditions set forth in this Agreement, FPL's electric tariff and Section 25-6.115 of the Florida Administrative Code, to place certain of the Underground Facilities in the ROW.

NOW THEREFORE, in recognition of the foregoing premises and the covenants and agreements set forth herein, and other consideration the sufficiency of which is hereby acknowledged, intending to be legally bound hereby, the parties covenant and agree as follows:

1. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Agreement.

2. Conditions Precedent to Placement of Underground Facilities in ROW

- (a) Local Government covenants, represents and warrants that:
 - (i) Local Government has full legal right and authority to enter into this Agreement;
 - (ii) Local Government has full legal right and authority to take all actions and measures necessary to fulfill Local Government's obligations under this Agreement;
 - (iii) Local Government hereby authorizes the use of the ROW by FPL for the purposes stated herein.
- (b) All applicable permits for FPL to install, construct, or maintain Underground Facilities in ROW must be issued on a timely basis by the appropriate agency, subject to the timely filing for permits by FPL.
- (c) Local Government agrees to provide, at its expense, a legal description that is acceptable to FPL of the ROW to be occupied by the Underground Facilities at a time before FPL initiates the design of the Underground Facilities. Said legal description shall be made part of this Agreement and attached as Exhibit "A".
- (d) FPL agrees to identify and document all existing FPL underground facilities within the ROW that will not be included under this Agreement. Local Government shall reimburse FPL's reasonable costs and expenses to deliver said documentation. Said documentation shall be made part of this Agreement and attached as Exhibit "B".
- (e) FPL warrants that the design of the Underground Facilities to which Local Government has agreed are in compliance with all operational and safety guidelines, codes and standards. FPL and Local Government have mutually agreed upon the location of the facilities within the ROW as per the construction drawings. Said construction drawings shall be attached as Exhibit "C" to this agreement, are part of this agreement, and may be amended to reflect changes to location of facilities as required.

3. Relocation and Rearrangement of FPL Facilities. If the Local Government or other agency with control over the Local Government ROW or Other ROW, for any reason whatsoever, requires that FPL relocate or rearrange, in whole or in part, any Underground Facilities (as they are to exist as a result of this Conversion, or as they may later be modified, upgraded, or otherwise altered) from or within the Local Government ROW or Other ROW, the Local Government, notwithstanding any language to the contrary in any applicable permit or franchise agreement, and prior to any such relocation by FPL, shall provide FPL with a substitute location, satisfactory to FPL, obtain any easements that may be necessary, and shall pay FPL for the costs of any such relocation, adjustment or rearrangement, now or in the future. Local Government shall reimburse FPL for all costs to locate, expose, protect or support the Underground Facilities, whether underground or above ground, in the event of future construction or excavation in close proximity to the Underground Facilities, when such services are required by Local Government or other agency with control over the Local Government

ROW or Other ROW Local Government shall use its best efforts in any design and construction of its future road improvement projects to avoid or mitigate the necessity of relocating or adjusting the Underground Facilities in Local Government ROW and, to the extent reasonably practicable, in Other ROW.

Local Government shall only be responsible for relocation costs associated with replacement facilities conforming to FPL standards in effect at the time of relocation. Any costs associated with the replacement facilities to provide increased capacity, improved reliability, future use facilities, or other such enhancements over and above the FPL standards in effect at the time of the relocation shall not be the responsibility of Local Government.

Nothing herein shall preclude Local Government from obtaining reimbursement for any and all costs requiring FPL to relocate or rearrange any of its Underground Facilities from that entity which initiated the requirement for the relocation or rearrangement of the facilities, excluding only other agencies which own or have jurisdiction over the ROW.

FPL shall be responsible for any and all costs of removal or relocation when such removal or relocation is initiated by FPL. Additionally, FPL agrees that when any portion of a street is excavated by FPL in the location, relocation or repair of any of its facilities when said location, relocation or repair is initiated by FPL, the portion of the street so excavated shall, within a reasonable time and as early as practical after such excavation, be replaced by FPL at its expense in a condition as good as it was at the time of such excavation.

The FPL cable and conduit system will be designed/installed under the pavement area at the Applicant's request; however, if these facilities ever need to be uncovered and repaired / replaced in the future, the Applicant will be responsible for all site restoration costs of the repair / replacement of the cable / conduit system.

4. **Abandonment or Sale of Local Government ROW.** If the Local Government desires to subsequently abandon or discontinue use of the Local Government ROW, and ownership of the land is transferred to a private party, the Local Government, as a condition of and prior to any such sale, abandonment, or vacation, shall grant FPL an easement satisfactory to FPL for the Underground Facilities then existing within the ROW or require the transferee to so grant FPL an easement satisfactory to FPL at the time of transfer. If ownership of the Local Government ROW is transferred to another public entity, that public entity shall take the ROW subject to the terms and conditions of this Agreement.

5. **Term.** This Agreement shall remain in effect for as long as FPL or any successor or assign owns or operates the Underground Facilities placed in the ROW.

6. **Title and Ownership of Underground Facilities.** Title and ownership of Underground Facilities installed by FPL as a result of this Agreement shall, at all times, remain the property of FPL.

7. **Conversion Outside ROW.** In the event that the FPL Underground Facilities are not, for any reason other than the sole error of FPL or its contractors, constructed within the ROW, Local Government shall grant or secure, at Local Government's sole cost and expense, new easements or ROW grants for the benefit of FPL for the placement of the Underground Facilities in these areas, and shall secure subordinations of any mortgages affecting these tracts to the interest of FPL. In the alternative, at the discretion of Local Government, Local Government shall reimburse FPL for all costs incurred to remove said facilities which were constructed outside the ROW and for reinstallation within the ROW. FPL shall be responsible at completion of construction for notifying Local Government in writing of FPL's approval and acceptance of the conversion as being constructed within the ROW. Upon acceptance there shall be no further responsibility on the Local Government for relocations referenced in this paragraph.

8. **Agreement Subject to FPL's Electric Tariff.** This Agreement is subject to FPL's electric tariff, including but not limited to the general rules and regulations for electric service and the rules of the Florida Public Service Commission.

9. **Venue; Waiver of Jury Trial.** 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, FPL and the Local Government 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. This Agreement shall be construed in accordance with the laws of the State of Florida.

10. **Attorney Fees.** In the event it becomes necessary for either party to institute or defend legal proceedings as a result of the failure of the other party to comply with the terms, covenants, or provisions of this Agreement, each party in such litigation shall bear its own cost and expenses incurred and extended in connection therewith, including, but not limited to attorneys' fees and court costs through all trial and appellate levels.

11. **Assignment.** The Local Government shall not assign this Agreement without the written consent of FPL.

12. **Recording.** This Agreement shall be adopted by the Local Government and maintained in the official records of Local Government for the duration of the term of this Agreement. This Agreement also shall be recorded in the Official Records of the County in which the Underground Facilities are located, in the place and in the manner in which deeds are typically recorded.

13. **Conflict between Terms of Permit or Franchise Agreement.** In the event of a conflict between the terms of this Agreement and any permit or franchise agreement entered into by Local Government and FPL, the terms of this Agreement shall control.

14. **Notice.** Any notice, instruction or other communication to be given to either party hereunder shall be in writing and shall be hand delivered, telecopied, sent by Federal Express or a comparable overnight service or by U. S. registered or certified mail, with return receipt requested and postage prepaid to each party at their respective addresses set forth below:

As to Local Government:

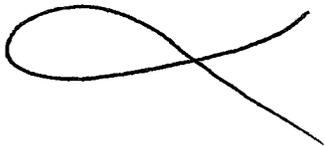
With copies to:

As to FPL:

FPL
700 Universe Blvd.
Juno Beach, FL 33408
Attn.: Legal department

IN WITNESS WHEREOF, Florida Power & Light Company and Local Government have executed this Agreement on the date first set forth above.

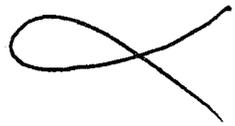
For CITY OF MIAMI BEACH



By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)



By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)



Approved as to Terms and Conditions: _____
(signature/title)



Approved as to Form and Legal Sufficiency: _____
(signature/title)

Paul J. ... / ...

NK

For FLORIDA POWER & LIGHT COMPANY

By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)

Exhibit A

WR # 3085431

Exhibit B

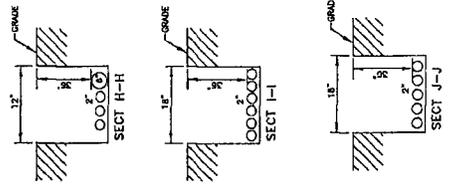
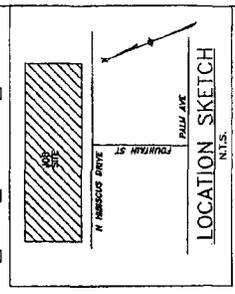
WR # 3085431

Currently, there is no existing underground equipment within the road right-of-way.

Exhibit C

WR # 3085431

DISCLAIMER:
 THE UNDERGROUND FACILITIES AND ASSOCIATED EQUIPMENT, USE IN THE SYSTEM, AGREEMENT WITH THE LOCAL GOVERNMENT, SHOULD THE LOCAL GOVERNMENT OR OTHER PARTY REQUIRE PPL TO RELOCATE, ADJUST OR REPAIR ANY OF THESE FACILITIES, AS THEY SHALL BE RESPONSIBLE FOR THE RELOCATION, ADJUSTMENT, OR REPAIRMENT OF THE LOCAL GOVERNMENT AND PPL FOR THE CONSTRUCTION OR REPAIRMENT OF THESE FACILITIES. REQUEST A COPY OF THE RIGHT OF WAY AGREEMENT, ERM, DOW, E.P.A./D.O. FOR FURTHER DETAILS.



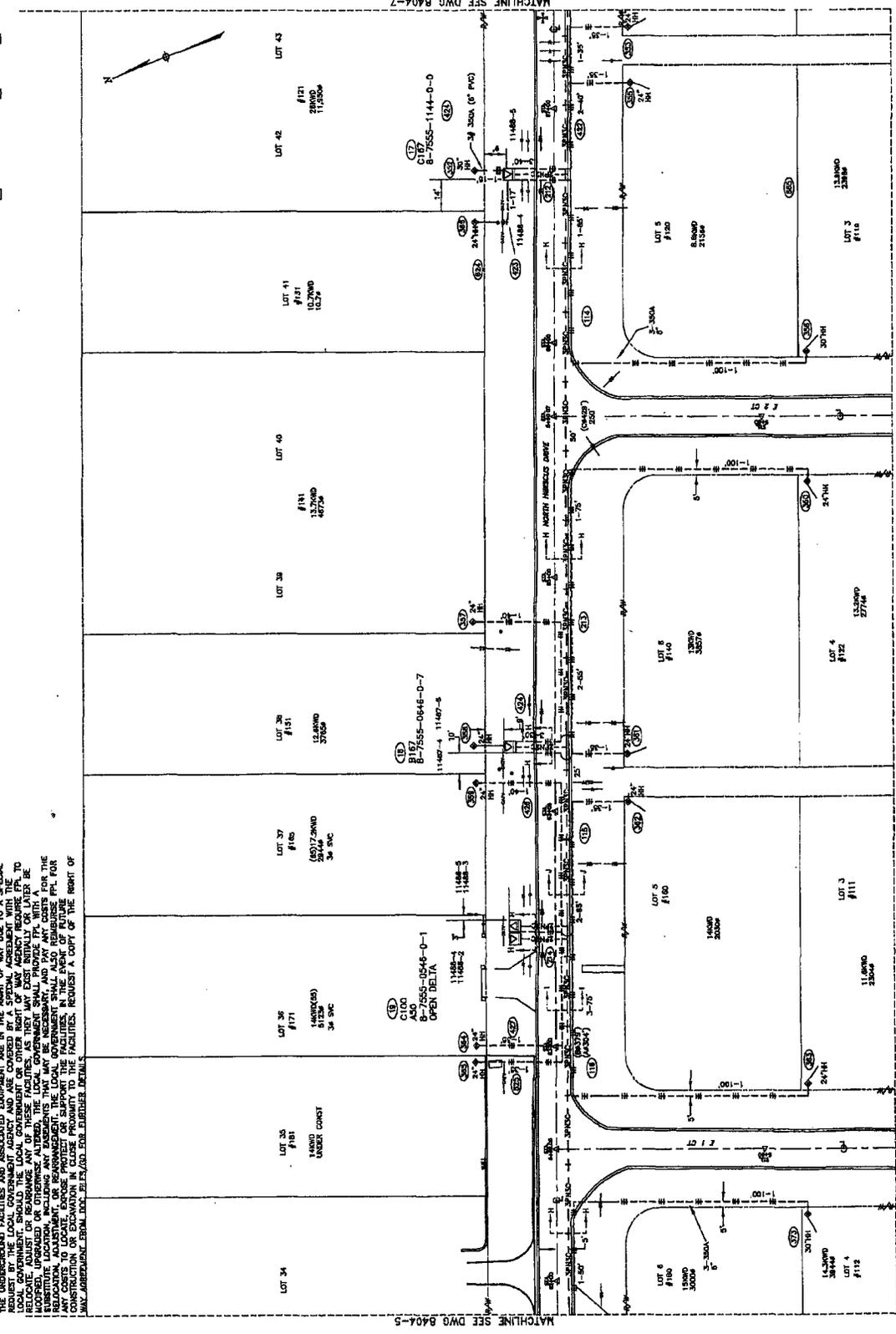
CONSTRUCTION NOTES - W/F 3064-1
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 3064-2 (SCH)
 3064-3 (SCH)
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 3064-6 (SCH)
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 3064-100 (SCH)

REFERENCE DWGS
 8404-1 (SCH)
 8404-5, 8404-7, 8404-13

The location and existence of any facilities may not be relied upon by the supplier in responding to a bid or in complying with any contract. The supplier shall be responsible for verifying the site conditions both above and below ground including underground facility locations.

DATE: 04/12/12
 DRAWN BY: A. GARCIA
 CHECKED BY: S. BRIN
 DATE: 04/12/12
 MAP NO. Y-0283

HIBISCUS ISLAND
 MIAMI-DADE COUNTY, FLORIDA
 8404-6
 WRS 3068431 RES 1427-30-883



ATTENTION
 R.O.W. AGREEMENT

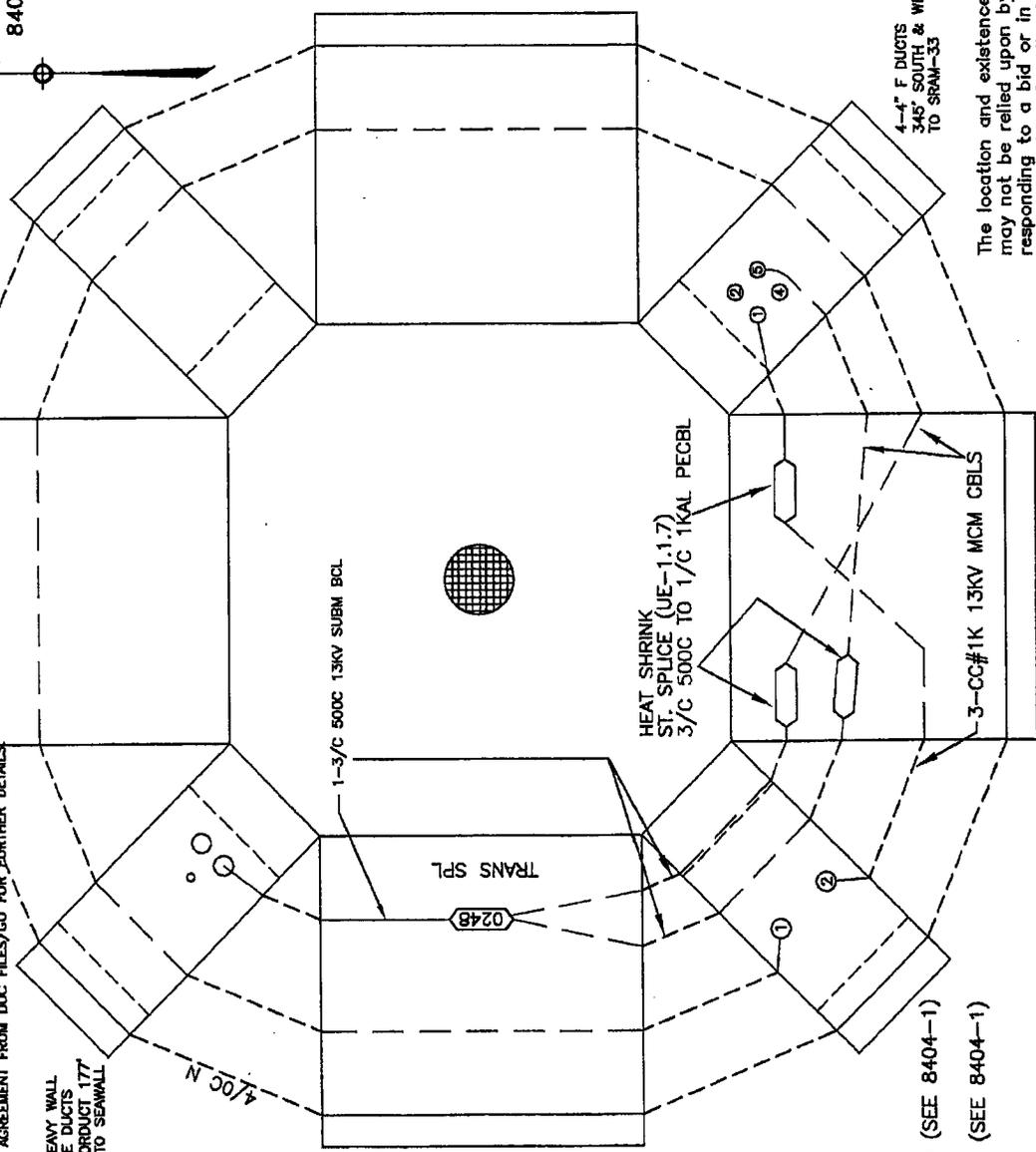
MATCHLINE SEE DWG 8404-15

3064-31	5	04/12/12	MARKED CONDITIONS TO JOB	AS-BUILT COPY	AS-BUILT CREW PRINT	Comments?	Work with SH&T	DESIGNED BY	A. GARCIA
3064-32	6	04/23/11	RE-CONTRACT CHANGES IN THE COVER OF STREET TO EVO HIBISCUS ISLAND	AS-BUILT COPY	AS-BUILT CREW PRINT	Time Mark?	CT/Revised Mark	DRAWN BY	S. BRIN
3064-33	7	04/26/11	REVISION CHANGES IN THE GENERAL SECTION	AS-BUILT COPY	AS-BUILT CREW PRINT	Map Position?	Duct Bank Mark	DATE	04/12/12
3064-34	8	04/26/11	REVISION FROM S-PHC TO E-PHC	AS-BUILT COPY	AS-BUILT CREW PRINT	City	TRANS.	MAP NO.	Y-0283
3064-35	9	04/26/11	REVISION	AS-BUILT COPY	AS-BUILT CREW PRINT	County	TRANS.	PROJECT NO.	8404-6
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3064-70	44	04/26/11	REVISION	AS-BUILT COPY	AS-BUILT CREW PRINT	County	TRANS.	DATE	04/12/12
3064-71	45	04/26/11	REVISION	AS-BUILT COPY	AS-BUILT CREW PRINT	County	TRANS.	DATE	04/12/12

4 WAY
6'-10" PANEL

IMPORTANT:
THE UNDERGROUND FACILITIES AND ASSOCIATED EQUIPMENT ARE IN THE RIGHT OF WAY DUE TO A SPECIAL REQUEST BY THE LOCAL GOVERNMENT AGENCY AND ARE COVERED BY A SPECIAL AGREEMENT WITH THE LOCAL GOVERNMENT. SHOULD THE LOCAL GOVERNMENT OR OTHER RIGHT OF WAY AGENCY REQUIRE FPL TO RELOCATE, ADJUST OR REARRANGE ANY OF THESE FACILITIES, AS THEY MAY EXIST INITIALLY OR LATER BE MODIFIED, UPGRADED OR OTHERWISE ALTERED, THE LOCAL GOVERNMENT SHALL REIMBURSE FPL WITH A SUBSTITUTE LOCATION, INCLUDING ANY EASEMENTS THAT MAY BE NECESSARY, AND PAY ANY COSTS FOR THE RELOCATION, ADJUSTMENT, OR REARRANGEMENT. THE LOCAL GOVERNMENT SHALL ALSO REIMBURSE FPL FOR ANY COSTS TO LOCATE, EXPOSE, PROTECT OR SUPPORT THE FACILITIES. IN THE EVENT OF FUTURE CONSTRUCTION OR EXCAVATION IN CLOSE PROXIMITY TO THE FACILITIES, REQUEST A COPY OF THE RIGHT OF WAY AGREEMENT FROM DOC FILES/GO FOR FURTHER DETAILS.

2-5" HEAVY WALL
TRANSITE DUCTS
1-2" KORODUCT 177
NORTH TO SEAWALL



DUCT #1
FROM N. SW PAD (SEE 8404-1)
DUCT #2
FROM S. SW PAD (SEE 8404-1)

TLN 8-7455-9849-9-6
MECA LOC: 700

INACCESSIBLE 13KV FUTURE 23KV 23KV SALT SPRAY

REFERENCE DWG'S
MBPPP112 MBPPP1178
VLT#170V PALM MIDWAY DR(8VB11807)
8404-1(SCH) 8404-5

CONSTRUCTION NOTES -- WR# 3085431

REQUIRED DRAWINGS
8404-2 (NOTES)
8MB11501 MBPPP112
8404-1 8404-9
8404-3 8404-10
8404-4 8404-11
8404-5 8404-12
8404-6 8404-13
8404-7 8404-14
8404-8 8404-15
UTILITY CONTACT LIST
CALL SUNSHINE 1-800-432-4770

AS-BUILT	AUTH NO.	NO.	DATE	REVISION
	3085431	3	07/23/08	INSTALL PMDS 1 & 2 TXS & PULL CABLE TO SVC HIBISCUS ISLANDSVC HIBISCUS ISLAND
	2754883	2	12/11/07	RE-ROUTE CBL FROM VLT#170V TO SRAM-33
	2719797	1	10/08/07	AS-BUILT MANHOLE
	1258-45-840	0	11/30/54	ORIGINAL DWG

AS-BUILT COPY AS-BUILT CREW PRINT

DATE: 07/23/08
DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251

SCALE: 3/8" = 1'-0"

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251

DATE: 07/23/08

DATE: 07/23/08

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251

DATE: 07/23/08

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251

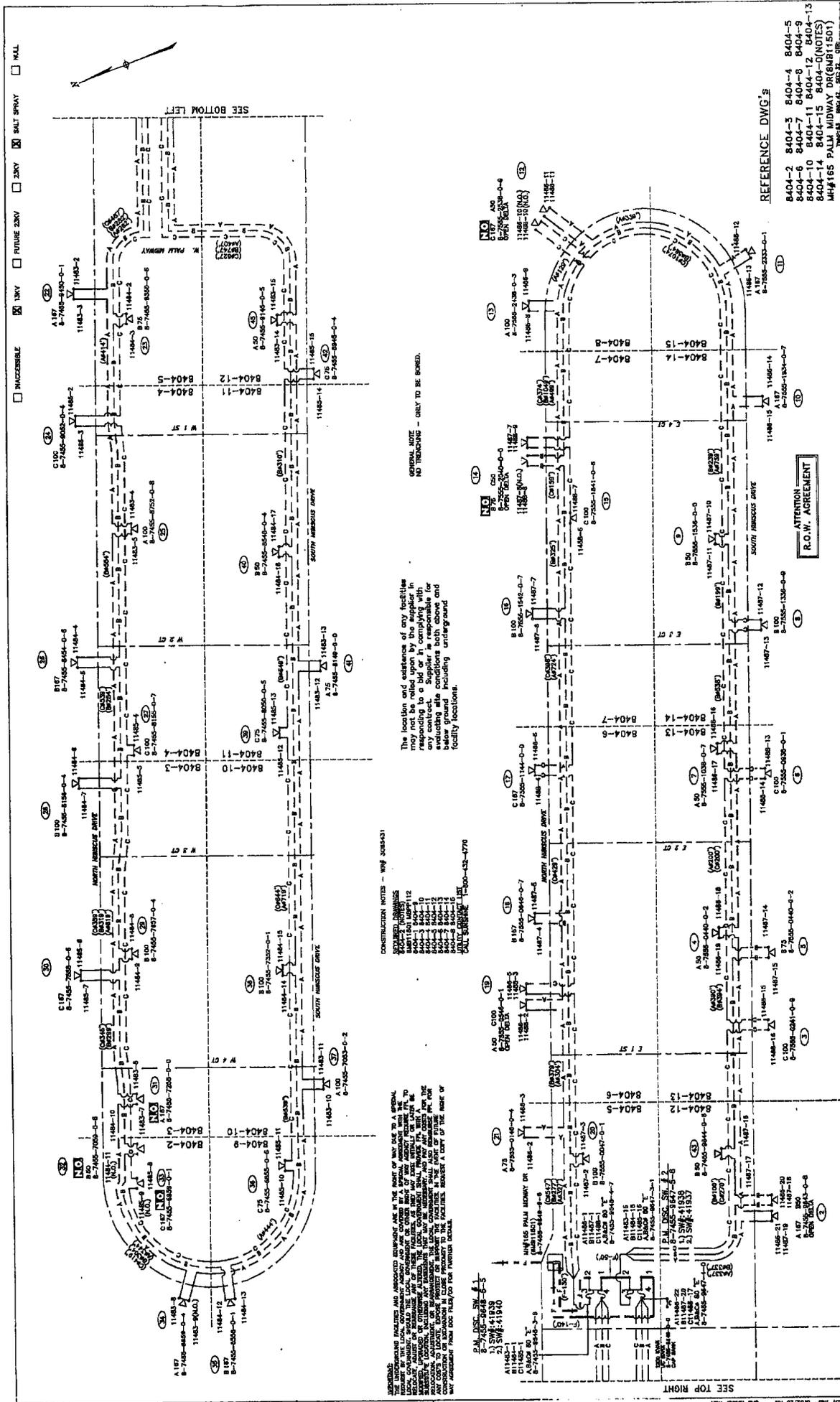
DATE: 07/23/08

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251

The location and existence of any facilities may not be relied upon by the supplier in responding to a bid or in complying with any contract. Supplier is responsible for evaluating site conditions both above and below ground including underground facility locations.

NOTES: PRL CBL SHEATHS TO ISOL GND.
-BOND PRL
-FIREPROOF ALL PRL CBLs.
-TYPE III MH GRND

DWG. NO. 8MB11501
WR-3085431
WR-1427 - 30-883



CONSTRUCTION NOTES - W/F 205431

REQUIRED DIMENSIONS
 11483-10 11483-11 11483-12 11483-13 11483-14 11483-15 11483-16 11483-17 11483-18 11483-19 11483-20
 11484-1 11484-2 11484-3 11484-4 11484-5 11484-6 11484-7 11484-8 11484-9 11484-10 11484-11 11484-12 11484-13 11484-14 11484-15 11484-16 11484-17 11484-18 11484-19 11484-20
 11485-1 11485-2 11485-3 11485-4 11485-5 11485-6 11485-7 11485-8 11485-9 11485-10 11485-11 11485-12 11485-13 11485-14 11485-15 11485-16 11485-17 11485-18 11485-19 11485-20

GENERAL NOTE - ONLY TO BE BORED.

The location and existence of any facilities may not be reliable for the purposes of this contract. Supplier is responsible for evaluating site conditions both above and below ground including underground facility locations.

ATTENTION R.O.W. AGREEMENT

AS-BUILT COPY - AS-BUILT DRAWING PRINT AND CERTIFIED DIMENSIONS AS SHOWN ON THIS AS-BUILT COPY. MATERIAL CHANGES FROM ORIGINAL DRAWING SHALL BE INDICATED BY A RED LINE OR A RED CIRCLE.

AS-BUILT COPY - AS-BUILT DRAWING PRINT AND CERTIFIED DIMENSIONS AS SHOWN ON THIS AS-BUILT COPY. MATERIAL CHANGES FROM ORIGINAL DRAWING SHALL BE INDICATED BY A RED LINE OR A RED CIRCLE.

INSTALL CAP BANK
 GENERAL REMARKS
 INSTALL PHOSPHOR & S. ZNS & FULL CABLE TO S/C HERMES ISLAND
 REMARKS

NO.	DATE	BY	REVISION
1	07/23/06	WJ	ISSUE FOR PERMIT
2	09/13/11	WJ	REVISED PER COMMENTS

DESIGNED BY: J. A. CHEN
DRAWN BY: R. EDWARDS
DATE: 07/13/11
MAP NO.: Y-0223

HIBISCUS ISLAND
 HAWAII COUNTY, HI
 MAP NO. **8404-1**
 SHEET NO. **308543** OF **1427** - **30-883**

REFERENCE DWG'S
 8404-2 8404-3 8404-4 8404-5
 8404-6 8404-7 8404-8 8404-9
 8404-10 8404-11 8404-12 8404-13
 8404-14 8404-15 8404-16 8404-17
 MH#165 PALM MIDWAY DR(8MB11501)
 TYPICAL: MWAL, SWAL, SWL, DR

**APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDERGROUND
CONVERSIONS (WR # 3085431).**

This Agreement, made and entered into this _____ day of _____, 20____, by and between CITY OF MIAMI BEACH (the "Applicant"), a Florida municipal corporation or county with an address of 1700 Convention Center Dr., Miami Beach, FL 33139 and FLORIDA POWER & LIGHT COMPANY ("FPL"), a Florida corporation organized under the laws of the State of Florida, with an address of P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408-0429.

WITNESSETH:

WHEREAS, the Applicant has executed the appropriate underground facilities conversion agreement ("Conversion Agreement") with FPL to convert certain overhead electric distribution facilities (collectively the "Existing Overhead Facilities") to underground distribution facilities (collectively the "Underground Facilities"), as described in the aforementioned Conversion Agreement (hereinafter the "Conversion");

WHEREAS, the Applicant desires to perform itself, or through its Contractors, certain Work as such term is described in Exhibit A associated with the Conversion;

WHEREAS, FPL is willing, subject to all the terms and conditions set forth below in this Agreement, to allow the Applicant to perform the Work based on Applicant's assurance that such Work will be in accordance with FPL's designs, instructions, standards and specifications, and such Work will not adversely impact FPL or its electric customers;

NOW, THEREFORE, in recognition of the foregoing premises, and in consideration of the covenants and promises set forth herein below, FPL and Applicant do hereby agree as follows:

1. **Compliance with Tariff.** Applicant shall comply with and abide by the requirements, terms, and conditions of this Agreement, the Conversion Agreement, and FPL's electric tariff (the "Tariff").
2. **Conditions for Work to be Performed.** Applicant shall, at its own cost and expense, perform or cause to be performed, all Work, as described in Exhibit A, in accordance with the terms and conditions of this Agreement and the standards and specifications shown in Exhibit B. The Applicant shall provide all survey and staking to ensure that all Underground Facilities are installed as shown in the Conversion Agreement and provide As-Built prints to FPL within two (2) weeks of installation, signed and certified by a Florida registered surveyor along with a FPL "Redline" document.
3. **Commencement of Work.** Applicant shall perform the Work, or any portion of the Work, only upon receipt of a notice to proceed containing the approved drawings, specifications and instructions from FPL ("Notice to Proceed"). After receipt of the Notice to Proceed,

Applicant shall provide written notice of intent to commence work to FPL at least five (5) days prior to commencement of such Work. Applicant shall not perform any excavation work without first notifying Sunshine State One Call for identification and marking of existing underground utilities and complying with the excavation requirements set forth in Florida Statute Chapter 556.

4. **Materials.** All Materials are to be supplied by FPL and shall be picked up by Applicant at the following address _____ at a mutually agreed upon time, typically with 5 business days minimum notice, but no more than 15 business days notice, unless mutually agreed upon. Alternatively, FPL will, at Applicant's expense, have the material delivered to a mutually agreed upon location. Applicant assumes liability for any materials lost, stolen or damaged once these materials are picked up by, or delivered to, the Applicant.

5. **Contractors.** Applicant may enter into a contract with a contractor for the performance of the Work, or any portion thereof, provided that the contractor has been approved by FPL in writing prior to execution of such contract. Applicant shall not make any substitution of any contractor for the performance of Work unless the substitution is approved by FPL in writing. The Applicant's contractor(s) shall perform ALL work as outlined within Exhibit A & Exhibit B. No contract or purchase order between Applicant and its contractor(s) shall bind or purport to bind FPL, but each contractor entering into a contract with Applicant with respect to the Work shall name FPL as an intended third-party beneficiary and include a provision permitting its assignment to FPL upon FPL's written request, following default by Applicant or termination or expiration of this Agreement. Applicant shall provide FPL with written certification from each of its contractors performing Work that all warranties, guarantees and obligations of such contractors are equivalent or better than those granted by such contractor to FPL for similar work and shall require that each such contractor name FPL as an intended third party beneficiary of such warranties, guarantees and obligations with the same rights of enforcement as Applicant. Applicant shall assign all representations, warranties, guaranties, and obligations of all contractors at the request and direction of FPL, and without recourse to Applicant, to FPL upon default by Applicant or termination or expiration of this Agreement; provided, however, that, notwithstanding such assignment, Applicant shall be entitled to enforce each such representation, warranty, guaranty, and obligation so long as Applicant has any liability under this Agreement. Applicant hereby assigns to FPL, effective as of the termination or expiration of this Agreement, all representations, warranties, guaranties and obligations of all Contractors.

6. **Right of Entry.** FPL reserves the right, together with its agents or designees to enter the Jobsite as it may elect for the purpose of inspecting the Work, or constructing or installing such collateral work as it may desire, or testing, boring or surveying, or any other purpose.

7. **Inspection and Correction of Deficiencies.**
 - 7.1. All Work shall be properly inspected and tested, if appropriate, by Applicant and shall at all times be subject to additional inspection by FPL and its designee(s).

- 7.2. Neither the failure to make such inspection, nor the failure to discover defective workmanship, materials, or equipment, nor approval of or payment to Applicant for such Work shall prejudice the rights of FPL thereafter to correct or reject the same.
- 7.3. Applicant shall correct any deficiencies found with the Work, including but not limited to discrepancies that are inconsistent with FPL's design, instructions, standards or specifications within two (2) business days. If Applicant does not adequately rectify the identified deficiencies in the required timeframe, FPL may, at its sole discretion, perform, or have performed by its contractor the required repairs and Applicant shall pay FPL for any costs incurred. These requirements apply whether the discovery of deficiencies occurs while Applicant is performing its Work or while FPL, or its contractor, is performing its portion of the work.
- 7.4. If any Work or part thereof is covered over contrary to the requirements of this Agreement or the written request of FPL, it must, if required by FPL, be uncovered for observation and inspection and covered again at Applicant's sole expense.
- 7.5. If any Work that FPL has not specifically requested to observe and inspect prior to being covered has been covered, FPL may request to see such Work or part thereof and it shall be uncovered by Applicant. If such Work or part thereof is found to be in accordance with this Agreement, the cost of uncovering and covering again shall be paid by FPL. If such Work or part thereof fails to meet the requirements of this Agreement, Applicant shall pay all costs of uncovering, correcting, and covering again.
- 7.6. Applicant shall pay FPL for all time spent reviewing and inspecting Applicant's Work.
- 7.7. No electric customers shall be connected to the Underground Facilities prior to all deficiencies being rectified.

8. Indemnity / Liability of Applicant.

- 8.1. "To the extent allowed under Florida law and including, without limitation, subject to the provisions of Section 768.28, Florida Statutes, as applicable," Applicant shall protect, defend, indemnify and hold FPL free and unharmed from and against any liabilities whatsoever resulting from or in connection with this Agreement, the Conversion or in connection with the performance of the Work by the Applicant, its employees, Contractors or Contractor employees, whether or not such liabilities are due to or caused in whole or in part by negligence of FPL; including but not limited to payment disputes between Applicant and its contractor, and/or payment disputes with subcontractors, suppliers or other potential vendors that may file liens that arise out of the Work. However, the provisions of Section 768.28, Florida

Statutes shall not be applicable to any Contractor retained by the Applicant to perform the Work.

- 8.2. Applicant shall assume full responsibility for all damages and all restoration arising in connection with the Work.
9. **Design Work.** FPL shall provide all design, instruction, standards and specifications necessary to perform the Conversion.
10. **Completion of Work and Ownership.** Applicant shall complete the Work by [REDACTED] 20[REDACTED] and notify FPL when said Work is complete. Upon FPL's final written approval of the completion of the Work ("Acceptance"), Applicant acknowledges that all rights, title and interest, free and clear of all liens, in and to the Work shall vest in FPL. If requested by FPL, Applicant shall provide FPL, in a form acceptable to FPL, an affidavit of Applicant certifying payment of all indebtedness to all Contractors and a written release of liens from Applicant and each Contractor.
11. **No Liability by FPL.** FPL assumes no liability due to any damage, misunderstanding of installation drawings or specifications, or any actions due to Applicant or its Contractor.
12. **Suspension for Cause:**
 - 12.1. FPL may at its sole discretion, by Notice, temporarily suspend the Work, or any portion thereof, under this Agreement when the performance by Applicant or its contractor is deemed unsatisfactory by FPL to obtain the results required by this Agreement.
 - 12.2. The methods by which Applicant performs its Work are entirely the responsibility of Applicant. FPL's right to suspend Work is intended solely to verify that the Work being performed by Applicant and its Contractor conforms to the design, instruction, standards and specifications and shall not obligate FPL to review the efficiency, adequacy or safety of Applicant's or its Contractors methods or means of operation or construction.
 - 12.3. Any additional costs incurred by Applicant resulting from such suspension shall be borne solely by Applicant.
 - 12.4. If Applicant immediately corrects the unsatisfactory condition FPL shall authorize resumption of the Work. Applicant's failure to immediately effect correction of the unsatisfactory conditions shall be cause for termination of this Agreement.
13. **Termination for Cause:**
 - 13.1. FPL may, upon Notice to Applicant, and without prejudice to any remedy available to FPL under law, in equity or under this Agreement, terminate the whole or any part of this Agreement for cause and take possession of the Work without termination charge, penalty or obligation in the event Applicant fails to perform a

material obligation under this Agreement and fails to cure such material obligation default within a reasonable period of time, but in no event more than ten (10) business days, after Notice from FPL specifying the nature of such default (any such termination referred to as a "Termination for Cause").

- 13.2. In the event of Termination for Cause by FPL, Applicant shall:
- a. Unless instructed otherwise in the Notice, immediately stop all Work hereunder;
 - b. Issue no further contracts except with the prior written consent of FPL;
 - c. Assign to FPL, to the extent requested by FPL, all rights of Applicant under contracts outstanding;
 - d. Terminate, to the extent requested by FPL, outstanding contracts;
 - e. Fully cooperate and refrain from hindering or interfering in any manner with any other persons or parties currently or prospectively performing the Work; and
 - f. Take any other action toward termination, or toward preservation of the Work, that FPL may direct.

13.3. Upon a Termination for Cause, all obligations of FPL hereunder shall terminate effective immediately. Upon such Termination for Cause, FPL may either rework or take over the terminated Work and proceed to provide such materials, supplies, equipment and labor of both FPL and FPL contractors, as may be reasonably necessary to complete said Work. FPL may have any partially fabricated portion of the Work removed from Applicant's or contractor's facilities upon Notice to Applicant. Applicant shall be liable for any increase of FPL's costs, including rework costs, incurred by FPL as a result of FPL's termination of the contract for cause.

13.4. In the event of Termination for Cause, FPL shall have no liability to Applicant for costs incurred by Applicant as a result of such termination.

14. **Termination Prior to Construction.** Applicant may terminate this Agreement at any time prior to the start of construction. If Applicant elects to still complete the Conversion, then the Contribution-In-Aid-of-Construction (CIAC) amount provided in the Conversion Agreement shall be revised accordingly. The revised Conversion Agreement must be executed and any additional CIAC due received by FPL prior to the start of construction.

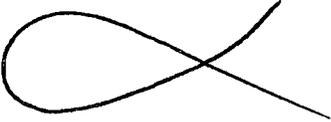
15. **Assignment.** This Agreement is not assignable.

16. **Applicant's Payments to FPL.** Any monies that are owed by Applicant to FPL under this Agreement shall be paid to FPL within thirty (30) days of FPL producing an invoice.
17. **Notice.** As used herein, the term "Notice" shall mean any formal written correspondence providing notice of action, purpose, intent or the like given under the provisions of this Agreement. Unless otherwise provided in this Agreement, Notice shall be delivered in person, by courier or by certified mail and shall be effective when received. General correspondence is not categorized as Notice.

IN WITNESS WHEREOF, FPL and Applicant have executed this Agreement for the provision of Applicant-Installed facilities to be effective as of the date first above written.

For **CITY OF MIAMI BEACH**

By: _____
(signature)



Name: _____
(print or type)

Title: _____
(print or type)

By: _____
(signature)



Name: _____
(print or type)

Title: _____
(print or type)

 Approved as to Terms and Conditions: _____
(signature/title)

 Approved as to Form and Legal Sufficiency: Frederick A. Burk for
(signature/title) *City Attorney* NK

For **FLORIDA POWER & LIGHT COMPANY**

By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)

Exhibit A

WR # 3085431

Work to be Performed:

Applicant shall:

- Install all conduit and concrete products based on the attached specifications and in the locations as indicated on the attached drawings.

Exhibit B

WR # 3085431

Standards and Specifications

STAKING and AS- BUILT SURVEY REQUIREMENTS

STAKING

It will be the responsibility of the Customer/contractor and/or his surveyor to initially stake the entire job establishing the following:

- Centerline of trench
- Center of manhole with off sets

It is the responsibility of the Customer/contractor and/or his surveyor to maintain the original staking or perform any re-staking that is required.

Grade information, reference information, benchmarks, etc., that may be required will be supplied by the developer / owner.

AS-BUILT SURVEY

The customer / contractor will have a land surveyor, who is registered and licensed in the State of Florida, obtain, before back-filling occurs, all AS-BUILT field information necessary for updating and correcting FPL construction drawings. The surveyor will legibly mark, with a red pencil, on both the profile and plan view of FPL's construction drawings, all corrections, additions, and deletions while at the job site. These drawings are to remain on the job site at all times for inspection by the FPL Company Representative. Construction drawings are to be updated by the surveyor, while at the job site, each time any AS-BUILT survey information is obtained. The surveyor is also to record all AS-BUILT information in a FIELD BOOK. This FIELD BOOK is to include the company name, crewmembers and the date, each time AS-BUILT information is obtained.

The AS-BUILT information required is as follows:

1. All facilities are to be stationed to a baseline or reference line that is identifiable as a land line or right-of-way line. This base line or reference line must be related to the area of the job site and be capable of being transposed onto FPL's construction drawings. If the construction drawing includes a baseline or reference line, the AS-BUILT information is to be referenced to this line.
2. All elevations will refer to the datum plane of "mean sea level" as defined by various bench marks of the United States Geological Survey or Coast and Geodetic Survey. They are to be taken along the top of the duct bank, with no offsets, and at existing grade, all at 50 foot maximum intervals. Additional elevations and grade shots are required when there is a change of elevation and/or direction of the duct bank. Elevations are also required on the roof of the manhole, at existing grade, and where the duct bank enters the manhole.
3. Overall total lengths of duct are to be recorded. Measurements are to be taken from the manhole's outside wall and directly along the length of the duct bank with no offsets.
4. When other utilities are uncovered, (water, gas, sewers, telephone, CATV, etc.) their size and type are to be determined, their location referenced to the baseline, and their elevation noted. An elevation will be taken on the duct bank directly above or below the other utility and at existing grade.
5. A duplicate set of construction prints, marked in red pencil, is also required. This duplicate set may be marked from FIELD BOOK information by the surveyor's office.

Note: The construction contract/agreement will not be considered complete until all of the following are presented to, and approved by, the FPL Company Representative.

- a) Signed and sealed copies of the AS-BUILT survey FIELD BOOK.
- b) The set of FPL construction drawings marked in red by the surveyor in the field.
- c) The duplicate marked set of construction prints.

D-15.0.2

STAKING INFORMATION
(EXHIBIT "A")

D-15.0.2

COLOR CRAYONS, PAINTS, AND PLASTIC RIBBONS MAY BE USED FOR IDENTIFYING STAKES. THE FOLLOWING A.P.W.A. COLORS HAVE BEEN ADOPTED STATEWIDE AS STANDARD:

- WHITE
PROPOSED EXCAVATION
- PINK
TEMPORARY SURVEY MARKINGS
- RED
ELECTRIC POWER LINES, CABLES, CONDUIT AND LIGHTING CABLES
- YELLOW
GAS, OIL, STEAM, PETROLEUM OR GASEOUS MATERIALS
- ORANGE
COMMUNICATION, ALARM OR SIGNAL LINES, CABLES OR CONDUIT
- BLUE
PORTABLE WATER
- PURPLE
RECLAIMED WATER, IRRIGATION AND SLURRY LINES
- GREEN
SEWER AND DRAIN LINES

ALL COLOR STAKES USED BY FLORIDA POWER & LIGHT COMPANY (EXISTING FACILITIES) WILL BE RED AS DESIGNATED BY ANSI STANDARD Z53.1, ISS-NBS VIVID RED #11. THIS COLOR IS AVAILABLE AS SPRAY PAINT UNDER M&S #304-17100-5.

WHITE PER A.P.W.A. WILL BE USED TO MARK PROPOSED FPL FACILITIES. CRAYONS AND PLASTIC RIBBONS USED FOR STAKING F&L FACILITIES SHOULD APPROXIMATE THESE COLORS.



F P L
OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: PMG

DRAWN BY: RAS

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
1	9/04/01	UPDATE DRAWING (TITLE AND TEXT)	DPN	JES	JJM
0	8/09/96	CHANGE PAGE FORMAT	PMG	RAS	JJA

DATE: 8/09/96

APPROVED: J.J. MCEVOY
SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

NO SCALE

TRANSFORMER PAD, HANDHOLE & MARKER STAKING

1. TRANSFORMERS, PADS AND MARKERS ARE MOST OFTEN POSITIONED AT OR NEAR THE TRENCH CENTERLINE. AS A RESULT THE STAKES ARE USUALLY DUG UP DURING TRENCHING. OFFSET OR FACE STAKES ARE USEFUL TO THE CONSTRUCTION FORCES TO RE-ESTABLISH THE LOCATION OF THE FACILITIES AFTER TRENCHING. STAKE CENTER LINE OF HANDHOLE & MARKERS. THE FOLLOWING SKETCHES ARE EXAMPLES OF FACE STAKING AND OFFSET REFERENCE STAKING. FACE STAKING IS PREFERRED, PARTICULARLY FOR TRANSFORMER PADS, BUT OFFSET REFERENCE STAKES MAY BE NEEDED AT TIMES IF TREES OR OTHER OBSTRUCTIONS PREVENT THE USE OF FACE STAKES. ADDITIONAL STAKES SUCH AS CORNER STAKES MAY BE USED TO SUIT LOCAL CONDITIONS.

2. WHERE GRADE STAKES ARE REQUIRED, INSTALL AFTER TRENCHING AT PAD OR HANDHOLE.

TRANSFORMER PAD, HANDHOLE, MARKER & MANHOLE STAKING

1. THE FOLLOWING TABLE GIVES THE DIMENSIONS OF THE CONCRETE TRANSFORMER PADS TO AID IN ACCURATE STAKING.

PAD TYPE	W	L	APPLICATION
UX-115	6'-8"	5'-0"	3ø LF PM W/SECT.
UX-116	6'-0"	5'-0"	3ø & 2ø W/O SECT. & 3ø DF W/SECT.
UX-117	4'-0"	4'-7"	ALL 1ø
UX-119	9'-10"	10'-6"	PADMOUNTED AUTOTRANSFORMER
UN-18	10'	5'	FEEDER SPLICE BOX

LENGTH AND WIDTH OF CONCRETE PADS

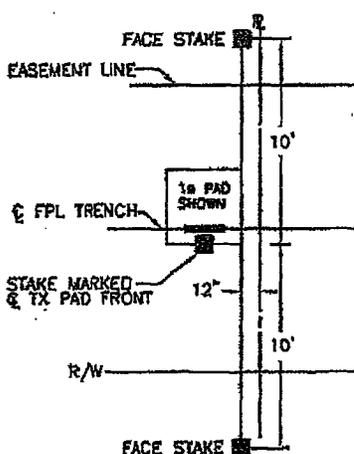


FIGURE 3 - FRONT LOT URD CONSTRUCTION FACE STAKING

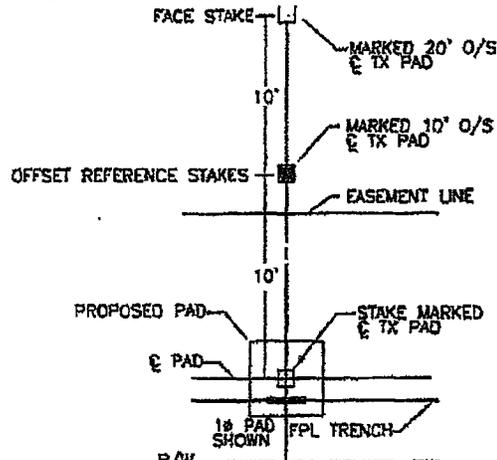


FIGURE 4 - FRONT LOT URD CONSTRUCTION OFFSET STAKING

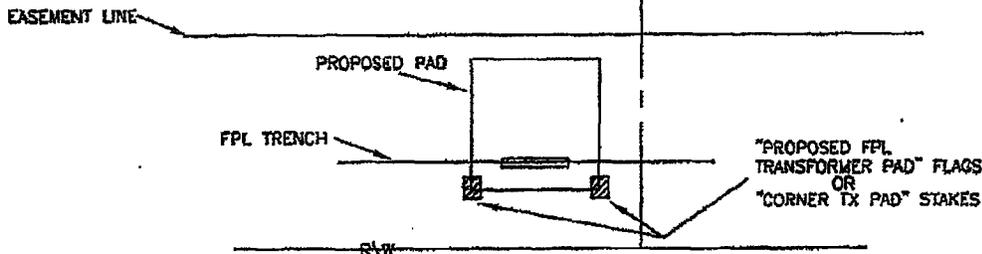
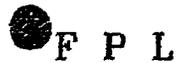


FIGURE 5 - FRONT LOT URD CONSTRUCTION FACE STAKING

TRENCH STAKING

CENTER LINE OF TRENCH STAKES SHOULD BE APPROXIMATELY 50' APART EXCEPT ON CURVES, WHERE 25' OR 30' SEPARATION SHOULD BE MAINTAINED. ON SMALL RADIUS CURVE THERE SHALL BE A MINIMUM OF 4 STAKES (PC, PT & 2 ONLINE) TO AVOID "CUTTING THE CORNER". DIFFERENT METHODS OF STAKING, SUCH AS A STAKE PER LOT, MAY BE USED IF LOCAL CONDITIONS REQUIRE THEM.



OH & UG DISTRIBUTION SYSTEM STANDARDS

1	9/04/01	UPDATE DRAWING (TITLE AND TEXT)	DPM	JES	JUM	ORIGINATOR: PMG	DRAWN BY: RAS
0	8/09/96	CHANGE PAGE FORMAT	PMG	RAS	JUM	DATE: 8/09/96	APPROVED: J.J. MCEVOY SUPERVISOR, OH/UG PRODUCT SUPPORT SERVICES
NO.	DATE	REVISION	ORIG.	DRAWN	APPR.		NO SCALE

SPECIFICATIONS FOR UNDERGROUND CONDUIT INSTALLATION

1. Conduit, handhole, and transformer pad placement shall be in the easement provided and in accordance with the design drawings and field staking.
2. Use only FPL supplied conduit with FPL supplied bends. (Figure 1)
3. Glue all joints securely with FPL supplied glue. (Appendix A)
4. FPL conduit markers must be placed at all conduit ends. (Figure 1)
5. Primary conduit is to have a minimum of 36 inches of cover. Secondary conduit is to have a minimum of 24 inches of cover. (Figure 1). Secondary conduit may be placed at 36" depth when in the same trench as primary conduit.
6. All service and street light conduit is to have 24 – 30 inches of cover at property line. All future service stub-outs at transformer locations to be installed with 90's. Where primary, secondary, or street light conduit runs turn horizontally, 36 inch radius 90 degree bends are to be used.
7. Cap all ends of the conduit with FPL supplied end caps. Denote termination point of each conduit run on the capped end, (Appendix B). All conduit ends are to be terminated 1 – 2 feet above final grade except at transformer locations where conduit ends are to be terminated 3 inches above final grade. (Figure 3)
8. Install 1 #12 copper locate wire supplied by FPL in each trench per attached specs (Figure 4). All ends of the #12 copper locate wire must be exposed above grade, and secured with a tie wrap to a piece of stubbed up conduit for future locates. (Figure 4)
9. Conduits terminated at transformer locations to be installed with templates supplied by FPL per Figure 3A, 3B, or 3C according to the type of transformer being installed. (Consult your Service Planner).

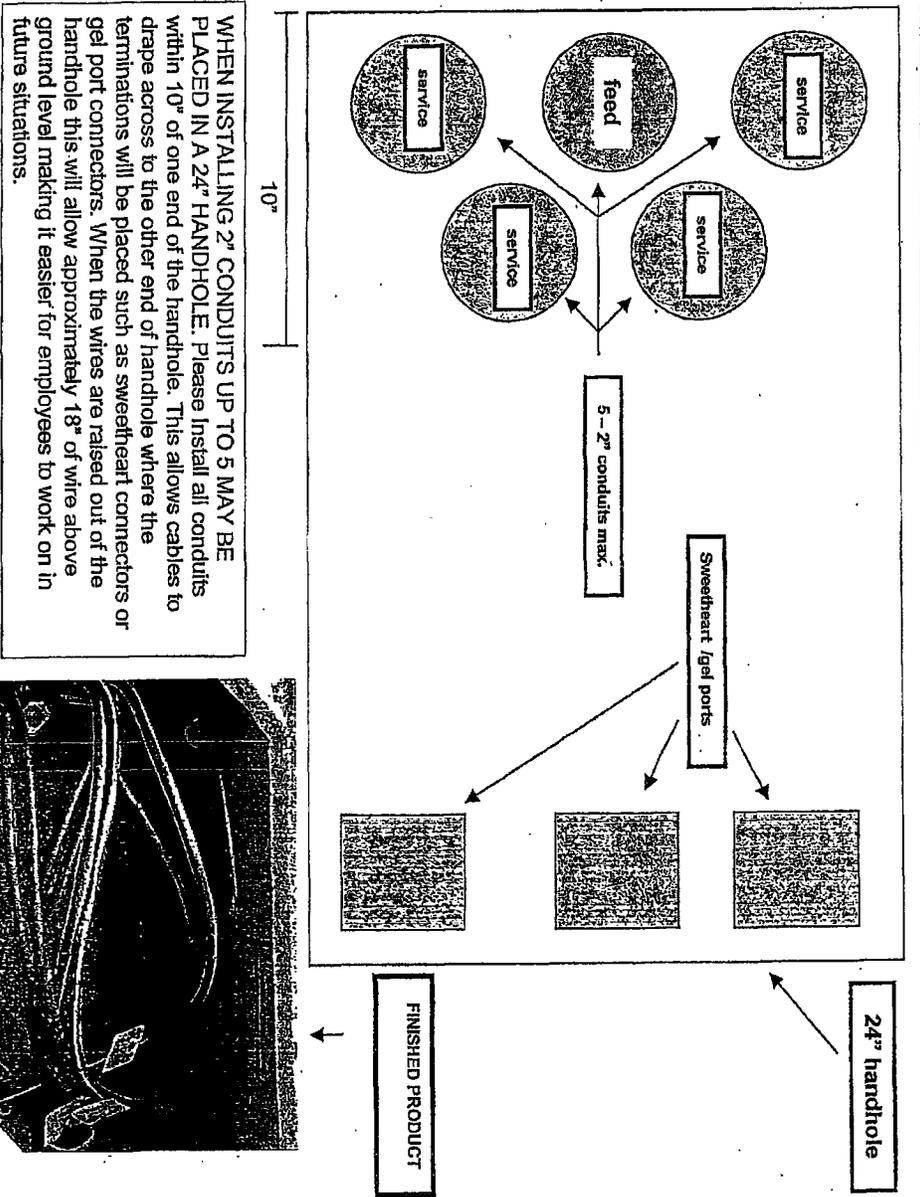
10. Concrete transformer slabs provided by FPL are to be installed level on compacted fill at final grade and oriented as shown on the FPL design drawing(s) (Figure 3)
11. Conduits terminated at future secondary handhole locations to be installed per Figure 2. If secondary handholes are being installed at the time of conduit installation, install 45 degree bends as shown in Figure 1.
12. Primary splice handhole to be installed with electronic cable marker. (Figure 2A)
13. Install a continuous length of pull string in all conduit runs.
14. Backfill operations are to be done carefully with special attention given to utilizing clean fill, thereby assuring the elimination of rock and other scrap material to insure that the conduit will not be damaged or marking devices moved and proper compaction is achieved.

TESTING AND ACCEPTANCE GUIDELINES

Following notification of completed installation of underground conduits by a developer/contractor FPL will:

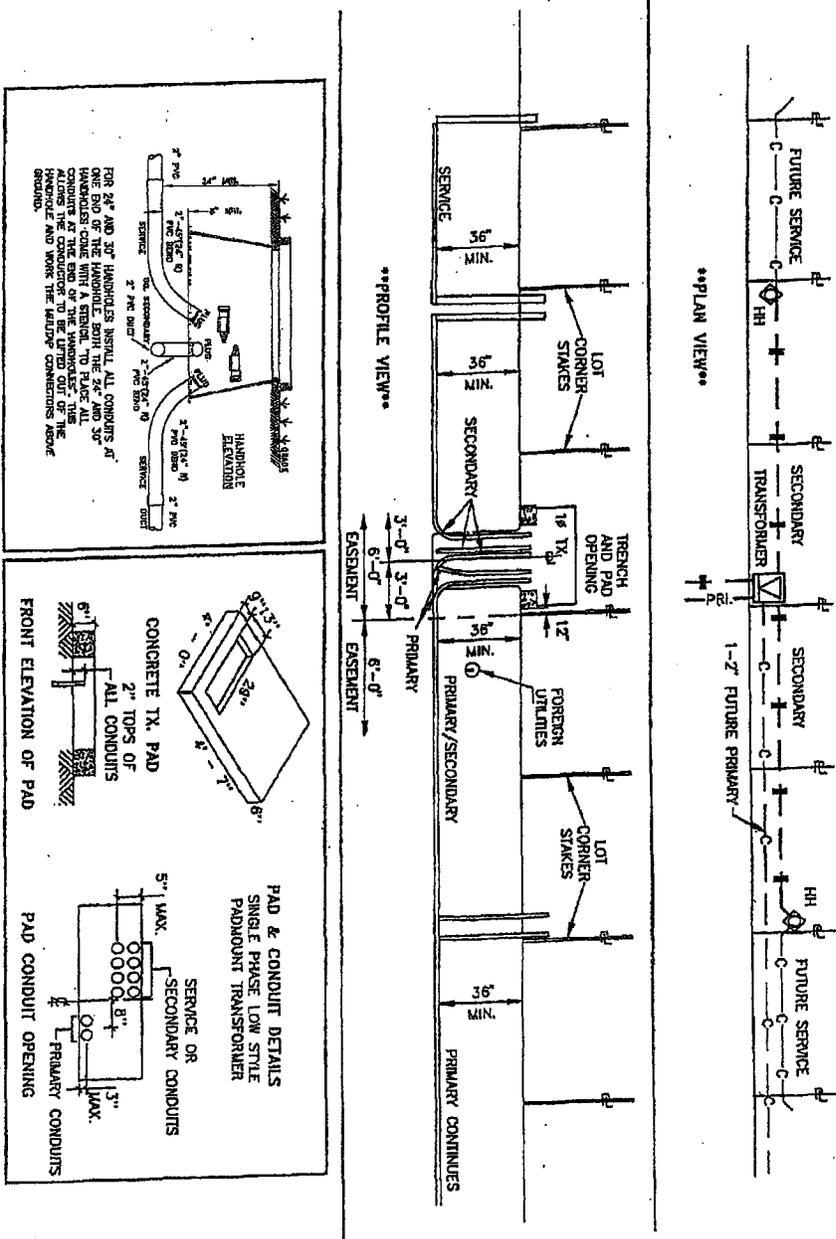
1. Randomly spot check the installation depth of conduits below grade at a minimum of 2 points between each primary termination point, (transformers, splice boxes & risers) noting the measured depth on the record drawing.
2. After confirming the correct routing and integrity of a conduit run, verify that the cable markers were installed and exposed conduit ends are plugged.
3. Confirm that a continuous length of pull string has been installed in all conduit runs and verify that all conduits runs terminate in the correct locations.
4. The final acceptance of the conduit installation will occur when FPL pulls the conductor and occupies the conduit.

TEMPLATE



WHEN INSTALLING 2" CONDUITS UP TO 5 MAY BE PLACED IN A 24" HANDHOLE. Please install all conduits within 10" of one end of the handhole. This allows cables to drape across to the other end of handhole where the terminations will be placed such as sweetheart connectors or gel port connectors. When the wires are raised out of the handhole this will allow approximately 18" of wire above ground level making it easier for employees to work on in future situations.

FIGURE 1



FOR 24" AND 30" HANDLES INSTALL ALL CONDUITS AT ONE END OF THE HANDLE. BOTH THE 24" AND 30" HANDLES COME WITH A SERIAL TO PLACE ALL CONDUITS ALONG THE CONDUIT TO BE LIFTED OUT OF THE HANDLE AND WORK THE FUTURE CONNECTIONS ABOVE GROUND.

F P L

Note - Transformer location to be per specific design drawing, and may split lot lines in some cases.

FIGURE 2

TYPICAL SERVICE HANDHOLE INSTALLATION

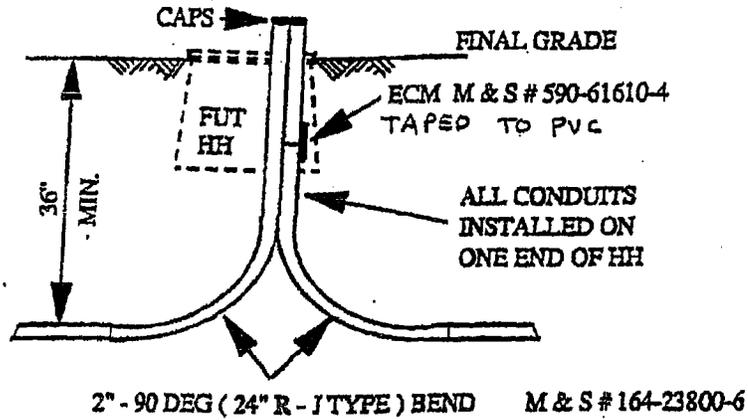


FIGURE 2A

48" PRIMARY SPLICE HANDHOLE

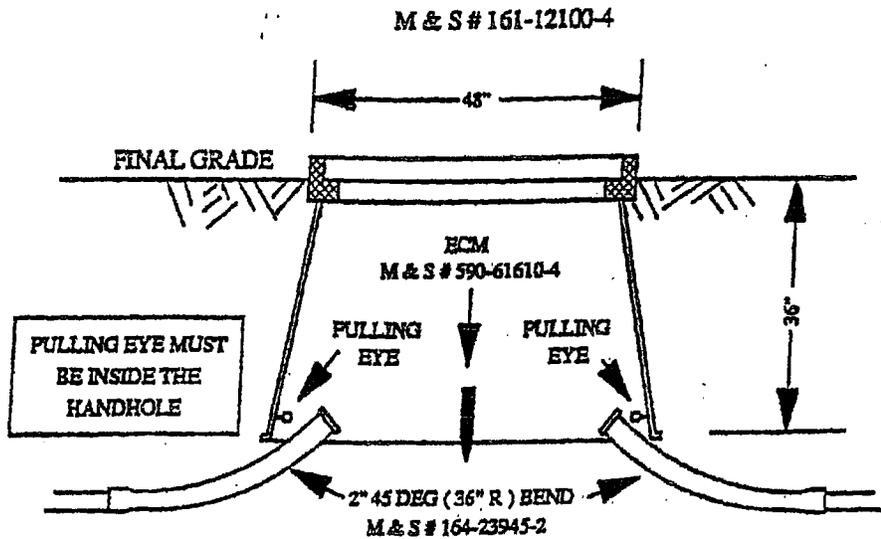
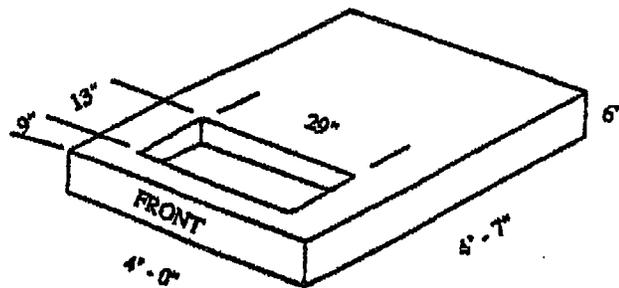


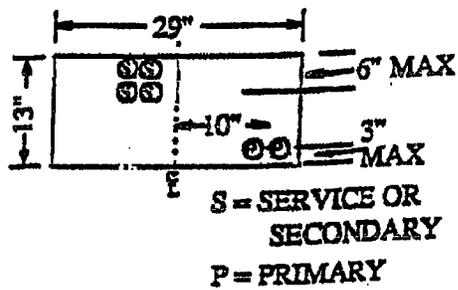
FIGURE 3

PAD & CONDUIT DETAILS

SINGLE PHASE LOW STYLE
PADMOUNT TRANSFORMER

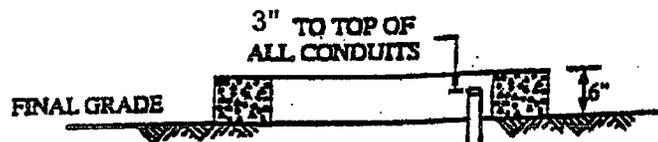


CONCRETE TRANSFORMER PAD
M & S # 162-24800-4



S = SERVICE OR
SECONDARY
P = PRIMARY

PAD CONDUIT OPENING



FRONT ELEVATION OF PAD

FIGURE 3A

ONE LOW STYLE & ONE REGULAR STYLE TRANSFORMER

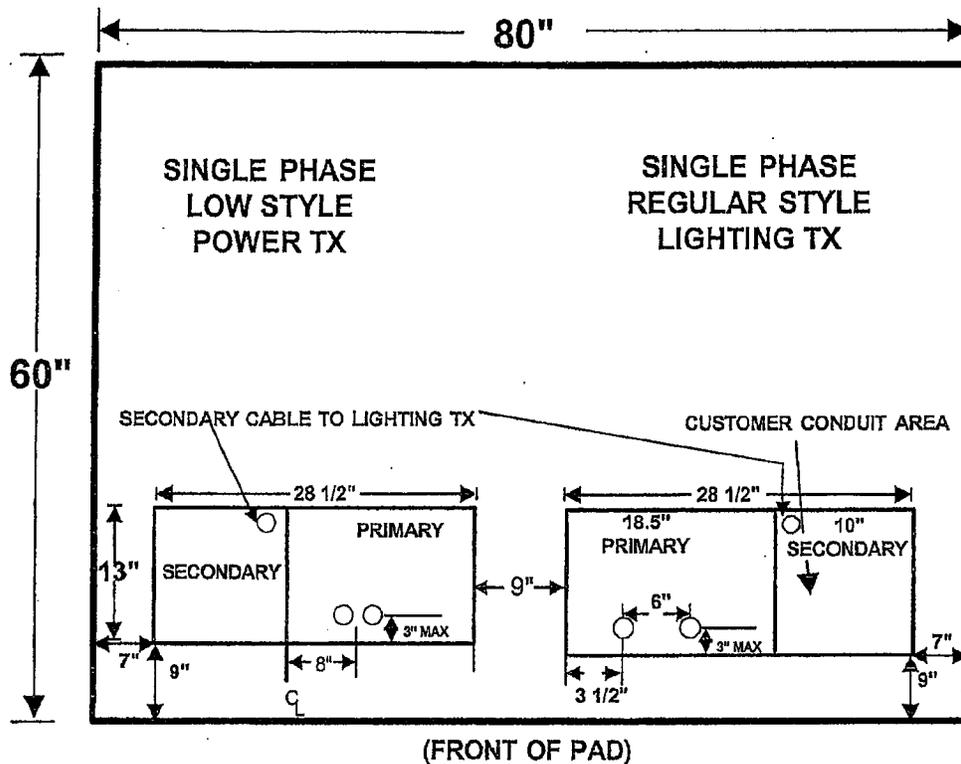


FIGURE 3B

SINGLE PHASE LOW STYLE TRANSFORMER

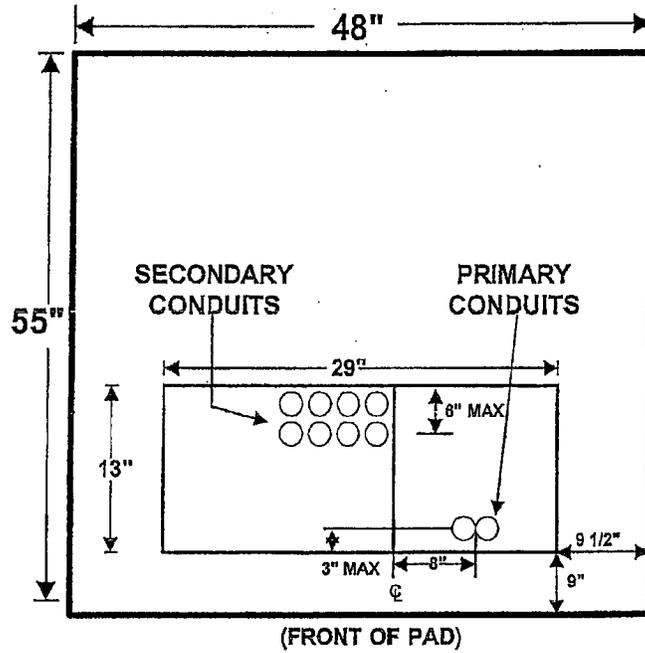
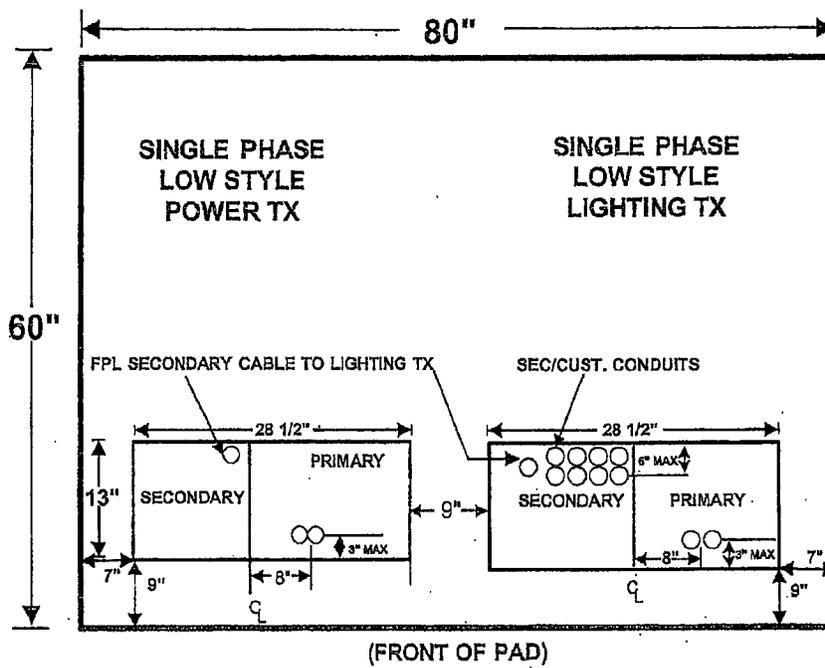


FIGURE 3C

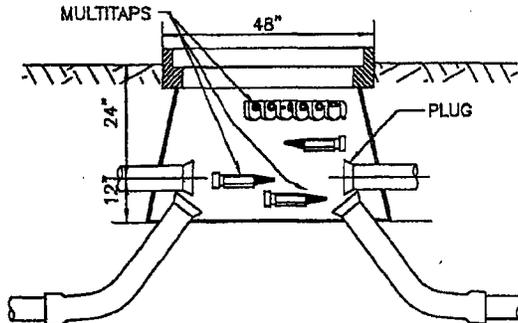
TWO LOW STYLE TRANSFORMERS



UN-19.0.0

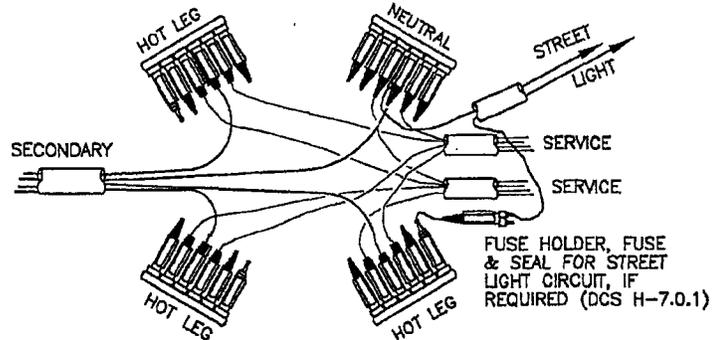
MULTITAP CONNECTORS IN
HANDHOLE (30"X48"X36")
FOR CONNECTING 2 TO 5 SERVICES
AND 1/0 PRIMARY SPlice BOX

UN-19.0.0



NOTE: KNOCKOUTS
WILL ACCOMMODATE
5" PVC 2 KNOCKOUTS
EACH SIDE

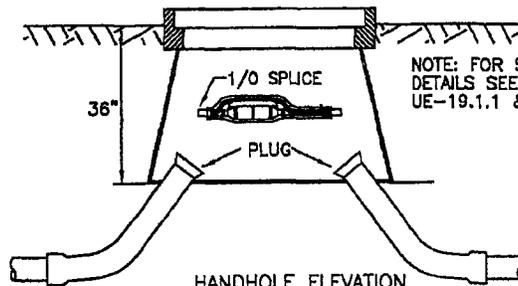
HANDHOLE ELEVATION



FOR EASE OF INSTALLATIONS TRAIN THE CABLES
ABOVE GRADE, INSTALL THE MULTITAP CONNECTORS,
THEN INSTALL INSIDE HANDHOLE

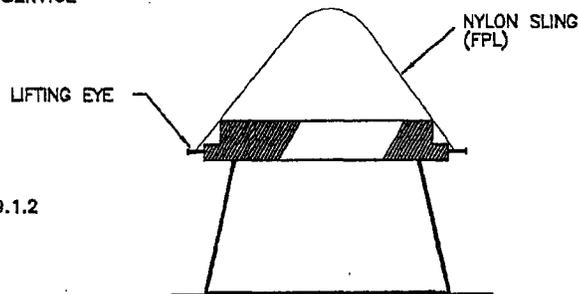
CONNECTION DIAGRAM
(EXPANDED)

HANDHOLE USED FOR
SECONDARY SERVICE



NOTE: FOR SPLICE
DETAILS SEE DCS
UE-19.1.1 & UE-19.1.2

HANDHOLE ELEVATION
HANDHOLE USED AS A 1/0 PRIMARY SPlice BOX

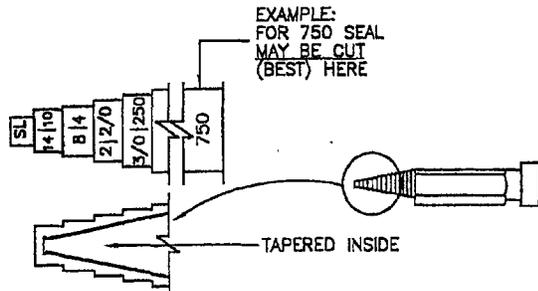


LIFTING DETAIL

HANDHOLE MAY BE LIFTED WITH
OR WITHOUT COVER IN PLACE

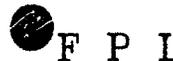
NOTES:

1. MAXIMUM 1 SECONDARY CONDUIT WITH 2 TO 5 SERVICES.
2. MAXIMUM 3 SPLICES.
3. PROVIDE GROUNDING FOR ANY RUN GREATER THAN 950 FT.
4. 6-PORT MULTITAP CONNECTOR M & S #163-017-502 WILL ACCOMMODATE CABLE FROM 1/0 TO 750 MCM, COPPER OR ALUMINUM.
5. WEIGHT:
2 PIECE LID = 82 LBS. EACH
BODY = 190 LBS.
6. LIFTING:
COVER MAY BE LIFTED WITH THE HANDHOLE LID LIFTER (HOOK) TOOL M&S #593-930-021
7. COMPLETE HANDHOLE, INCLUDES COVER M&S #182-121-004
8. REPLACEMENT COVER M&S #162-121-012
9. HANDHOLE SHOULD NOT BE EXPOSED TO VEHICULAR TRAFFIC, SUCH AS STREETS, PARKING LOTS, OR DRIVEWAYS.
10. FOR DRIVEWAY LOADING HANDHOLE 32"X50"X36" DEEP, USE M&S #162-122-892. (UX-202.0.0) APPROXIMATE WEIGHT 2,663 LBS.



MULTITAP CONNECTOR M&S 163-017-502
FLOOD SEAL

SUPERSEDES UN-19.0.0 LAST REVISED ON 9-30-94



OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: SMS

DRAWN BY: SMS

DATE: 9/30/94

APPROVED: J.J. MCEVOY

NO SCALE

SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

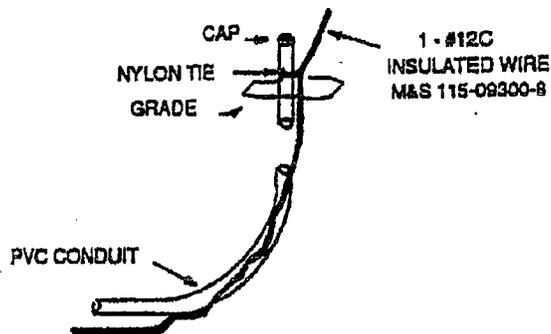
NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
5	8/16/05	UPDATE NOTES	RJO	ELS	JJM
4	11/18/03	UPDATE NOTES	RJO	ELS	JJM
3	7/16/01	UPDATE DRAWING (NOTES)	RAP	JES	JJM
2	9/27/99	UPDATE DRAWING (NOTES)	RAP	JES	JJM
1	8/09/96	ADDED EMS & NOTES 9., 10, & 11	SMS	RAS	JJM

FIGURE 4

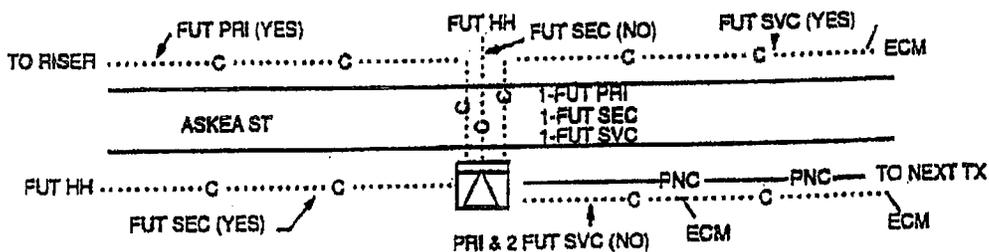
1 - #12C INSTALLATION

When installing conduit only (cable to be pulled later), a single #12 copper insulated wire is to be direct buried in every trench at the same depth as the conduits. The ends of the wire are to be terminated above ground at the conduit ends as shown. This wire will allow empty plastic conduits to be located with electronic equipment.

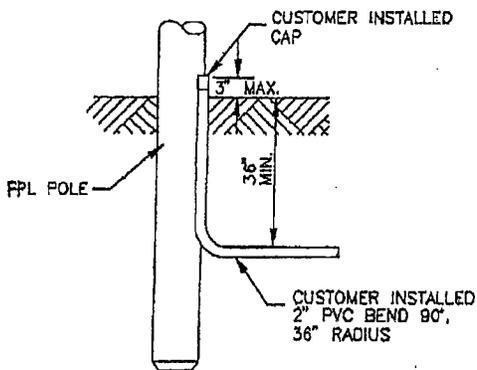
This method is not intended for cases where conduit is installed strictly for road crossings only. In these cases ECM markers should be used to mark the conduit ends.



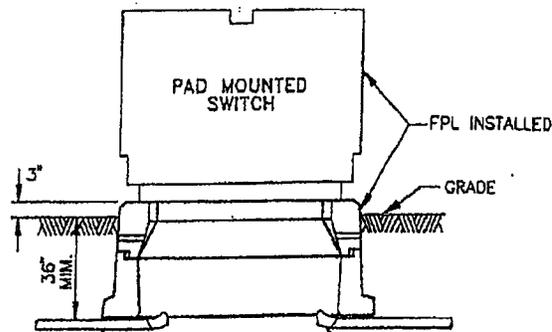
WHERE TO INSTALL #12C WIRE



DRAWING SYMBOLS



TYPICAL PVC CONDUIT BEND AT RISER POLE INSTALLATION



TYPICAL CONDUIT ENTRANCES TO PAD MOUNTED SWITCH

SYMBOLS

CONDUCTORS - PRIMARY

FPL OWNED, IN CONDUIT, WITH CONDUCTOR SIZE, METAL, RATED VOLTAGE INSULATION AND NEUTRAL INDICATED.

EXISTING

—PNC—

PROPOSED

—PNC—

CONDUCTORS - SECONDARY - STREET LIGHT

FPL OWNED, IN CONDUIT, WITH CONDUCTOR SIZE, METAL AND INSULATION INDICATED (HM/HD TPX SHOWN).

1/OA

4/OA

SERVICE LATERALS

THREE-WIRE SECONDARY SERVICE. FPL OWNED IN CONDUIT WITH CONDUCTOR SIZE, METAL, INSULATION AND JACKET INDICATED.

3-2C RN

1/OA TPX

EMPTY CONDUIT

—C—

—C—

PADMOUNTED TRANSFORMERS

PADMOUNTED TRANSFORMER, 1 ϕ , WITH KVA RATING (FRONT, OR TERMINAL CHAMBER, IS SMALL RECTANGLE AT RIGHT END OF SYMBOL. PRIMARY PHASE INDICATED) TRANSFORMER STYLE SHOWN AS FOLLOWS: (RS) - REGULAR SIZE - 42" + HIGH, (DF) - DEAD FRONT - 32" + HIGH, (LS) - LOW STYLE - 24" + HIGH.

B 15

B 15

STRUCTURES

ELECTRONIC CABLE MARKER AND OR SPLICE PIT (BURIED)

SERVICE HANDHOLE

F P L

APPENDIX A

UN-27.0.0

RECOMMENDED PRACTICES FOR FIELD JOINING OF PVC CONDUIT (USING CLEAR SOLVENT CEMENT) AND PVC CONDUIT INSTALLATION

UN-27.0.0

FIELD JOINING

1. EXAMINE EACH LENGTH OF CONDUIT AND ENSURE THERE ARE NO INTERIOR OR EXTERIOR IMPERFECTIONS, CRACKS, ETC. REMOVE ALL FOREIGN MATERIAL FROM INSIDE CONDUIT.
2. USING A HACKSAW, FINE TOOTH WOOD SAW, OR NYLON STRING, CUT PIPE SQUARE (IF REQUIRED). REMOVE ANY BURRS AND BEVEL ANY SHARP EDGES. WIPE DRY WITH A CLEAN, DRY CLOTH.
3. APPLY CEMENT (M & S #522-14100-7) UNIFORMLY ON INSIDE OF BELL OR FITTING. APPLY UNIFORM COAT OF CEMENT ONTO CONDUIT END. DO NOT POUR, SPLASH, OR GLOB CEMENT ON!
4. IMMEDIATELY INSERT THE CONDUIT INTO THE BELL END OF FITTING ALL THE WAY TO THE INSIDE SHOULDER. ENSURE SNUG FIT AND TURN CONDUIT 1/4 TURN TO DISTRIBUTE CEMENT EVENLY.
5. HOLD JOINT FOR APPROXIMATELY ONE MINUTE TO ALLOW CEMENT TO BEGIN SETTING. WIPE OFF EXCESS CEMENT.
(NOTE: MANUFACTURER RECOMMENDATIONS ARE TO ALLOW FOR A MINIMUM OF 10 MINUTES OF DRYING TIME PRIOR TO ANY BACKFILLING. WEATHER CONDITIONS MAY VARY THIS SETTING TIME.)

FIELD INSTALLATION

1. LAY CONDUIT RUN INTO TRENCH. DO NOT KICK, THROW OR SLAM IT IN!
2. SURROUNDING TRENCH BACKFILL MUST BE FREE OF LARGE OR SHARP ROCKS, CINDERS OR OTHER DEBRIS WHICH WILL DAMAGE CONDUITS DURING BACKFILL OPERATION OR SUBSEQUENT COMPACTION.
3. IN CORAL ROCK AREAS, IT IS RECOMMENDED THAT HAND BACKFILLING FOR THE FIRST 3 TO 6 INCHES BE PERFORMED.
4. INSTALL PLUGS OR END BELLS ON ALL VACANT DUCTS, AS REQUIRED.
5. THE FINISHED CONDUIT RUN SHALL BE RODDED IN AN APPROVED MANNER (I.E. WINCH LINE, MANDREL, ETC.) TO VERIFY CONTINUITY AND CLEANLINESS. (NOTE: NO CONDUIT RUN SHALL BE ACCEPTED AS PROPERLY INSTALLED UNLESS FREE PASSAGE IS OBTAINED AND VERIFIED BY FPL SUPERVISION.)



OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: CM

DRAWN BY: BQ

DATE: 8-30-84

APPROVED: R. J. SALESKY

NO SCALE

SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.

APPENDIX B

UV-12.0.0

IDENTIFICATION OF UNDERGROUND CABLES AND VACANT CONDUITS

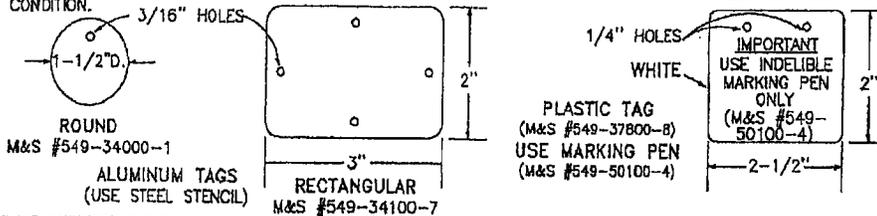
UV-12.0.0

GENERAL ALL UNDERGROUND CIRCUITS SHOULD BE IDENTIFIED WHERE APPLICABLE AS FOLLOWS:

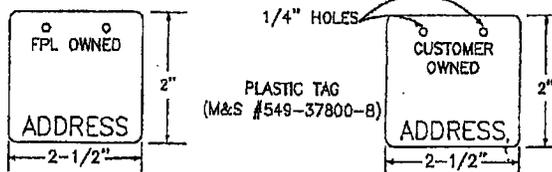
- FEEDER NUMBER
- SWITCH NUMBER
- PHASE
- CONDUCTOR SIZE, METAL, TYPE INSULATION AND VOLTAGE RATE (IF NOT SAME AS OPERATING VOLTAGE)
- SOURCE OR DIRECTION OF FEED
- OWNERSHIP
- ADDRESS OF BUILDING SERVED
- TLM NUMBER
- DATE OF FAILURE ON SECTION OF CABLE (DIRECT BURIED ONLY)
- ANY UNUSUAL CONDITIONS, I.E. CABLE IN CONDUIT, PARTIALLY IN CONDUIT, DIRECT BURIED, ETC.

ALL CIRCUITS AND VACANT CONDUITS SHOULD BE APPROPRIATELY IDENTIFIED AT EACH TERMINAL OR SWITCHING POINT AND ALL INTERMEDIATE LOCATIONS SUCH AS VAULTS, MANHOLES, PAD MOUNTED TRANSFORMERS, OR HANDHOLES. WHEN THE CIRCUIT OR VACANT CONDUIT IS OWNED BY OTHER THAN FLORIDA POWER & LIGHT COMPANY, SHOW "CUST" ON APPROPRIATE TAG. IF NECESSARY INFORMATION CANNOT BE SHOWN ON ONE TAG, USE ADDITIONAL TAGS.

INFORMATION WILL BE PLACED ON APPROVED TAGS SHOWN BELOW IN THE MANNER DESCRIBED FOR THE PARTICULAR CONDITION.



SERVICE OWNERSHIP TAGS
PLACE INSIDE METER CAN. USE TIE WRAP TO ATTACH TAG TO CONDUCTORS. PRINT ADDRESS USING MARKING PEN (M&S #549-50100-4)



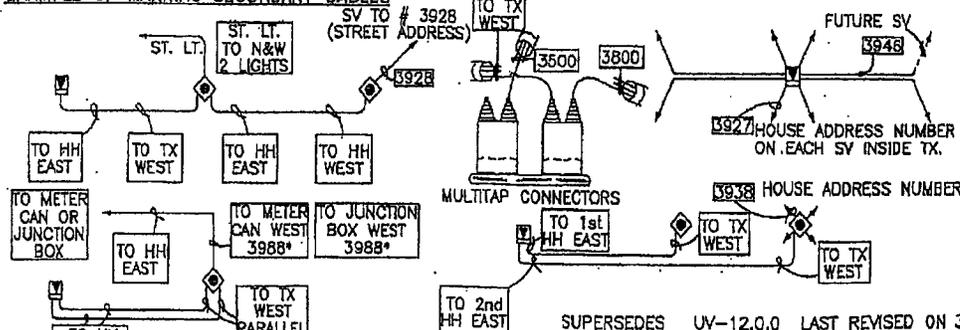
UNDERGROUND DUCT & MANHOLE SYSTEMS

USE ALUMINUM TAGS, AFFIXED TO CABLES WITH #12C-TW ON ALL CIRCUITS IN UNDERGROUND SYSTEMS, SUCH AS SUBWAY VAULTS, MANHOLES, RISER POLES, ETC. ROUND ALUMINUM TAGS ARE FOR FEEDER NUMBER AND PHASE IDENTIFICATION. RECTANGULAR ALUMINUM TAGS ARE USED FOR ALL OTHER IDENTIFICATION PURPOSES FOR EXAMPLE, ON ISOLATED NEUTRAL CONDUCTORS OF PILC CABLES, ETC.

DIRECT BURIED AND CABLE IN CONDUIT SYSTEMS

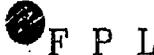
USE ALUMINUM TAGS FOR CUSTOMER I.D. AS INDICATED ABOVE FOR LOCATIONS THAT WILL BE SUBJECTED TO SUNLIGHT. USE PLASTIC TAGS FOR URD CABLE TERMINATION TAGGING AND AT OTHER LOCATIONS SUCH AS PADMOUNTED TRANSFORMERS AND HANDHOLES. ALLOW 10 SECONDS MINIMUM DRYING TIME TO PREVENT SMEARING. FASTEN PLASTIC TAG TO CABLE WITH TY-RAP (M&S #534-25000-1).

EXAMPLE OF MARKING SECONDARY CABLES



* STREET ADDRESS NUMBER ON EACH SERVICE

SUPERSEDES UV-12.0.0 LAST REVISED ON 3-15-91



OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: RJO

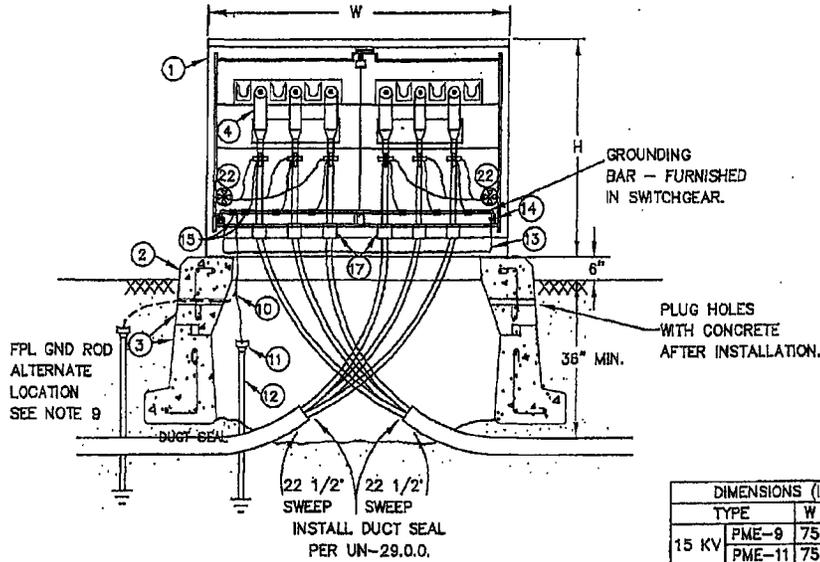
DRAWN BY: MLG

0	9-30-94	CHANGED PAGE FORMAT AND REVISED NOTES AND DIMENSIONS	RJO	MLG	RJS	DATE: 9-30-94	APPROVED: R.J. SALESKY	NO SCALE
NO.	DATE	REVISION	ORIG.	DRAWN	APPR.	SUPERVISOR, OH/UG PRODUCT SUPPORT SERVICES		

C-32.0.2

TYPICAL INSTALLATION OF 15 OR 25 KV
S & C TYPE PME DEAD FRONT
THREE PHASE PAD MOUNTED SWITCHGEAR

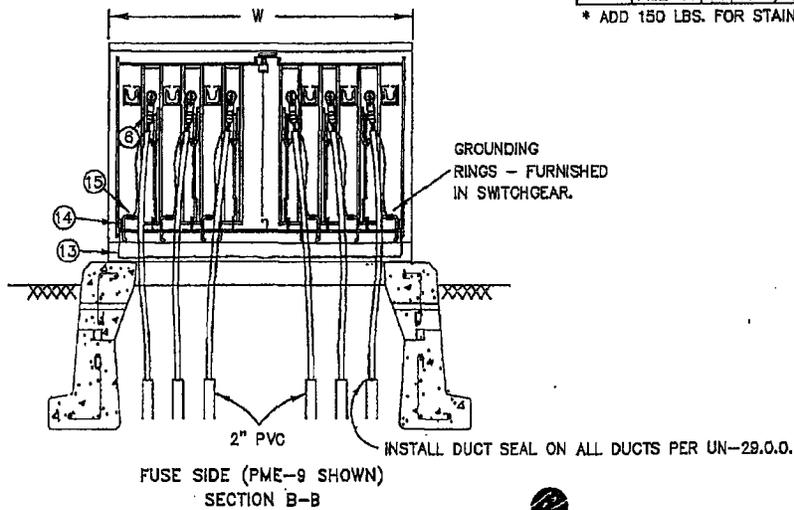
C-32.0.2



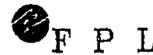
600 AMP FEEDER SIDE SECTION A-A

TYPE	DIMENSIONS (INCHES)			WEIGHT IN LBS.*	
	W	D	H		
15 KV	PME-9	75	67	50	2300
	PME-11	75	73	50	2350
	PME-10	75	73	50	2400
25 KV	PME-9	84	82	56	2900
	PME-11	84	88 1/2	56	2950
	PME-10	84	88 1/2	56	3000

* ADD 150 LBS. FOR STAINLESS STEEL.



FUSE SIDE (PME-9 SHOWN) SECTION B-B



OH & UG DISTRIBUTION SYSTEM STANDARDS

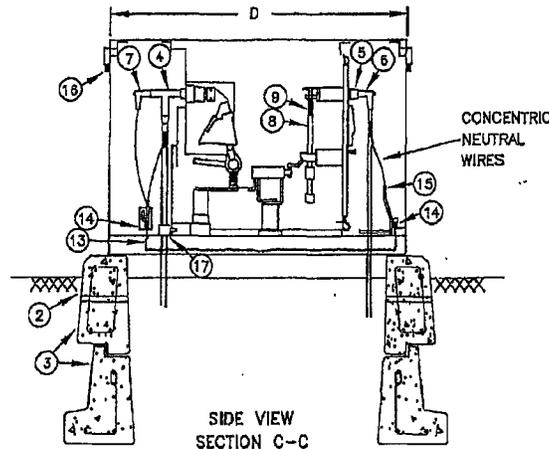
NO.	DATE	REVISION	ORIG.	DRAWN	APPR.	DATE	APPROVED	NO SCALE
2	7/21/01	UPDATE DRAWING ADDED PME-10 AND CHANGED SOME TEXT	RAP	JES	JJM			
1	9/30/94	ADDED ARROW TO INCLUDE TOP CHAMBER SECTION ③	RJO	BAQ	RJS	5/30/93	R.V. SALESKY DIRECTOR, DISTRIBUTION ENGINEERING AND OPERATIONS SERVICES	NO SCALE

ORIGINATOR: RWS DRAWN BY: JRG

C-32.0.3

TYPICAL INSTALLATION OF 15 OR 25KV
S&C TYPE PME DEAD FRONT
THREE PHASE PAD MOUNTED SWITCHGEAR

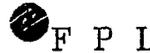
C-32.0.3



NOTES:

1. WHEN CHANGING OUT A LIVE FRONT PAD MOUNTED SWITCH TO A DEAD FRONT PAD MOUNTED SWITCH, IT IS IMPORTANT TO ENSURE THAT THE REPLACEMENT DEAD FRONT SWITCH HAS THE SIX INCH ADAPTER BASE SPACER. THE NEW SWITCH MUST BE INSTALLED WITH THE SAME ORIENTATION AS THE OLD SWITCH IN ORDER TO ENSURE THAT THE ADAPTER BASE SPACER MATCHES THE NEW SWITCH CORRECTLY TO THE ORDER, SMALLER SIZED PAD. NOTE: IT IS NO LONGER REQUIRED TO CHANGE OUT THE TOP PAD PORTION OF THE CHAMBER. USE 600 AMP REPLACEMENT ELBOWS (M & S # 163-50256-7), AS SHOWN IN DCS UH-40.0.0, FOR THE FEEDER CABLES AND 200 AMP REPAIR ELBOWS (VARIOUS M & S NUMBERS), AS SHOWN IN UH-78.0.0 FOR THE LOOP SIDE PRIMARY CABLES.
2. CABLES MUST NOT BE IN CONTACT WITH THE EDGE OF CHAMBER FOOTING. TOP VIEW SHOWS CORRECT ROUTING FOR FEEDER CABLES THAT IS NECESSARY TO PROVIDE FOR CABLE MOVEMENT.
3. PRIMARY CABLES MUST BE ABLE TO REACH PARKING LOCATIONS.
4. ALLOW SUFFICIENT LENGTH OF CONCENTRIC NEUTRAL TO REACH GROUNDING BARS AND PERMIT FREE MOVEMENT OF ELBOWS.
5. BRASS STUDS FURNISHED WITH THE 600 AMP ELBOW KITS MUST BE INSTALLED AND TIGHTENED SECURELY (55 FT. LBS.) IN THE 600 AMP BUSHINGS. THE SHORT THREADED END OF THE STUD GOES INTO THE BUSHING. SEE UH-41.0.1 AND UH-41.0.2 FOR 600 AMP ELBOW DETAILS.
6. INSTALL 600 AMP 3# FAULT INDICATORS ON EACH SET OF FEEDER CABLES. SEE UV-14.0.0, UV-14.0.1, UV-14.0.2.
7. LOOP SIDE PRIMARY CABLES (#1/0A) MUST GO THRU CABLE GUIDES TO AVOID CONFLICT WITH FUSE DOOR WHEN IT IS ROTATED TO OPEN.
8. CABLE SPOOLS (2 1/2") SHOULD BE USED ON THE FEEDER CABLE TO CORRECTLY POSITION THE CABLES FOR EASIER INSTALLATION OF THE BOLT-ON ELBOW TERMINATORS ON TO THE 600 AMP BUSHINGS. THE 600 AMP ELBOWS MUST BE INSTALLED PERFECTLY STRAIGHT (VERTICALLY AND HORIZONTALLY) ONTO THE 600 AMP BUSHINGS TO PROPERLY ENGAGE THE THREADS. THE SPOOLS ARE TO BE BOLTED TO THE BOTTOM FLANGE OF THE SWITCH COMPARTMENT WALL WITH 3/8" X 1 1/2" BOLTS THRU EXISTING HOLES PROVIDED BY THE SWITCH MANUFACTURER.
9. MAKE CERTAIN OF CABLE LOCATIONS BEFORE DRIVING GROUND RODS. WHEN INSTALLING GROUND RODS IN ALTERNATE LOCATION, INSURE THAT BOTH THE TOP OF THE ROD AND THE #4C WIRE ARE AT LEAST 3" BELOW GRADE AND ARE COVERED. EXISTING 3/4" HOLES SHOULD BE USED IF AT LEAST 3" BELOW GRADE.
10. APPLY CAULKING COMPOUND TO SEAM BETWEEN PAD MOUNTED SWITCH AND PAD CHAMBER.
11. UNUSED FUSE POSITIONS MUST HAVE BUSHINGS & PROTECTIVE CAPS INSTALLED. UNUSED FEEDER POSITIONS MUST HAVE 600 AMP PROTECTIVE CAPS (M&S #163-64500-7).
12. AFTER THE PADMOUNTED SWITCH IS INSTALLED, THE LIFTING BRACKETS MUST BE REMOVED AND STORED INSIDE THE CABINET OR TURNED DOWN SO THAT THEY DO NOT PROTRUDE ABOVE THE TOP OF THE CABINET.
13. ENSURE THAT THE "CAUTION" LABEL (M&S #548-58010-4) IS INSTALLED ON EACH SIDE OF THE SWITCH HAVING ACCESS TO THE HIGH VOLTAGE SWITCH AND/OR THE HIGH VOLTAGE FUSE COMPARTMENTS PER DCS Z-35.0.0.
14. SEAL DUCTS PER UN-29.0.0.

SUPERSEDES C-32.0.3 LAST REVISED ON 9-30-94



OH & UG DISTRIBUTION SYSTEM STANDARDS

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
3	8/20/02	UPDATE DWG. (NOTE 1)	CEA	JES	JJM
2	8/13/01	UPDATE DWG. (NOTES 10, 12, 13, & 14)	CEA	JES	JJM
1	8/09/98	ADDITION TO NOTE 11	PMG	RAS	JJM

ORIGINATOR: PMG

DRAWN BY: RAS

DATE: 9/30/94

APPROVED: J.J. MCEVOY

NO SCALE

SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

C-32.0.4

TYPICAL INSTALLATION OF 15 OR 25KV
S&C TYPE PME DEAD FRONT
THREE PHASE PAD MOUNTED SWITCHGEAR

C-32.0.4

MATERIAL LIST

ITEM	DESCRIPTION	QUANTITY	M&S NO.	
1	15KV SWITCHGEAR	PME-9 (2-THREE PHASE FEEDER POSITIONS AND 6 FUSE POSITIONS)	1 STANDARD 270-67400-7 STAINLESS STEEL 270-67401-5	
		PME-11 (3-THREE PHASE FEEDER POSITIONS AND 3 FUSE POSITIONS)	1 STANDARD 270-67900-9 STAINLESS STEEL 270-67901-7	
		PME-10 (4-THREE PHASE FEEDER POSITIONS AND NO FUSE POSITIONS)	1 STANDARD 270-683-000 STAINLESS STEEL 270-683-080	
	25KV SWITCHGEAR	PME-9 (2-THREE PHASE FEEDER POSITIONS AND 6 FUSE POSITIONS)	1 STANDARD 270-67200-4 STAINLESS STEEL 270-67201-2	
		PME-11 (3-THREE PHASE FEEDER POSITIONS AND 3 FUSE POSITIONS)	1 STANDARD 270-68100-3 STAINLESS STEEL 270-68101-1	
		PME-10 (4-THREE PHASE FEEDER POSITIONS AND NO FUSE POSITIONS)	1 STANDARD 270-684-000 STAINLESS STEEL 270-684-050	
2	PAD (TOP SECTION ONLY) FOR REPLACING LF WITH DF FOR 15KV FOR 25KV	1	182-12203-5 162-12205-1	
3	PAD & CABLE CHAMBER (TOP & BOTTOM SECT.) FOR 15KV FOR 25KV	1	182-12201-9 162-12202-7	
4	DEAD FRONT TERMINATOR, 1000 KCMIL AL 15KV 25KV	VARIES	163-83900-7	
5	LOADBREAK BUSHING, 200 AMP 15KV 25KV	VARIES	163-88100-1 163-88400-1	
6	ELBOW TERMINATOR, 1/0 AL 15KV 25KV	VARIES	163-58700-7 183-50200-1	
7	PROTECTIVE CAP 200 AMP (15KV SWITCHES ONLY)	VARIES	163-02200-0	
7	ELBOW SURGE ARRESTER (25KV SWITCHES ONLY)	VARIES	334-01500-5	
8	SME-4Z FUSE HOLDERS 15KV 25KV	VARIES	531-56190-1 531-56310-5	
9	FUSES: REFILL UNITS FOR SME-4Z, SM-4Z&SML-4Z FUSE HOLDERS		NOTE: THE FUSE REFILLS ARE THE SAME AS THOSE USED IN LIVEFRONT SWITCHES	
	15KV	20 AMP 531-38700-5		10 AMP 531-32700-2
		30 AMP 531-38800-1		15 AMP 531-32800-9
		50 AMP 531-38900-8		20 AMP 531-32900-5
		65 AMP 531-39000-8		30 AMP 531-33000-3
		80 AMP 531-39501-6		40 AMP 531-33100-0
		100 AMP 531-39600-4		50 AMP 531-33200-6
		125 AMP 531-39800-7		65 AMP 531-33300-2
		150 AMP 531-40200-4		80 AMP 531-33400-9
		175 AMP 531-40300-1		100 AMP 531-33500-5
		200 AMP 531-39000-6		125 AMP 531-33700-8
				150 AMP 531-33800-4
				175 AMP 531-33900-1
		200 AMP 531-34000-9		
10	WIRE #4C SDB	6	112-30900-0	
11	CONNECTOR, GROUND ROD, CLAMP TYPE	1	120-03610-6	
12	COPPERWELD GROUND RODS AS REQUIRED GROUND ROD COUPLINGS	VARIES	130-61400-5 130-40510-4	
13	#4/0C CABLE, 600V	27	110-10108-1	
14	CONNECTOR #4/0 COPPER CABLE TO FLAT	6	120-67100-5	
15	CONNECTOR, COPPER TO COPPER, BOLTED	PME-9	19	102-80000-2
		PME-11	22	
		PME-10	25	
16	LOCK STANDARD PADLOCK, SMALL	PME-9	4	546-24601-1
		PME-11	5	
		PME-10	6	
17	CABLE SPOOL, 2 1/2"	PME-9	6	180-30800-7
		PME-11	9	
		PME-10	12	
18	BOLT, 3/8" X 1 1/2" (FOR SPOOLS)	SAME AS SPOOLS	161-47900-2	
19	NUT, 3/8" (FOR SPOOLS)	SAME AS SPOOLS	161-45000-4	
20	WASHER FLAT 3/8" (FOR SPOOLS)	SAME AS SPOOLS	145-35900-6	
21	LOCKWASHER, 3/8" (FOR SPOOLS)	SAME AS SPOOLS	161-52400-8	
22	FAULT INDICATOR, 800 AMP, 3 PHASE	PME-9	2	163-29700-9
		PME-11	3	
		PME-10	4	

SUPERSEDE C-32.0.4 LAST REVISED ON 9-30-94

REPLACEMENT PARTS FOR SWITCHES
600 AMP BUSHINGS 15KV 274-00200-3
25KV 274-00300-0
200 AMP BUSHING WELLS 15KV 274-00220-8
25KV 274-00320-4

F P L
OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: PMG

DRAWN BY: RAS

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.	DATE	APPROVED:	NO SCALE
2	08/06/01	ADDED PME-10 SWITCH	CEA	JES	JJM			
1	8/09/96	ADDITION TO ITEM 12	PMG	RAS	JJM	9/30/94	J.J. MCEVOY	NO SCALE
							SUPERVISOR, OH/UG PRODUCT SUPPORT SERVICES	

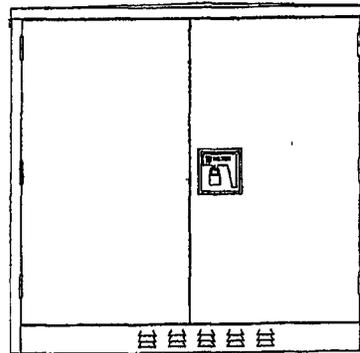
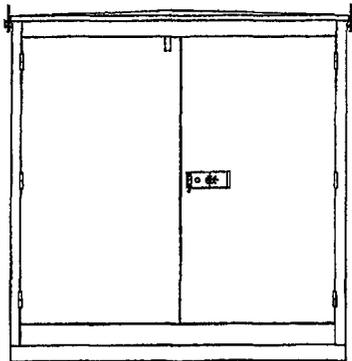
J-4.0.2

TYPICAL INSTALLATION OF 25 KV S & C DEAD FRONT SWITCHGEAR AND THREE PHASE PAD-MOUNTED CAPACITOR BANK

J-4.0.2

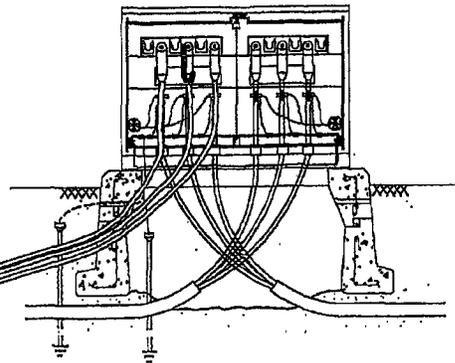
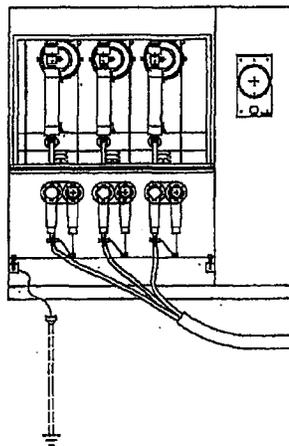
NOTES:

1. INSTALL 92" X 92" PRECAST PAD (M & S 162-25100-5)
2. DRIVE GROUND RODS & ATTACH #2 CU GROUND TO GROUNDING LUGS.
3. INSTALL URD CAPACITOR BANK (M & S 223-38800-1) ON PAD.
4. INSTALL ROTATABLE FEED-THRU BUSHING 25KV (M & S 163-25000-2) ON EACH BUSHING.
5. INSTALL 200 AMP ELBOWS ON ROTATABLE FEED-THRU BUSHINGS.
6. INSTALL 19KV ELBOW ARRESTERS (M & S 334-01500-5) ON ROTATABLE FEED-THRU BUSHINGS.



CAPACITOR CABINET

SWITCH CABINET



3#1/0 AL XPE 25KV CABLES
IN 1-4" CONDUIT
MAXIMUM OF 100 FEET



OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: LFV

DRAWN BY: J. SHOUP

DATE: 07/26/01

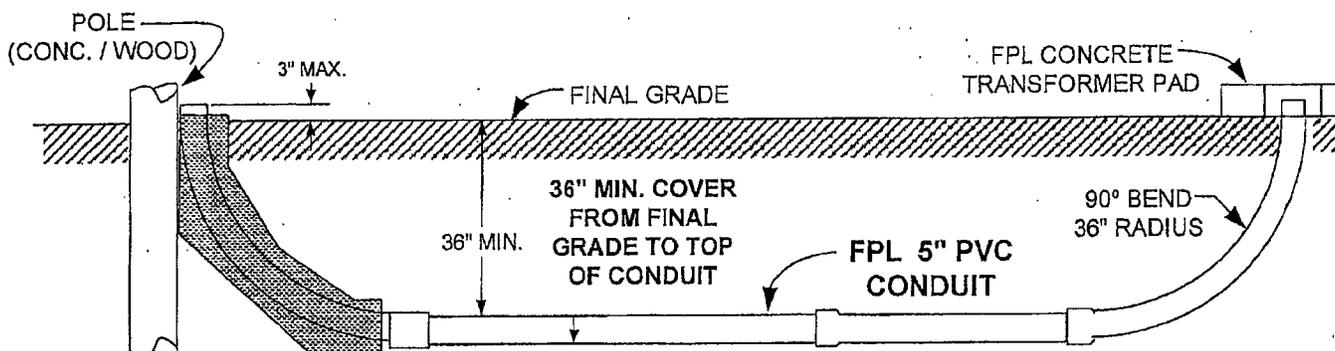
APPROVED: J.J. MCEVOY
SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

NO SCALE

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.

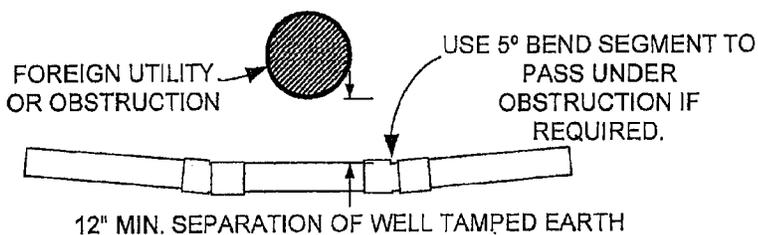
****** NOTICE ******

- CALL SUNSHINE 1-800-432-4770 48HOURS BEFORE YOU DIG FOR UNDERGROUND LOCATIONS.
- NOTIFY FPL REP. FOR INSPECTION OF TRENCH DEPTH & PVC INSTALLATION PRIOR TO BACKFILLING TRENCH.

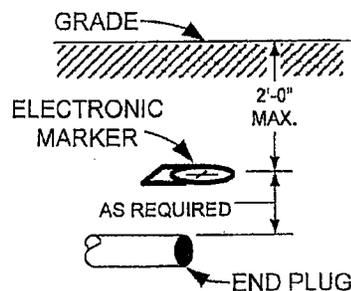


IF REQUIRED:
BENDS AT RISER POLE TO BE ENCASED IN CONCRETE WITH 4-80LB. BAGS OF SAKRETE. FORM CONCRETE ADJACENT TO POLE AND AT SURFACE.

12" MIN. SEPARATION FROM FPL CONDUIT TO FOREIGN UTILITY WITH WELL TAMPED EARTH



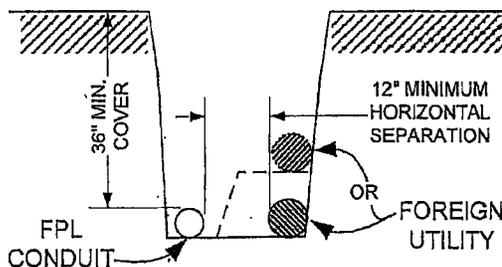
FPL CONDUIT CROSSING UNDER A FOREIGN UTILITY



DUCT END MARKING (IF REQUIRED)

NOTES:

- ♦ BACK-FILL WITHIN 4" OF THE CONDUIT TO BE FREE OF MATERIAL THAT MAY DAMAGE CONDUIT SYSTEM (BOARDS, ROCKS LARGER THAN 1" IN DIAMETER, DEBRIS, ETC.)
- ♦ IF COMPACTION OF TRENCH ROUTE IS REQUIRED FOR PAVING, ETC. BEGIN MACHINE COMPACTION 6" MINIMUM ABOVE CONDUIT.
- ♦ WHERE 36" OF COVER CANNOT BE MAINTAINED, 30" OF COVER WILL BE ALLOWED WITH 3" OF CONCRETE ENCASEMENT AROUND THE CONDUIT. (N.E.S.C. RULE FOR PRIMARY VOLTAGES)
- ♦ INSTALL A CONTINUOUS LENGTH OF PULL STRING IN ALL CONDUIT RUNS.



INSTALLATION OF FPL CONDUIT PARALLEL WITH - OR - IN A SHARED TRENCH WITH A FOREIGN UTILITY.

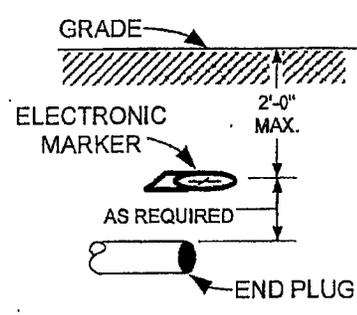
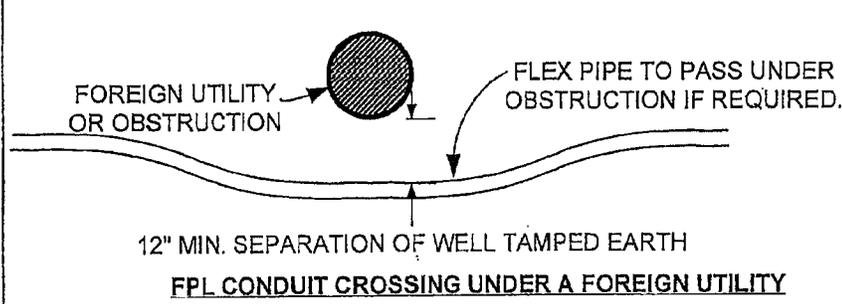
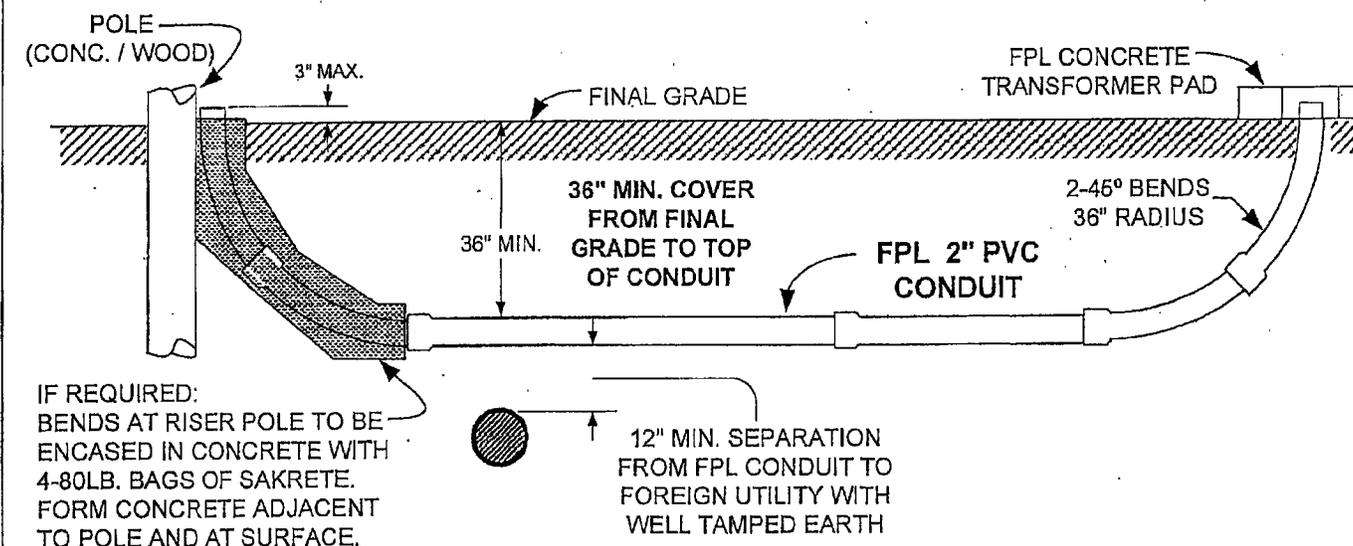
MATERIAL LIST 5" PVC SCH 40 CONDUIT

20' LENGTH (BELLED END)	164-33800-1
90° BEND 36" RADIUS	164-25250-5
90° BEND 48" RADIUS	164-25200-9
45° BEND 48" RADIUS	164-61400-8
5° BEND SEGMENT	164-56100-1
22.5° SWEEP 12'-6" RADIUS	164-13000-1
STRAIGHT COUPLING	164-44900-7
REPAIR SLEEVE 6' LONG	164-47530-0
END PLUG	164-53500-1
ELECTRONIC MARKER	590-61601-5

**FPL SUPPLIED 5" PVC CONDUIT
TYPICAL CUSTOMER INSTALLATION DETAILS
(PORTIONS OF UN-6, UN-15, CONC. & PAD DETAILS)**

****** NOTICE******

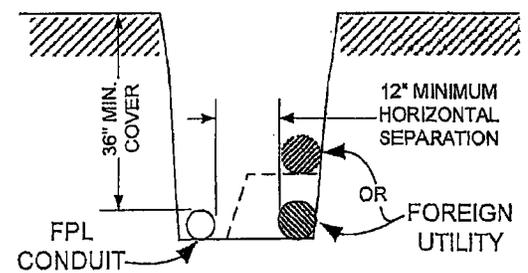
- CALL SUNSHINE 1-800-432-4770 48HOURS BEFORE YOU DIG FOR UNDERGROUND LOCATIONS.
- NOTIFY FPL REP. FOR INSPECTION OF TRENCH DEPTH & PVC INSTALLATION PRIOR TO BACKFILLING TRENCH.



**DUCT END MARKING
(IF REQUIRED)**

NOTES:

- ♦ BACK-FILL WITHIN 4" OF THE CONDUIT TO BE FREE OF MATERIAL THAT MAY DAMAGE CONDUIT SYSTEM (BOARDS, ROCKS LARGER THAN 1" IN DIAMETER, DEBRIS, ETC.)
- ♦ IF COMPACTION OF TRENCH ROUTE IS REQUIRED FOR PAVING, ETC. BEGIN MACHINE COMPACTION 6" MINIMUM ABOVE CONDUIT.
- ♦ WHERE 36" OF COVER CANNOT BE MAINTAINED, 30" OF COVER WILL BE ALLOWED WITH 3" OF CONCRETE ENCASEMENT AROUND THE CONDUIT. (N.E.S.C. RULE FOR PRIMARY VOLTAGES)
- ♦ INSTALL A CONTINUOUS LENGTH OF PULL STRING. IN ALL CONDUIT RUNS.



**INSTALLATION OF FPL CONDUIT
PARALLEL WITH - OR - IN A SHARED TRENCH
WITH A FOREIGN UTILITY.**

MATERIAL LIST 2" PVC SCH 40 CONDUIT

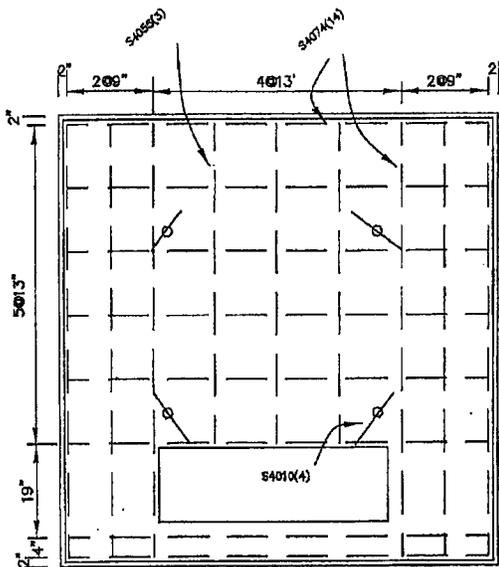
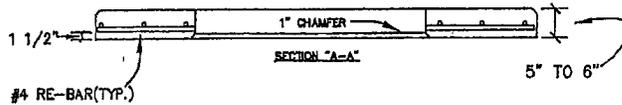
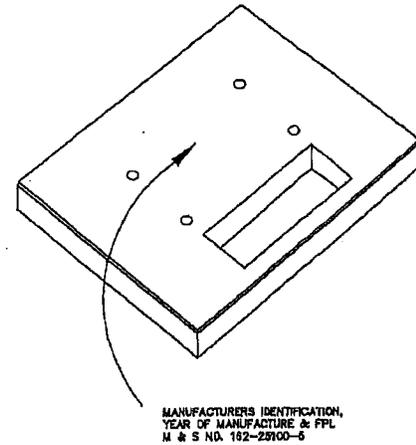
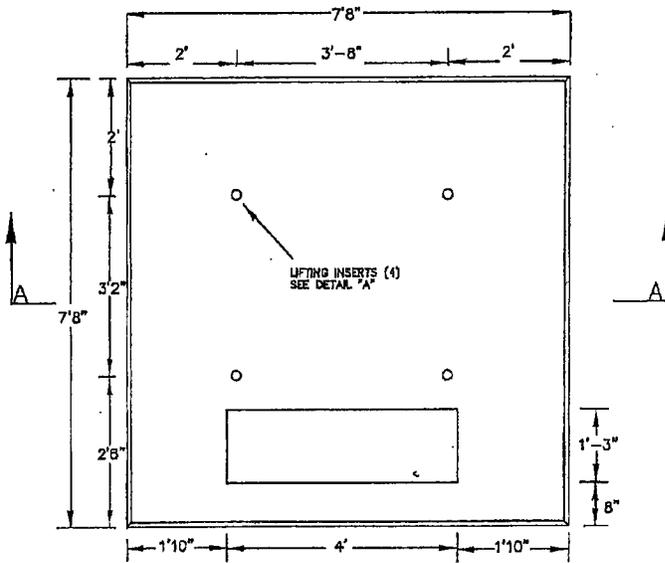
20' LENGTH (BELLED END)	164-33100-6
90° BEND 24" RADIUS	164-23800-6
45° BEND 36" RADIUS	164-23945-2
45° BEND 24" RADIUS	164-23900-2
STRAIGHT COUPLING	164-47000-6
REPAIR SLEEVE 4" LONG	164-47520-2
END PLUG	164-54800-5
ELECTRONIC MARKER	590-61601-5

**FPL SUPPLIED 2" PVC CONDUIT
TYPICAL CUSTOMER INSTALLATION DETAILS
(PORTIONS OF UN-6, UN-15, CONC. & PAD DETAILS)**

UX-108

CONCRETE FOUNDATION
URD_CAPACITOR_BANK

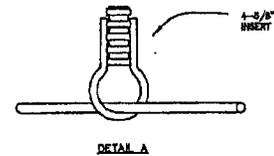
UX-108



- NOTES:
1. TOP SURFACE SHALL BE A SMOOTH PLANE. THE MAX. ALLOWABLE VARIATION IN HEIGHT BETWEEN ANY TWO POINTS ON THIS SURFACE IS 0.125".
 2. 5000 PSI TEST CONCRETE.
 3. MANUFACTURERS IDENTIFICATION, YEAR OF MANUFACTURE & FPL CO. M&S NO. 162-25100-5 TO BE CAST IN TOP SURFACE OF PAD NEAR CENTER (REQUIRED WHEN PRECAST).
 4. SUPERIOR THREADED INSERT, 5/8" WITH PLUG, ELECTRO-GALVANIZED, 4 REQUIRED.
 5. REINFORCING RODS TO BE WELDED AT ALL INTERSECTIONS

WEIGHT 3230 LB
CU. FT. 26.9
CU. YDS. 1.0
MAX LOAD 2000 LB

REINFORCED STEEL
S4074 14X7'-4"
S4055 3X5'-8"
S4010 4X1'-0"



F P L
OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: BOB BENN

DRAWN BY: D. OKONEWSKI

DATE: 12/29/97

APPROVED: J.J. MCEVOY

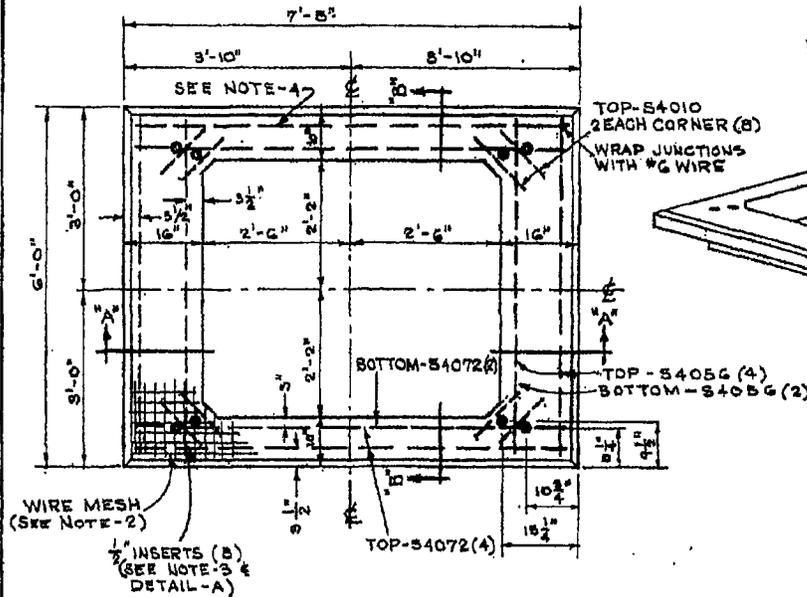
NO SCALE

SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

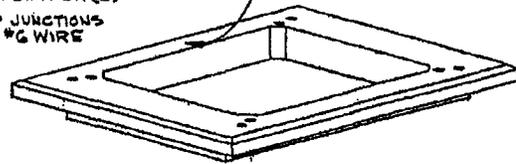
NO.	DATE	REVISION	ORIG.	DRAWN	APPR.

UX-113

CONCRETE FOUNDATION FOR
S&C 30 PADMOUNTED SWITCH

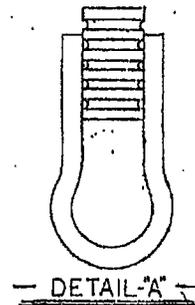
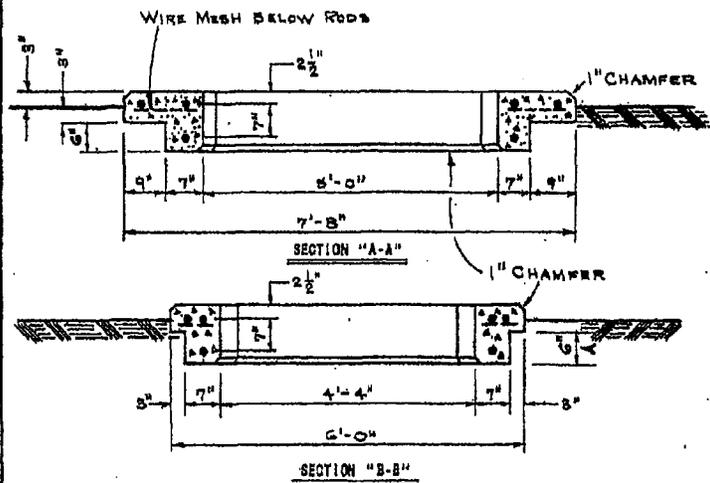


DATE, MFG. NAME,
F.P.L. M&S No. 162-214



WEIGHT - 2745 LB.
CU. FT. - 18.3
CU. YD. - 0.68
1245 - KILOGRAMS
519 - LITERS
0.519 - CU. METERS

PLAN VIEW



1. Top surface to be smooth and level. Surface irregularities are not acceptable.
2. 4 x 4 No. 4 Welded Wire Mesh Reinforcing to stop 2" from Sides and Opening of Foundation.
3. Superior Threaded Inserts, 1/2" with Plug, Electro-Galv., 4 Required. (See Detail A)
4. #4 Reinforcing Rod as shown.
5. 4000 lb. Test Concrete.
6. For use with S & C Switches, M & S Nos. 270-853, 270-854, 270-355 & 270-880.
7. Manufacturer's Identification, Year of Manufacture, and FPL Co. M & S Number to be cast in top surface of pad near center of pad. (This required when precast.)

STANDARDS
UNDERGROUND DISTRIBUTION SYSTEM
FLORIDA POWER & LIGHT COMPANY
DATE 12-28-71

NO SCALE

APPROVED: *Ref. T. Callahan*
CHIEF ENGINEER

NO.	DATE	REVISION	BY	CH	CDR	APP
1	1-8-72	CORRECTED DIMENSION				

I-68.0.1

**OPEN WYE-OPEN DELTA TRANSFORMER BANK
USING SINGLE PHASE
PADMOUNT TRANSFORMERS**

I-68.0.1

NOTES:

1. POWER TRANSFORMER MUST HAVE AN INSULATED NEUTRAL BUSHING. THE EXTERNAL GROUND STRAP TO THE CASE MUST BE REMOVED AND THE BUSHING SHALL BE INSULATED WITH SELF BONDING TAPE & ONE HALF LAPPED LAYER OF VINYL TO CONFINE BONDING TAPE.
2. BOND TRANSFORMER CASES TOGETHER WITH #4 BARE COPPER WIRE DIRECT BURIED.
3. SERVICE CABLES FURNISHED AND INSTALLED BY CUSTOMER TO BE IN DUCT.
4. A DECAL WITH THE FOLLOWING NOTE SHALL BE LOCATED IN A CONSPICUOUS PLACE INSIDE BOTH TRANSFORMERS. CAUTION: OPEN WYE-OPEN DELTA TRANSFORMER CONNECTION; THIS TRANSFORMER CAN BE ENERGIZED FROM ADJACENT TRANSFORMER (M&S #548-54800-7). REFER TO Z-35.0.0 FOR LOCATION.
5. SEE UV-12.0.0 FOR MARKING UNDERGROUND CABLES.
6. THIS STANDARD IS FOR TRANSFORMERS 167 KVA AND SMALLER.
7. LOOP SYSTEM SHOWN. RADIAL SYSTEM MAY BE USED.
8. DEAD END PLUG (M&S #163-10100-7) IS REQUIRED WHEN INSTALLATION IS PERMANENTLY RADIALLY FED. INSULATED CAP ASSEMBLY (M&S #163-01800-2, OR M&S #163-02200-0) REQUIRED AT LOOP OPEN POINT (13kV AREAS) OR WHEN LOOP WILL BE EXTENDED IN FUTURE.
9. LIGHTING TRANSFORMER SHALL BE DEAD FRONT (36" HIGH) OR LOW STYLE (24" HIGH) WITH HORIZONTAL TYPE SECONDARY SPADES. MAXIMUM SECONDARY CABLE SIZE FOR LOW STYLE TRANSFORMER IS #4/0.
10. REFER TO I-60, C-12, I-62 AND I-65 FOR MATERIAL DESCRIPTIONS.
11. ALL SINGLE PHASE 7620 VOLT TRANSFORMERS 167 KVA AND SMALLER ARE ADDITIVE POLARITY. ALL 23 KV AND DUAL VOLTAGE TRANSFORMERS ARE SUBTRACTIVE POLARITY. CONNECTIONS MUST BE MADE AS SHOWN IN DIAGRAM.
12. IF C.T. METERING AT TRANSFORMER IS REQUIRED, REFER TO K-26. LEAVE PULL STRING IN METERING CONDUIT. 0.2
13. MAKE CERTAIN OF CABLE LOCATION BEFORE INSTALLING GROUND RODS TO AVOID DRIVING THE GROUND ROD THROUGH ANY EXISTING CABLES.
14. FOR DUAL VOLTAGE OR 23KV NORMALLY OPEN POINTS USE 18KV RATED ELBOW ARRESTERS. (RATING IS FOR PHASE TO GROUND VOLTAGE). REFER TO I-62.0.0 AND I-65.1.1.
15. WHEN CONNECTING MORE THAN ONE CUSTOMER CABLE TO POWER LEG USE HANDHOLE MULTITAP (M&S #163-06600-7).
16. THE NESC REQUIRES A MINIMUM OF 6 FEET SPACING BETWEEN RODS. IF ADDITIONAL RODS ARE REQUIRED, REFER TO G-2.0.2.



OH & UG DISTRIBUTION SYSTEM STANDARDS

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
4	8/01/01	UPDATED DRAWING (REFERENCES)	GJP	JES	IA
3	9/4/99	UPDATED DRAWING (TEXT)	WC	DLW	JJM
2	9/25/90	REVISED NOTE #14 AND ADDED NOTE #16	JV	HO	RKC
1		ADDED NOTE #15	JV	HO	GWH

ORIGINATOR: J.V.

DRAWN BY: J.R.F.

DATE: 1/1/90

APPROVED: R.K. CIELO

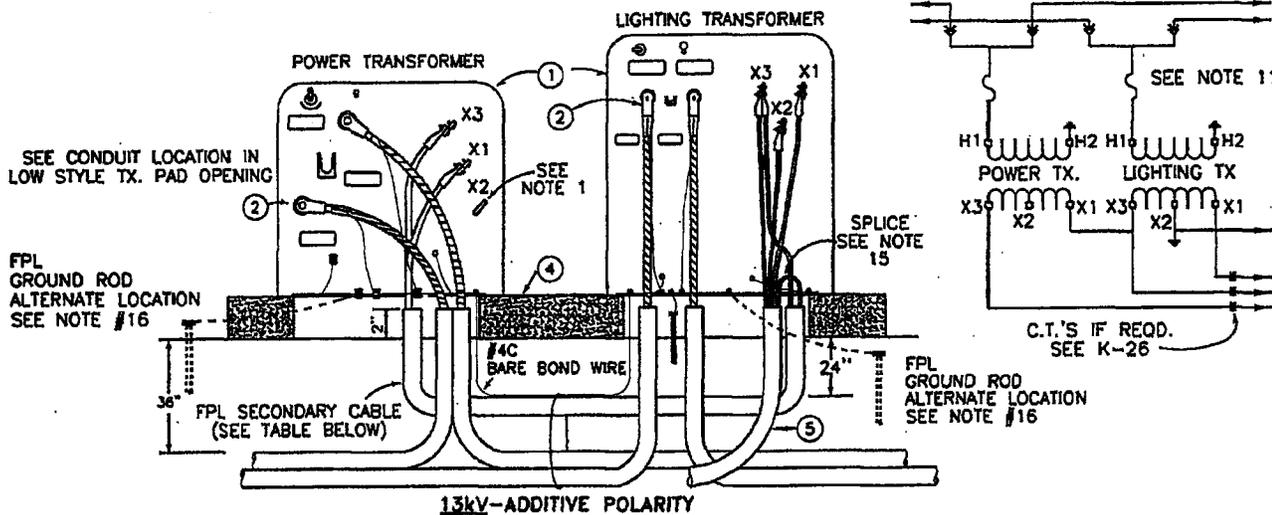
NO SCALE

SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

I-68.0.2

OPEN WYE-OPEN DELTA
TRANSFORMER BANK USING SINGLE
PHASE PADMOUNT TRANSFORMERS

I-68.0.2

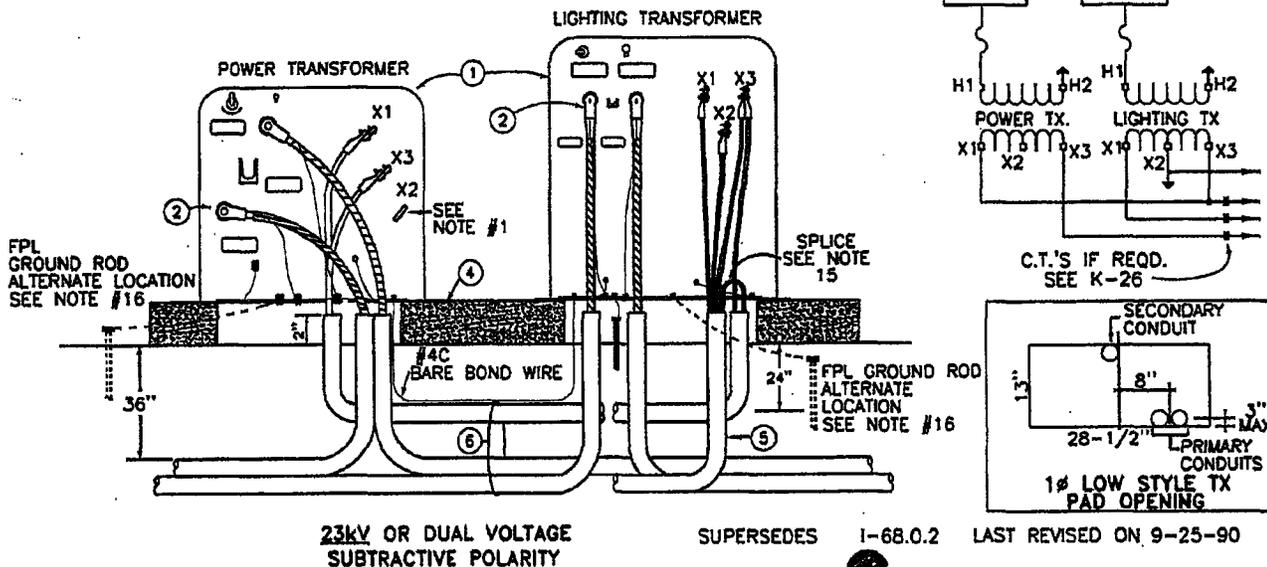


SECONDARY CABLE SIZE GOVERNED BY KVA OF POWER TRANSFORMER

POWER TRANSFORMER KVA	ALUMINUM CABLE SECONDARY SIZE
25	1/0 TPX *
37-1/2 & 50	4/0 TPX *
75	350 kcmil
100	2-350 kcmil

ITEM	QUANTITY	DESCRIPTION (SEE NOTE 10)	M&S NUMBER
1	2	PAD MOUNTED TX.	SEE NOTE 9
2	VARIES	ELBOW TERMINATOR: 15KV ELBOW	163-58700-7
		25KV ELBOW	163-50200-1
3	VARIES	COLD SHRINK TERMINATOR-SEE UH-34	163-51000-4
4	1	PAD TX, (SEE UX-115)	162-24600-1
5	VARIES	CONDUIT (FURNISHED & INSTALLED BY CUSTOMER)	VARIES

* DISCARD NEUTRAL CONDUCTOR



23kV OR DUAL VOLTAGE
SUBTRACTIVE POLARITY

SUPERSEDES I-68.0.2 LAST REVISED ON 9-25-90

NOTES: SEE I-68.0.1

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
2	8/01/01	REMOVE REFERENCES TO DELETED SHEET	GJP	JES	JA
1	9/30/94	REVISED CHART FOR ITEM #3 TO COLD-SHRINK TERMINATOR	RJO	JED	RJS
0	9/25/90	ORIGINAL DRAWING	RJO	JED	RJS

F P L
OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: RJO

DRAWN BY: JED

DATE: 9/30/94

APPROVED: R.J. SALESKY
SUPERVISOR, OH/UG PRODUCT
SUPPORT SERVICES

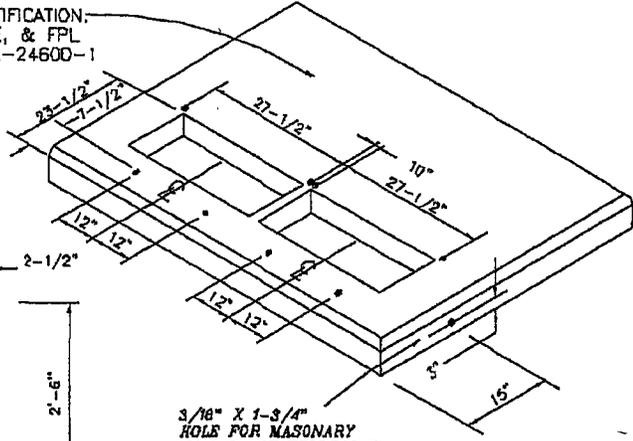
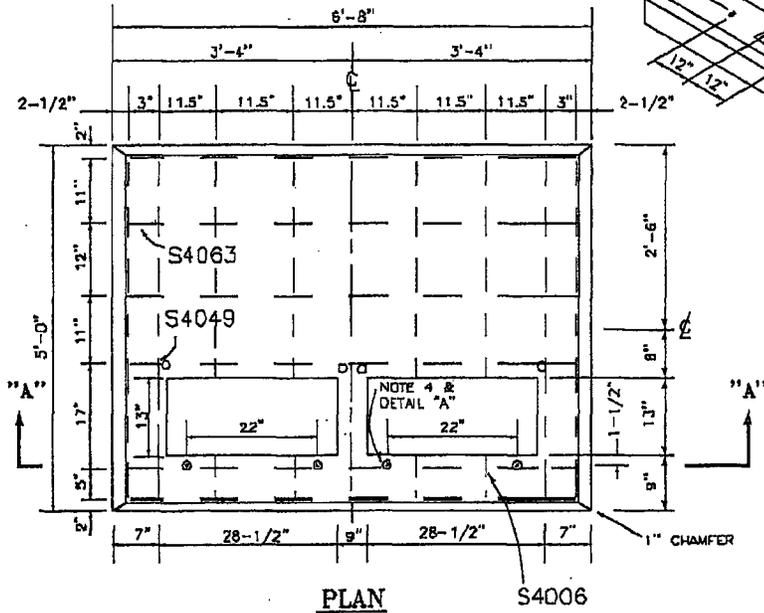
NO SCALE

UX-115.0.0

CONCRETE FOUNDATION
OPEN WYE OPEN DELTA
TRANSFORMER BANK USING
SINGLE PHASE PAD MOUNT TRANSFORMERS

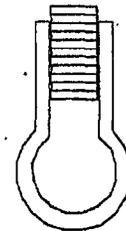
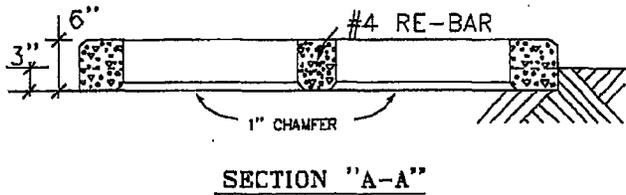
UX-115.0.0

MANUFACTURER'S IDENTIFICATION:
YEAR OF MANUFACTURE, & FPL
CO. M&S NUMBER 162-24600-1



LOCATION OF INSERTS

WEIGHT: 1950
CUBIC FEET: 14.00
CUBIC YARDS: 0.52



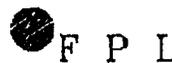
NOTES:

1. TOP SURFACE SHALL BE A SMOOTH PLANE. THE MAXIMUM ALLOWABLE VARIATION IN HEIGHT BETWEEN ANY TWO POINTS ON THIS SURFACE IS 0.125 INCHES (3.175 mm).
2. TWO INCH MINIMUM CONCRETE COVER REQUIRED OVER STEEL ON SIDES AND AROUND OPENINGS OF FOUNDATION.
3. 4000 LB. TEST CONCRETE.
4. DAYTON SUPERIOR THREADED INSERT, 1/2", WITH PLUG, ELECTRO-GALVANIZED. EIGHT (8) REQUIRED.
5. MANUFACTURER'S IDENTIFICATION, YEAR OF MANUFACTURE AND FPL CO. M&S NUMBER TO BE CAST IN TOP SURFACE OF PAD NEAR CENTER OF PAD. (THIS IS REQUIRED WHEN PRECAST.)
6. REINFORCING RODS TO BE WELDED AT ALL INTERSECTIONS.

DETAIL - "A"

REINFORCING STEEL

S4063 - 6 REQ'D
S4049 - 9 REQ'D
S4006 - 4 REQ'D



OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: RCB

DRAWN BY:

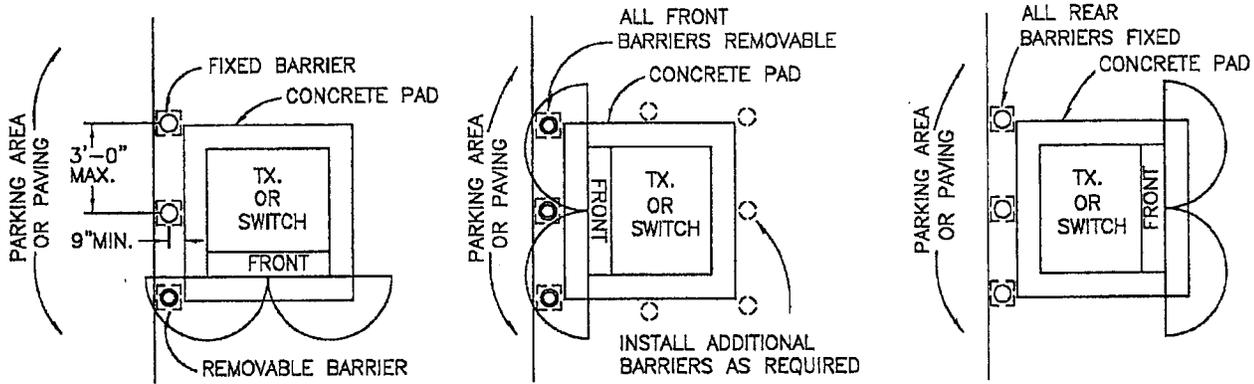
NO.	DATE	REVISION	ORG.	DRAWN	APPR.
2	05/30/02	UPDATE DIMENSIONS	RAP	JES	JJM
1	01/18/01	UPDATE TEXT AND DIMENSIONS	RAP	JES	JJM

DATE: _____ APPROVED: J.J. MCEVOY
SUPERVISOR, OH/UG PRODUCT SUPPORT SERVICES NO SCALE

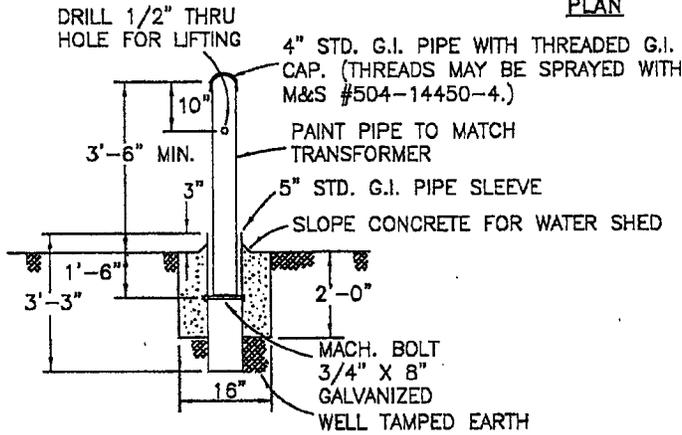
UN-21.0.0

PROTECTIVE BARRIER AND PLANTING CLEARANCES FOR PAD MOUNT TRANSFORMERS AND SWITCHES

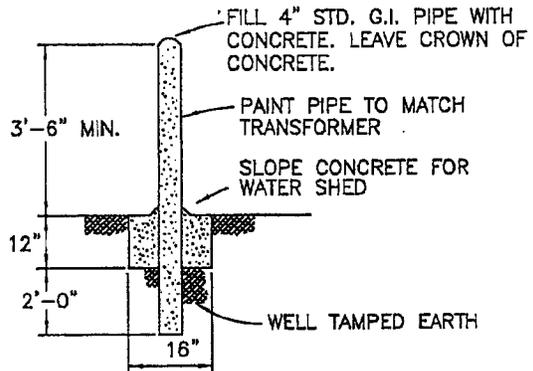
UN-21.0.0



PLAN

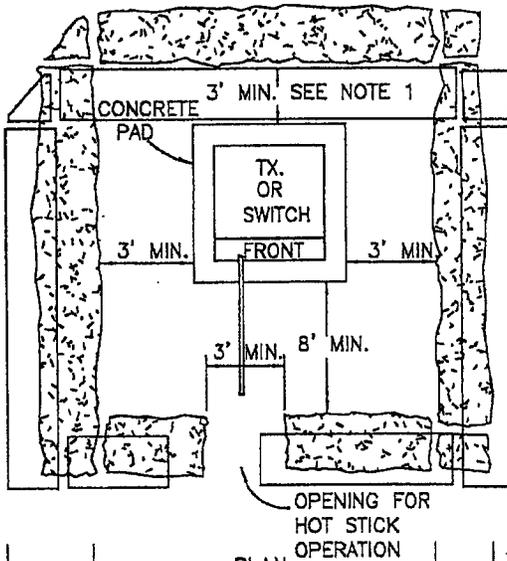


REMOVABLE BARRIER



FIXED BARRIER

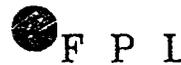
SECTION



PLAN

NOTE

- 1 - PADMOUNTED SWITCHES REQUIRE 8' MIN. CLEARANCE FRONT AND REAR.
- 2. "ELECTRIC EQUIPMENT-KEEP OUT" DECAL THAT SHOWS THE MINIMUM SEPARATION DISTANCES FOR BUSHES FROM TRANSFORMERS IS M & S #548-56010-4.



OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: CJM

DRAWN BY: PTH

DATE: 9/30/94

APPROVED: R.J. SALESKY
DIRECTOR, DISTRIBUTION ENGINEERING AND OPERATIONS SERVICES

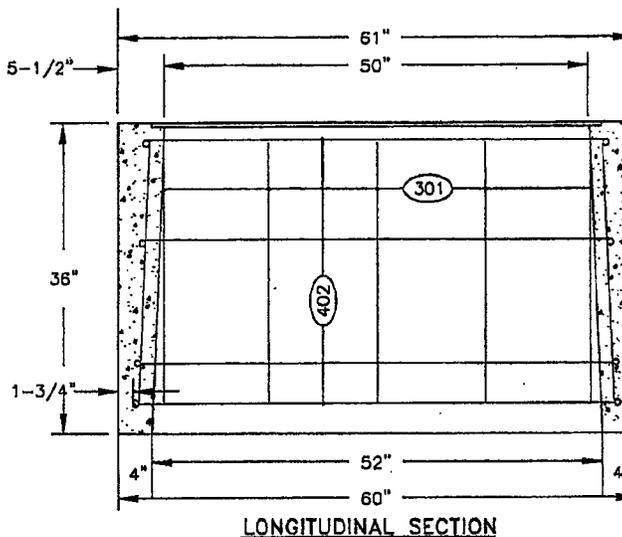
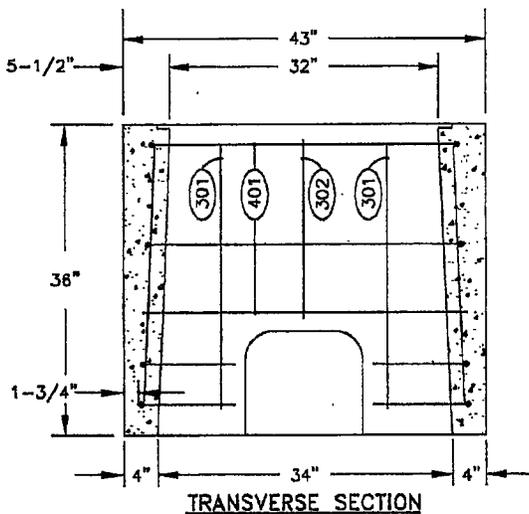
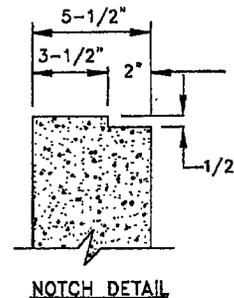
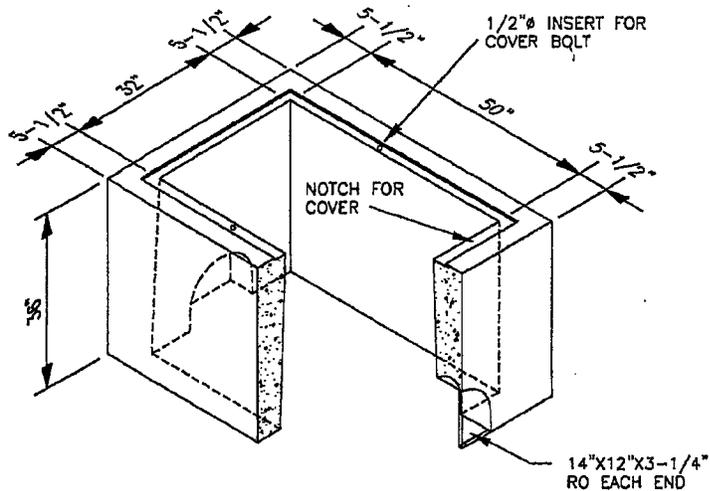
NO SCALE

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
2	7/16/01	UPDATE DRAWING (NOTES)	RAP	JES	JJM
1	8/27/99	UPDATE DRAWING (NOTES)	RAP	JES	JJM
0	9/30/94	ORIGINAL DRAWING	CJM	PMG	RJS

UX-202.0.0

PRECAST HANDHOLE (32" X 50" X 36")
 DRIVEWAY LOADING DESIGN
 M&S 162-12289-2

UX-202.0.0



REINFORCEMENT SCHEDULE

MARK	SIZE	LENGTH	QTY	DETAIL
301	NO.3	2'-6"	14	STRAIGHT
302	NO.3	1'-5"	2	STRAIGHT
401	NO.4	3'-2"	6	STRAIGHT
402	NO.4	5'-0"	8	11" 36"

NOTES

CONCRETE COMPRESSIVE STRENGTH 5000 PSI
 REINFORCEMENT ASTM A-615 (GRADE 60)
 WHEEL LOADING 16,000 LBS.
 APPROXIMATE WEIGHT - 2,663 LBS.



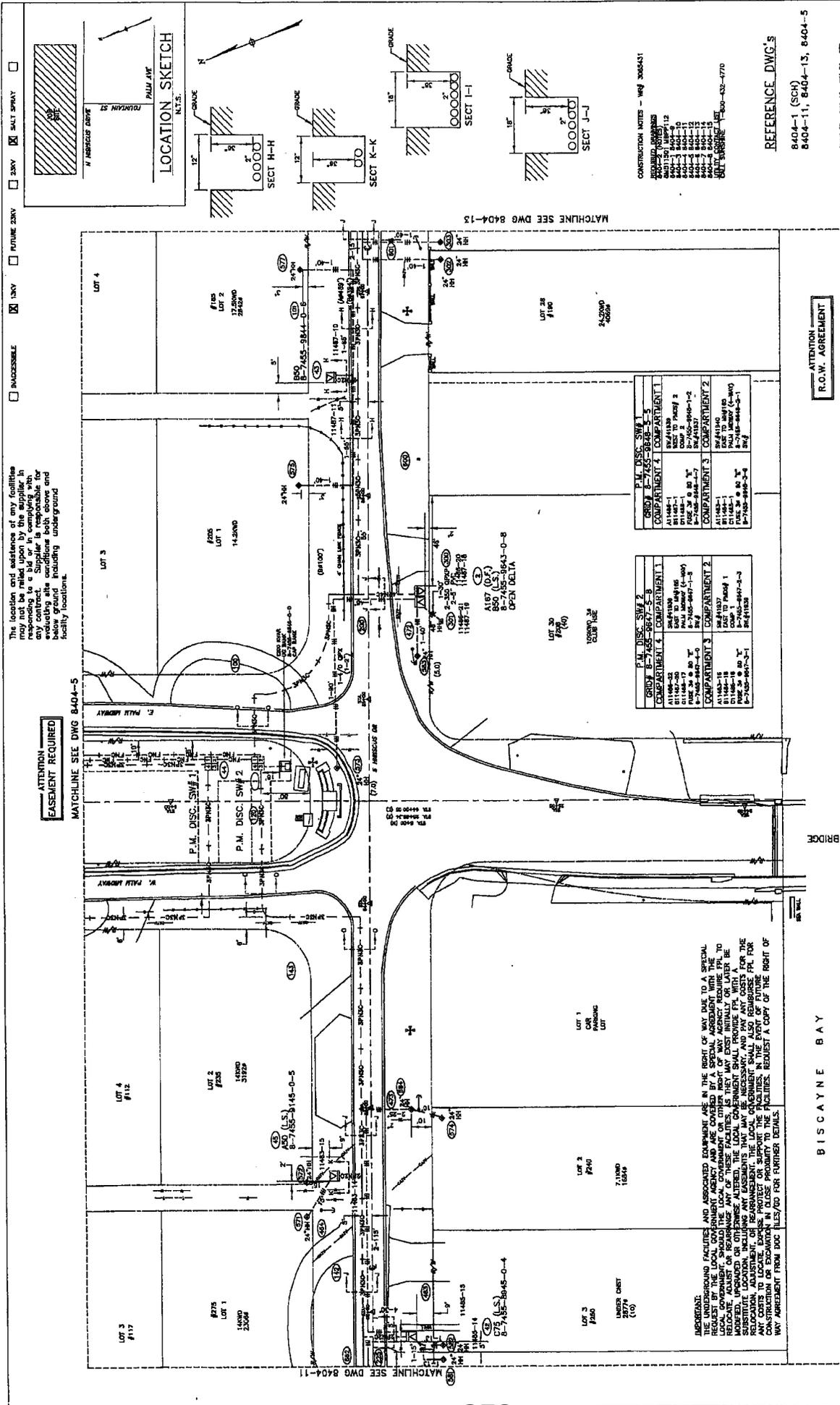
OH & UG DISTRIBUTION SYSTEM STANDARDS

ORIGINATOR: SMS

DRAWN BY: BILL

NO.	DATE	REVISION	ORIG.	DRAWN	APPR.
2	10/10/96	REPLACE OLD BORDER	SMS	BILL	SMS

DATE: _____ APPROVED: J.J. MCEVOY
 SUPERVISOR, OH/UG PRODUCT SUPPORT SERVICES
 NO SCALE



The location and existence of any facilities may not be relied upon by the supplier in responding to a bid or in completing any work. The contractor shall be responsible for verifying the existing site conditions both above and below ground including underground facility locations.

ATTENTION
EASEMENT REQUIRED

MATCHLINE SEE DWG 8404-5

MATCHLINE SEE DWG 8404-15

ATTENTION
R.O.W. AGREEMENT

CONSTRUCTION NOTES - WEG 3065451
 REVISIONS
 1. 01/15/01 WEG 3065451
 2. 02/12/01 WEG 3065451
 3. 03/12/01 WEG 3065451
 4. 04/12/01 WEG 3065451
 5. 05/12/01 WEG 3065451
 6. 06/12/01 WEG 3065451
 7. 07/12/01 WEG 3065451
 8. 08/12/01 WEG 3065451
 9. 09/12/01 WEG 3065451
 10. 10/12/01 WEG 3065451
 11. 11/12/01 WEG 3065451
 12. 12/12/01 WEG 3065451

REFERENCE DWG'S
 8404-1 (SCH)
 8404-11, 8404-13, 8404-5

COMPARTMENT	NO.	DATE	BY	REVISION
COMPARTMENT 1	1	11/14/00	WEG	ISSUE FOR PERMITS
COMPARTMENT 2	2	11/14/00	WEG	ISSUE FOR PERMITS
COMPARTMENT 3	3	11/14/00	WEG	ISSUE FOR PERMITS
COMPARTMENT 4	4	11/14/00	WEG	ISSUE FOR PERMITS

APPROPRIATE BACKGROUND FACILITIES AND ASSOCIATED EQUIPMENT ARE IN THE RIGHT OF WAY DUE TO A SPECIAL REQUEST BY THE LOCAL GOVERNMENT AGENCY AND ARE COVERED BY A SPECIAL AGREEMENT WITH THE LOCAL GOVERNMENT. SHOULD THE LOCAL GOVERNMENT AGENCY OR ITS SUCCESSORS DETERMINE THAT THE FACILITIES SHOULD BE MOVED, APPROVED OR OTHERWISE ALTERED, THE LOCAL GOVERNMENT SHALL PROVIDE FPA WITH A SUBSTITUTE LOCATION, INCLUDING ANY EASEMENTS AND CONSENTS NECESSARY TO RELOCATE THE FACILITIES. FPA FOR ANY COSTS TO LOCATE, EXPOSE, PROTECT OR SUPPORT THE FACILITIES. IN THE EVENT OF FUTURE CONSTRUCTION OR EXCAVATION IN CLOSE PROXIMITY TO THE FACILITIES, REQUEST A COPY OF THE RIGHT OF WAY AGREEMENT FROM DOC 1153/00 FOR FURTHER DETAILS.

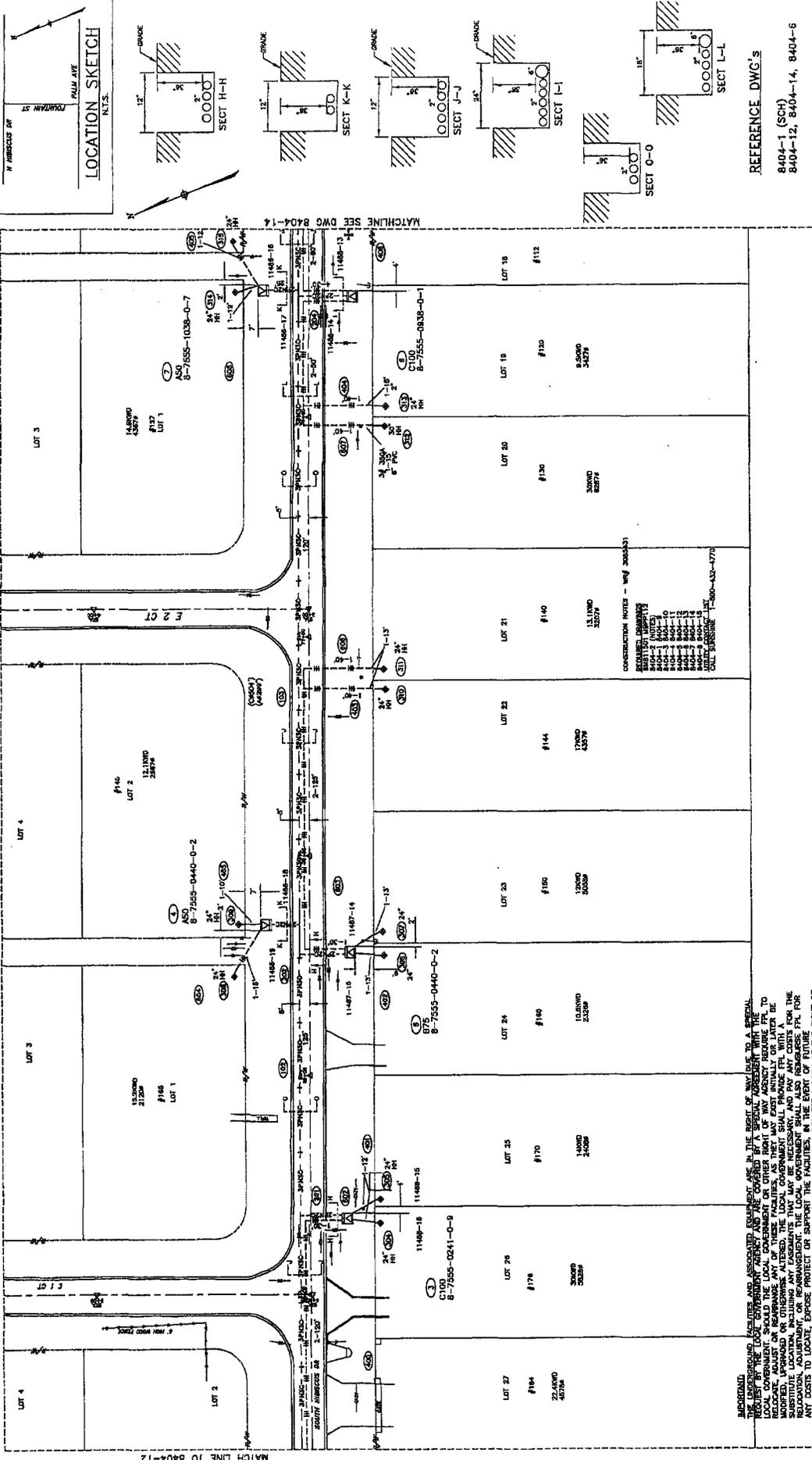
NO.	DATE	BY	REVISION
1	07/12/02	WEG	MARK CONNECTIONS TO JOB
2	08/12/02	WEG	INSTALL CAP BANK
3	09/12/02	WEG	RE-DESIGN CURB IN THE CENTER OF STREET TO BIC HIBISCUS ISLAND
4	10/12/02	WEG	GENERAL REVISION
5	11/12/02	WEG	ORIGINAL DWG

DESIGNED BY	A. GARCIA	DATE	07/12/02
DRAWN BY	B. BROWN	DATE	07/12/02
CHECKED BY		DATE	
SCALE	AS SHOWN		

PROJECT NO.	8404-1
CLIENT	HIBISCUS ISLAND
LOCATION	HIBISCUS ISLAND, HAMA-JACK COUNTY, FLORIDA
DWG NO.	8404-12
DATE	07/12/02

The location and existence of any facilities corresponding to a bid or in complying with any contract. Supplier is responsible for evaluating all existing utilities and facilities including underground utility locations.

MARTH LINE TO 8404-6

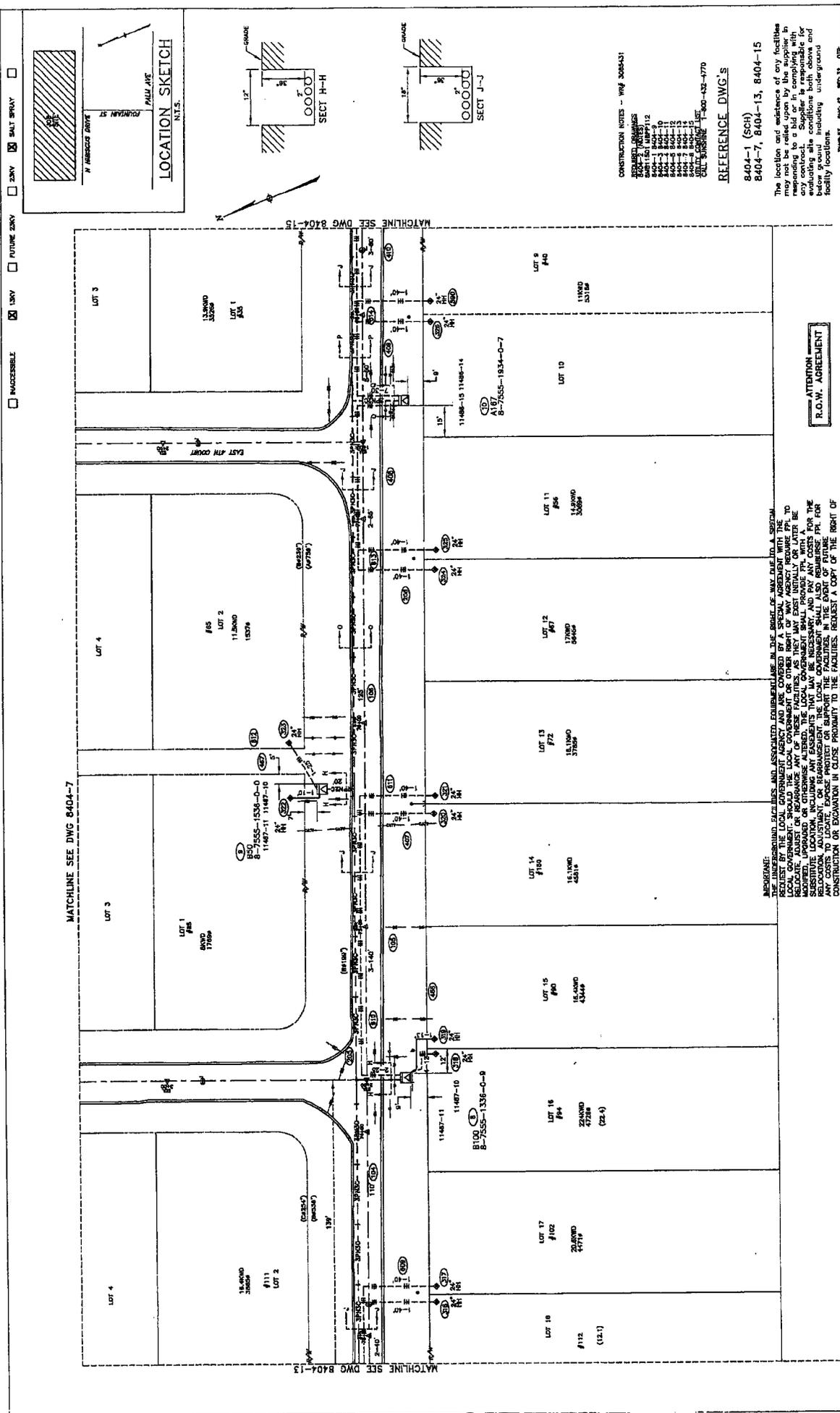


ATTENTION
R.O.M. AGREEMENT

- ACCESSIBLE
- 18KV
- FUTURE 23KV
- 33KV
- SALT SPRAY

REFERENCE DWG'S
8404-1 (SCH)
8404-12, 8404-14, 8404-6

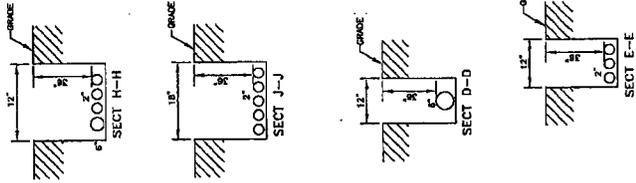
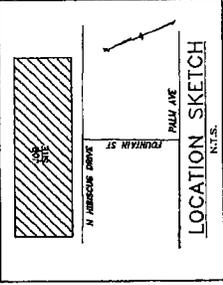
NO.	DATE	REVISION
308543	04/22/12	WORK CONNECTIONS TO 608
308541	12/24/11	RE-DESIGN DABLES IN THE CENTER OF STREET TO 516C HIBISCUS ISLAND
308540	10/15/10	REMOVE FROM 574C TO 574C
308539	07/23/10	INSTALL PUSHER 1 & 2. YES & PULL CABLE TO 516C HIBISCUS ISLAND
308538	07/23/10	ORIGINAL DWG
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CONSTRUCTION NOTES - WVF 3085431
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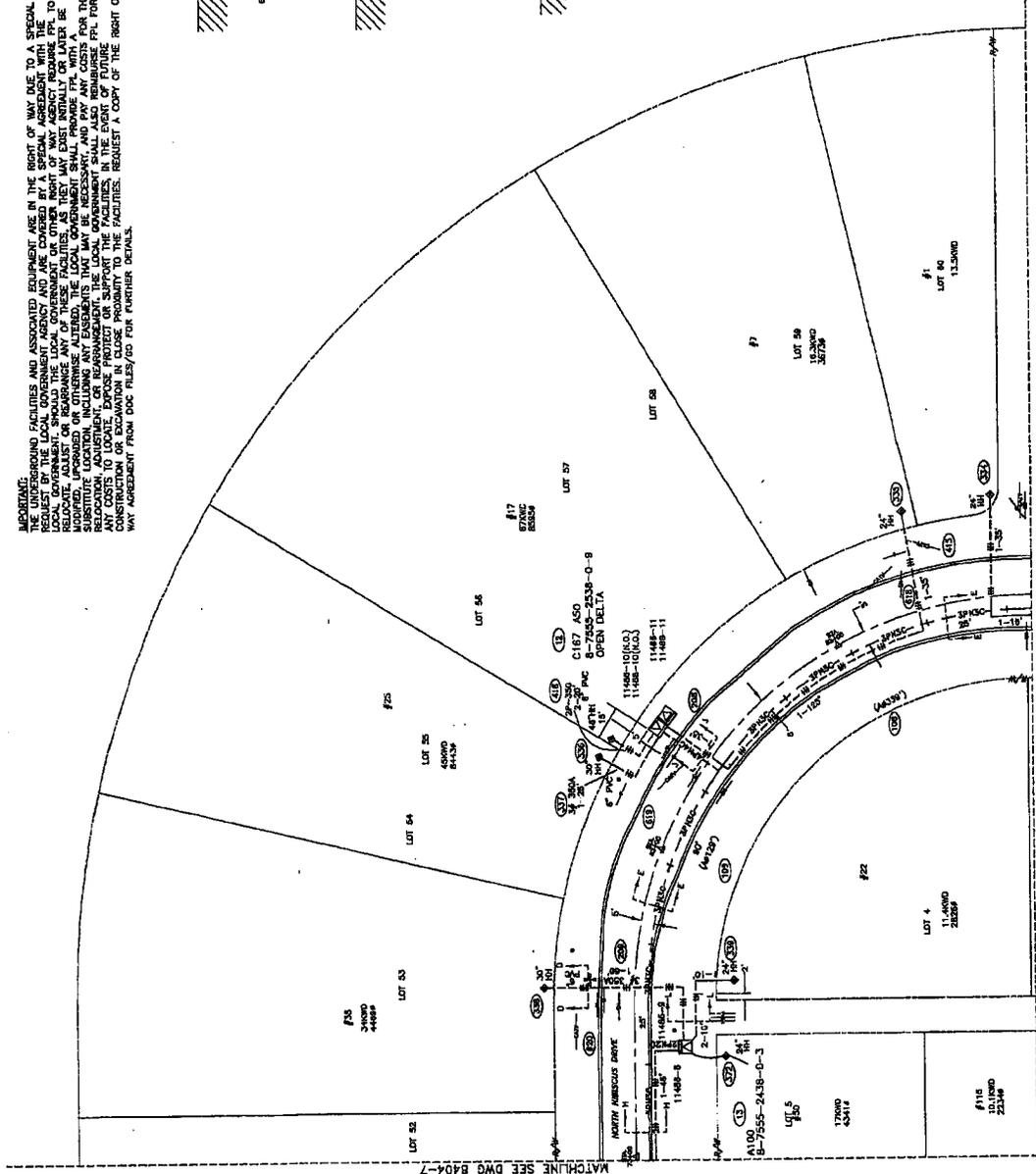
RESERVE THE UNDERGROUND FACILITIES AND ASSOCIATED EQUIPMENT ARE IN THE RIGHT OF WAY DUE TO A SPECIAL REQUEST BY THE LOCAL GOVERNMENT AGENCY AND ARE COVERED BY A SPECIAL AGREEMENT WITH THE LOCAL GOVERNMENT AGENCY. THE LOCAL GOVERNMENT AGENCY HAS THE RIGHT TO USE THE FACILITIES AS THEY MAY EXIST NOW OR LATER BE MODIFIED, UPGRADED OR OTHERWISE ALTERED. THE LOCAL GOVERNMENT SHALL PROVIDE FPA WITH A SUBSTITUTE LOCATION, IN THE EVENT OF A SPECIAL REQUEST BY THE LOCAL GOVERNMENT TO DISCONTINUE THE FACILITIES. THE LOCAL GOVERNMENT SHALL ALSO REIMBURSE FPL FOR ANY COSTS TO LOCATE, EXPOSE, PROTECT OR SUPPORT THE FACILITIES IN THE EVENT OF FUTURE CONSTRUCTION OR EXCAVATION IN CLOSE PROXIMITY TO THE FACILITIES. REQUEST A COPY OF THE RIGHT OF WAY AGREEMENT FROM DOC FILES/60 FOR FURTHER DETAILS.

- UNACCESSIBLE
- 13KV
- FUTURE 23KV
- 23KV
- SALT SPRAY



CONSTRUCTION NOTES - SEE 308441
 8404-1 (SCH)
 8404-7, 8404-15
 REFERENCE DWG'S

The location and existence of any facilities may not be relied upon by the supplier in responding to a bid or in complying with any contract. Supplier shall be responsible for locating all facilities both above and below ground including underground facility locations.



MATCHLINE SEE DWG B404-7

MATCHLINE SEE DWG 8404-15

ATTENTION R.O.W. AGREEMENT

NO. 1	DATE	BY	REVISION
1	10/25/74
2	10/26/74
3	10/27/74
4	10/28/74
5	10/29/74
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7	10/31/74
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99	1/31/75
100	2/01/75

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 REVISIONS
 REVISION NUMBER
 REVISION DESCRIPTION
 DATE
 BY

REVISIONS IN THE CENTER OF ENTRY TO BVC HIBISCUS ISLAND
 REMOVE FROM 8" PVC TO 6" PVC
 BRIDGE 26 IS 6' LONG 13'
 INSTALL PIPING 1 & 2, 2" & 3" BALL BEARING TO BVC HIBISCUS ISLAND
 ORIGINAL DRAW

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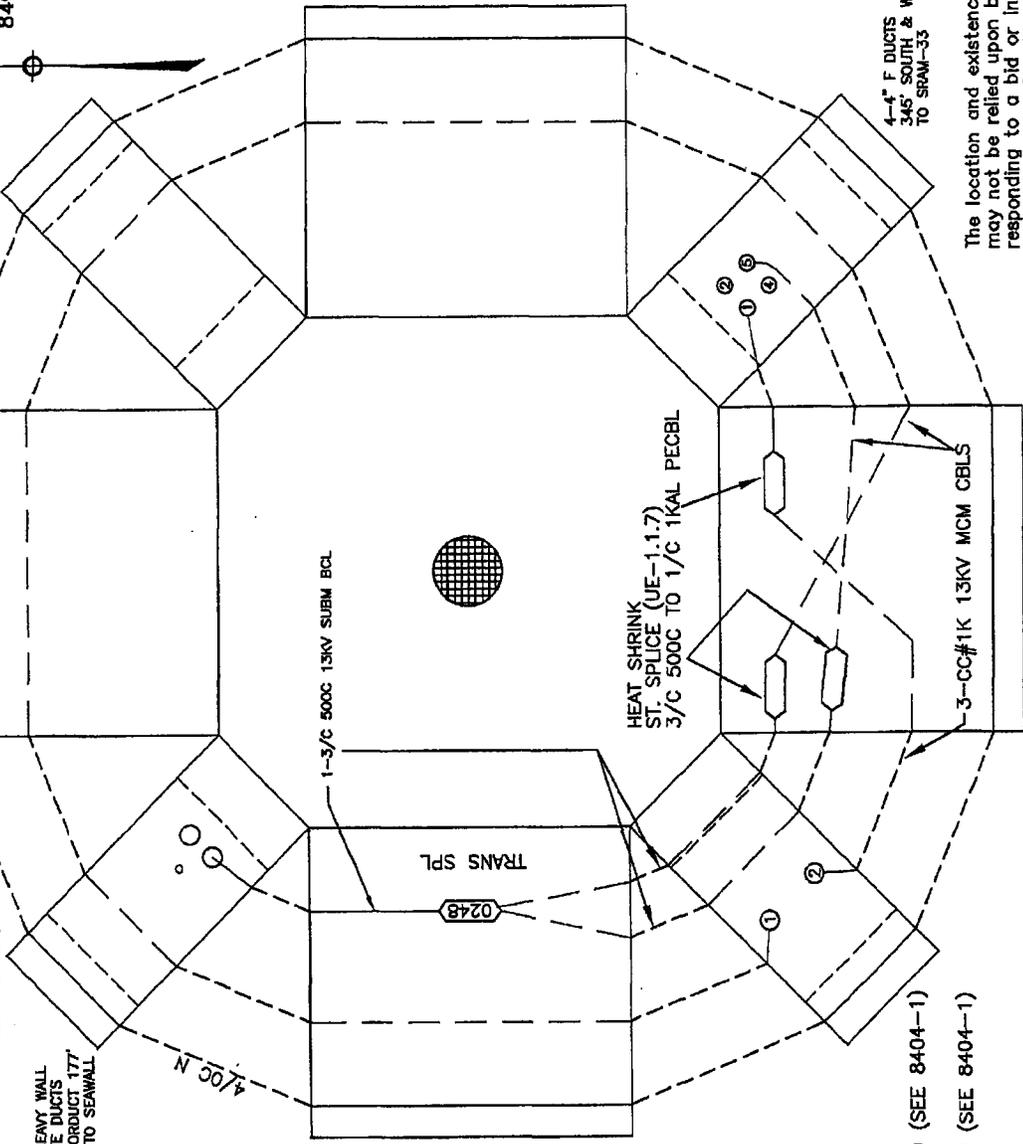
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 REVISIONS
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 REVISION DESCRIPTION
 DATE
 BY

4 WAY
6'-10" PANEL

IMPORTANT:
THE UNDERGROUND FACILITIES AND ASSOCIATED EQUIPMENT ARE IN THE RIGHT OF WAY DUE TO A SPECIAL REQUEST BY THE LOCAL GOVERNMENT. ANY FACILITIES COVERED BY SPECIAL AGREEMENT WITH THE LOCAL GOVERNMENT, SHOULD BE THE PROPERTY OF THE LOCAL GOVERNMENT OR OTHER RIGHT OF WAY AGENCY. REQUIRE FOR RELOCATION, ADJUST, PROTECT, OR OTHERWISE ALTERED, THE LOCAL GOVERNMENT SHALL PROVIDE FOR THE SUBSTITUTION OF EQUIPMENT OR OTHERWISE ALTERED, THE LOCAL GOVERNMENT SHALL PROVIDE FOR THE RELOCATION, ADJUSTMENT, OR REARRANGEMENT, THE LOCAL GOVERNMENT SHALL ALSO REIMBURSE EBL FOR ANY COSTS TO LOCATE, EXPOSE, PROTECT OR SUPPORT THE FACILITIES, IN THE EVENT OF FUTURE CONSTRUCTION OR EXCAVATION IN CLOSE PROXIMITY TO THE FACILITIES. REQUEST A COPY OF THE RIGHT OF WAY AGREEMENT FROM DOC FILES/60 FOR FURTHER DETAILS.

2'-5" HEAVY WALL
TRANSITE DUCTS
1'-2" VORBUCK 177
NORTH TO SEAWALL



DUCT #1
FROM N. SW PAD (SEE 8404-1)
DUCT #2
FROM S. SW PAD (SEE 8404-1)

NOTES:
-BOND PRL. CBL. SHEATHS TO ISOL. GND.
-FIRE-PROOF ALL PRL. CBL.
-TYPE III MH GRND

TLN 8-7455-9849-9-6
MECA LOC: (700)

The location and existence of any facilities may not be relied upon by the supplier in responding to a bid or in complying with any contract. Supplier is responsible for evaluating site conditions both above and below ground including underground facility locations.

4-4" F DUCTS
345' SOUTH & WEST
TO SRAM-33

INACCESSIBLE 13KV FUTURE 23KV 23KV SALT SPRAY

REFERENCE DWG'S

MBPP112 MBPP1178
VLT#170V PALM MIDWAY DR(8VB11807)
8404-1(SCH) 8404-5

CONSTRUCTION NOTES - WR# 3085431

REQUIRED DRAWINGS

- 8404-2 (NOTES)
- 8MB11501 MBPP112
- 8404-1 8404-9
- 8404-3 8404-10
- 8404-4 8404-11
- 8404-5 8404-12
- 8404-6 8404-13
- 8404-7 8404-14
- 8404-8 8404-15
- UTILITY CONTACT LIST
- CALL SUNSHINE 1-800-432-4770

ASBUILT	AUTH NO.	NO.	DATE	REVISION
	3085431	3	07/23/08	INSTALL PMS# 1 & 2 TXS & PULL CABLE TO SVC HIBISCUS ISLANDSVC HIBISCUS DR
	2754883	2	12/11/07	RE-ROUTE CBL FROM VLT#170V TO SRAM-33
	2719797	1	10/08/07	AS-BUILT MANHOLE
	1258-45-840	0	11/30/54	ORIGINAL DWG

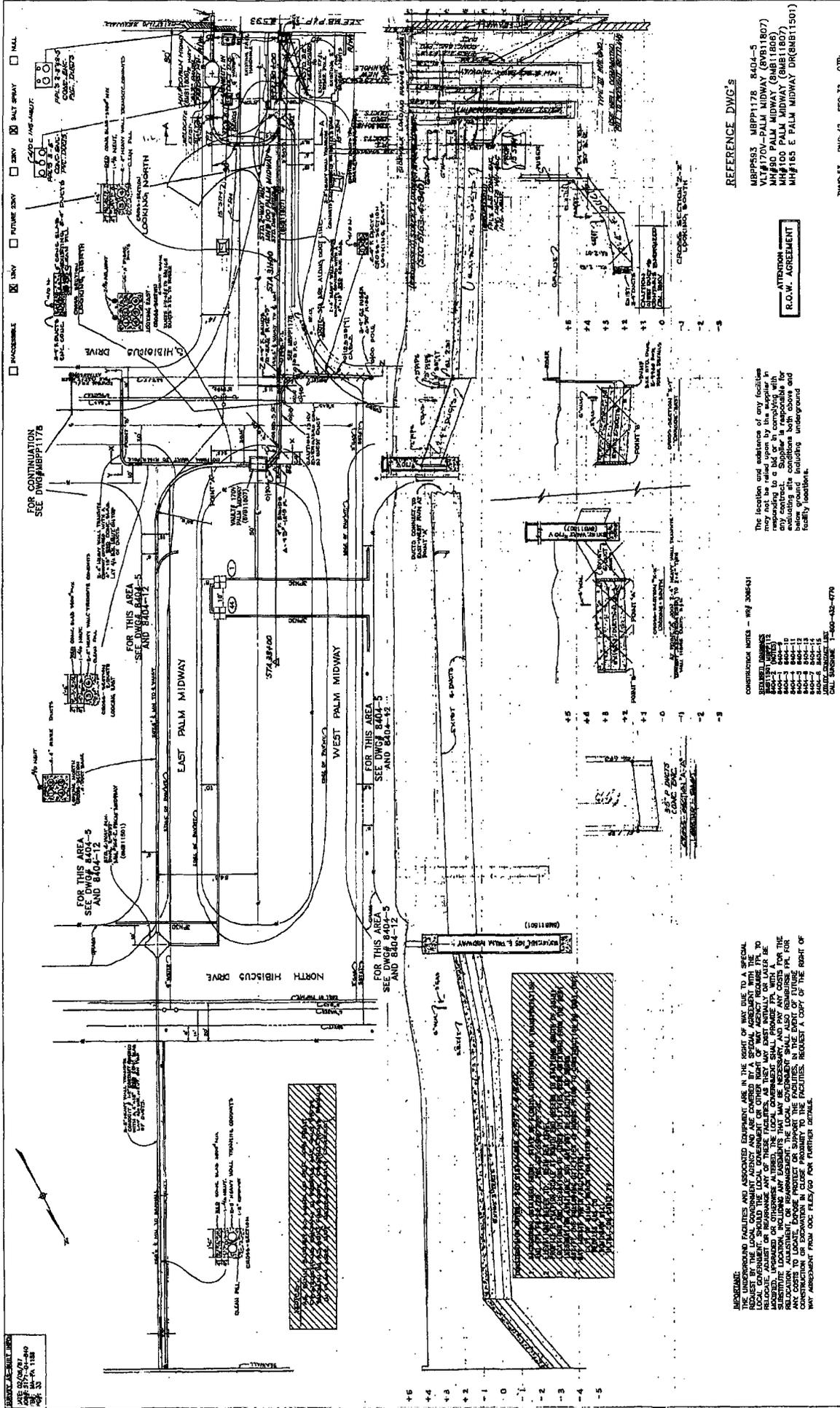
AS-BUILT COPY AS-BUILT CREW PRINT

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251
SCALE: 3/8" = 1'-0"

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251
SCALE: 3/8" = 1'-0"

DESIGNED BY: J.A. GARCIA
DRAWN BY: B. WARREN
DATE: 07/23/08
MAP NO.: W-0251
SCALE: 3/8" = 1'-0"

MOORE, INC. 2012
MH#165 E PALM MIDWAY DR
HIBISCUS ISLAND
E PALM MIDWAY DR & N HIBISCUS DR
MIAMI-DADE COUNTY, FL
8MB11501
DWG. NO.
WR#-3085431 IWR: 1427 -30-883



REFERENCE DWG'S
 MHP883 MHP1178 8404-5
 MHP883 MHP1178 8404-6
 MHP883 MHP1178 8404-7
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ATTENTION
 R.O.W. AGREEMENT

The location and substance of any facilities may not be relied upon by the supplier in any contract. Supplier is responsible for evaluating site conditions both above and below ground including underground facility locations.

CONSTRUCTION NOTES - REF 206431
 REMOVED FACILITIES
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UNDERGROUND FACILITIES AND ASSOCIATED EQUIPMENT ARE IN THE RIGHT OF WAY USE TO A SPECIAL LOCAL GOVERNMENT, SHOULD THE LOCAL GOVERNMENT OR OTHER PARTY OF ANY AGENCY REQUIRE THE FACILITIES, THE LOCAL GOVERNMENT OR OTHER PARTY OF ANY AGENCY SHALL BE RESPONSIBLE FOR THE FACILITIES. THE LOCAL GOVERNMENT SHALL PROVIDE THE FACILITIES WITH A SUBSTITUTE LOCATION, INCLUDING ANY FACILITIES THAT MAY BE NECESSARY, AND PAY ANY COSTS FOR THE FACILITIES. THE LOCAL GOVERNMENT SHALL BE RESPONSIBLE FOR THE FACILITIES IN THE EVENT OF ANY CONSTRUCTION OR DISASTERS IN CLOSE PROXIMITY TO THE FACILITIES. REQUEST A COPY OF THE RIGHT OF WAY AGREEMENT FROM THE FACILITIES FOR FURTHER DETAILS.

DATE	NO.	DESCRIPTION
12/21/74	01	ISSUED FOR PERMITS
11/12/74	02	REVISIONS TO PERMITS
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10/27/74	100	REVISIONS TO PERMITS

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Condensed Title:

A Resolution waiving, by 5/7th vote, competitive bidding, finding such waiver to be in the best interest of the City; and approving and authorizing the Administration to simultaneously negotiate with Six Payment Services Corp and Payment Express, for a gateway provider of credit card processing services for the City's PARC system, in an amount not to exceed \$500,000; and further authorizing the City Manager and City Clerk to execute an Agreement with one of the providers upon conclusion of successful negotiations by the Administration.

Key Intended Outcome Supported:

Strengthen Internal Controls To Achieve More Accountability.

Item Summary/Recommendation:

On September 30, 2015, the City Commission approved the award of a contract to Skidata, Inc. for a full replacement of the City's gated parking revenue control system. As a result, the City will be upgrading its parking revenue control equipment. The project will include replacement of the City's outdated gated revenue control system, which, in addition to improved and added functionality, an upgrade to the acceptance of credit card payments to be in compliance with the new Europay, Mastercard, Visa (EMV) standards.

EMV is an open standard for chip-based payment cards and acceptance infrastructure that designed to protect against card-present fraud and increase global acceptance and interoperability of credit cards. It is important for the City to upgrade to the EMV standard because, in October 2015 fraud liability shifted in the United States. Therefore, if a skimmed EMV chip card is fraudulently used at a merchant who has not upgraded to EMV payment acceptance, the merchant is liable for the fraud.

Skidata has informed the City that it has only two approved third-party EMV capable credit card processing service providers that can integrate with its gated parking revenue control system – Six Payments Solution and Payment Express. As a result, the Administration is unable to seek competitive proposals through a traditional procurement solicitation for a third-party EMV capable credit card processing service provider and is seeking authority to negotiate with the two service providers approved by Skidata in order to determine the best value for the City.

Recommendation: Adopt the Resolution

In order to determine the contract that is in the best interest of the City, I am recommending that the Mayor and City Commission of the City of Miami Beach, Florida, approve the resolution authorizing the waiver of competitive bidding, by 5/7s vote, and authorizing the Administration to negotiate simultaneously with Six Payment Solutions and Payment Express, both being authorized EMV (Europay Mastercard Visa) gateway providers for credit card processing for the Skidata parking revenue control equipment.

Advisory Board Recommendation:

Financial Information:

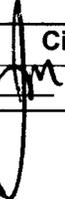
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div> OBPI	1		
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	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Saul Frances

Sign-Offs:

Department Director	Assistant City Manager	City Manager
SF  AD 	KGB 	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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENTS, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND APPROVING AND AUTHORIZING THE ADMINISTRATION TO SIMULTANEOUSLY NEGOTIATE WITH SIX PAYMENT SERVICES CORP AND PAYMENT EXPRESS, FOR A GATEWAY PROVIDER OF CREDIT CARD PROCESSING SERVICES FOR THE CITY'S GATED PARKING REVENUE CONTROL SYSTEM; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE FIRM DEEMED TO BE IN THE BEST INTEREST OF THE CITY BY THE CITY MANAGER UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

ADMINISTRATION RECOMMENDATION

APPROVE THE RESOLUTION.

FUNDING

Funding is available in the following parking funds:

480-0461-000313	\$44,000
463-1990-000313	\$6,000
467-1996-000313	\$4,000
484-0470-000313	\$1,000
TOTAL	\$55,000

BACKGROUND AND ANALYSIS

On September 30, 2015, the City Commission approved the award of a contract to Skidata, Inc. for a full replacement of the City's gated parking revenue control system. As a result, the City will be upgrading its parking revenue control equipment. The project will include replacement of the City's outdated gated revenue control system, which, in addition to improved and added functionality, an upgrade to the acceptance of credit card payments to be in compliance with the new Europay, Mastercard, Visa (EMV) standards.

EMV is an open standard for chip-based payment cards and acceptance infrastructure that designed to protect against card-present fraud and increase global acceptance and interoperability of credit cards. It is important for the City to upgrade to the EMV standard because, in October 2015 fraud liability shifted in the United

States. Therefore, if a skimmed EMV chip card is fraudulently used at a merchant who has not upgraded to EMV payment acceptance, the merchant is liable for the fraud.

Skidata has informed the City that it has only two approved third-party EMV capable credit card processing service providers that can integrate with its gated parking revenue control system – Six Payments Solution and Payment Express. As a result, the Administration is unable to seek competitive proposals through a traditional procurement solicitation for a third-party EMV capable credit card processing service provider and is seeking authority to negotiate with the two service providers approved by Skidata in order to determine the best value for the City.

CITY MANAGER'S RECOMMENDATION

In order to determine the contract that is in the best interest of the City, I am recommending that the Mayor and City Commission of the City of Miami Beach, Florida, approve the resolution authorizing the waiver of competitive bidding, by 5/7s vote, and authorizing the Administration to negotiate simultaneously with Six Payment Solutions and Payment Express, both being authorized EMV (Europay Mastercard Visa) gateway providers for credit card processing for the Skidata parking revenue control equipment.


JLM/KGB/SF

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Rocio Alba
Parking Administrator
City of Miami Beach
1755 Meridian Ave.
Miami Beach, FL 33139

February 8, 2016

Sub: EMV payment solution

Dear Rocio,

Per your request and requirement for ITN 2104-170-SW, SKIDATA Inc. is pleased to communicate that we have established two EMV payment solution providers (Six Payment services and Payment Express) that have been approved for an EMV capable integrated payment solution for our devices.

Although SKIDATA has certified these 3rd party providers and utilize their approved hardware, an account must be established directly with one of these providers separate from any SKIDATA contract. We have recommended Six Payment Solutions for the Miami Beach Parcs project due to the long history and experience of working with Six Payment not only in North America but globally at our other corporate locations.

We have received very positive feedback from our clients about Six Payment Solutions for their excellent customer service and fee structure. Six Payment has provided SKIDATA customers payment services prior to the introduction of their EMV solution and are a leader in the payment industry.

I would also like to mention that it is vital that the city engage with the provider as soon as possible since it takes approximately three weeks to set up the account and processing with the goal of avoiding any delays in the deployment schedule.

Please let me know if you have any additional questions or would like any further clarification.

Thank you for the opportunity to serve the City of Miami Beach.

Kind Regards,

Steve Sussman

Sales-Central and South Florida
SKIDATA, Inc.
One Harvard Way, Suite 5
Hillsborough, NJ 08844
U.S.A.
[p] 305-741-9720
[e] stephan.sussman@skidata.com

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND APPROVING AND AUTHORIZING THE ADMINISTRATION TO SIMULTANEOUSLY NEGOTIATE WITH SIX PAYMENT SERVICES CORP AND PAYMENT EXPRESS, FOR A GATEWAY PROVIDER OF CREDIT CARD PROCESSING SERVICES FOR THE CITY'S GATED PARKING REVENUE CONTROL SYSTEM; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE FIRM DEEMED TO BE IN THE BEST INTEREST OF THE CITY UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on September 30, 2015, the City Commission approved the award of a contract to Skidata, Inc. for a full replacement of the City's gated parking revenue control system, and as a result the City will be upgrading its parking revenue control equipment; and

WHEREAS, the project will include replacement of the City's outdated gated revenue control system, which, in addition to improved and added functionality, will include an upgrade to the acceptance of credit card payments, in order to be in compliance with the new Europay, Mastercard, Visa (EMV) standards; and

WHEREAS, EMV is an open standard for chip-based payment cards and acceptance infrastructure that is designed to protect against card-present fraud and increase global acceptance and interoperability of credit cards;

WHEREAS, it is important for the City to upgrade to the EMV standard because in the United States, after October of 2015, the fraud liability shifted to the merchant; therefore, if a skimmed EMV chip card is fraudulently used at a merchant's business, and the merchant's equipment does not utilize the EMV payment acceptance service, the merchant is liable for the fraud; and

WHEREAS, Skidata has informed the City that it has only two approved third-party EMV capable credit card processing service providers that can integrate with its gated parking revenue control system, Six Payments Services Corp. and Payment Express; and

WHEREAS, as a result, the Administration is unable to seek competitive proposals through a traditional procurement solicitation for a third-party EMV capable credit card processing service provider and is seeking authority to negotiate with the two service providers approved by Skidata in order to determine the best value for the City.

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 waive, by 5/7th vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City; and approve and authorize the Administration to simultaneously negotiate with Six Payment Services Corp. and Payment Express, for a gateway provider of credit card processing services for the City's gated parking revenue control system; and further authorize the City Manager to execute an agreement with the firm deemed to be in the best interest of the City upon conclusion of successful negotiations by the Administration.

PASSED and ADOPTED this _____ day of _____ 2016.

ATTEST:

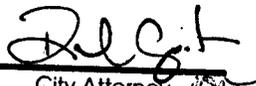
PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

JLM/KGB/SF

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-29-2016
Date

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CONTRACT WITH ATLANTIC PAVING FOR THE PAINTING AND STRIPING OF DEDICATED BIKE LANES ACROSS THE CITY PURSUANT TO INVITATION TO BID (ITB) NO. 2016-002-KB; AND WAIVING, BY 5/7TH VOTE, THE CITY'S COMPETITIVE BIDDING REQUIREMENTS; FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY.

Key Intended Outcome Supported:

Ensure comprehensive mobility addressing all modes throughout the city

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

N/A

Item Summary/Recommendation:

On October 14, 2015, the City Commission approved the award of a contract, pursuant to Invitation to Bid (ITB) No. 2016-002-KB for Painting and Striping of Dedicated Bicycle Lanes, to Atlantic Paving Co. for the bike lanes in Flamingo Neighborhood 16th Street Bicycle Lanes from Alton Road to Washington Avenue. The scope of the work includes furnishing of all supervision, labor, materials, tools, equipment and performing all operations required to construct the Work in accordance with the Contract Documents. The contract stipulated a lump sum for the project of \$130,986.00, which calculates to \$6.50 per sq. ft. The contractor is in the process of completing the aforementioned scope. The Bicycle/Pedestrian Master Plan Update currently under way, has also included the recommendation for painting green all existing bike lanes within City boundaries. The following is a list of projects that are recommended for implementation this year for painting green:

- Alton Road, from South Pointe Drive to 5th Street, including South Pointe Drive from Alton Road to Ocean Drive
- 16th Street from Washington Avenue to Alton Road
- Prairie Avenue from 28th Street to 44th Street
- Royal Palm Avenue from 42nd Street to 47th Street
- 47th Street from Pine Tree Drive to Alton Road

The contract with Atlantic Paving, pursuant to Section 0200 Instructions to Bidders; Subsection 73 Additional Services, allows for additional services to be added to the contract. Atlantic Paving was the lowest, responsible, and responsive bidder to the ITB and has performed the bulk of dedicated bike lane painting across Miami Dade County. Therefore, staff recommends that the additional areas, pursuant to the Bicycle/Pedestrian Master Plan, which require dedicated bike lane painting, be added to the contract. In order to determine fair value for the remainder of the work, the staff calculated the per square foot price which was paid for the original portion of the work, which equates to \$6.50 per sq. ft. Transportation Department staff has determined that is a reasonable price for additional services required. It is recommended that the contract be extended for a period of one (1) year through March, 31, 2017, to allow for completion of the additional work.

Based on the aforementioned analysis prepared by staff, the City Manager recommends that the contract with Atlantic Paving be amended to add the additional areas of the City which are slated to receive dedicated bike lanes at a cost of \$6.50 per square foot of additional work, as funding becomes available. Funding for the Alton Road and 16th Street projects is available from previously appropriated funds for Bicycle Pedestrian Projects Citywide. The remaining projects have been included in the FY 2015/16 capital budget.

RECOMMENDATION

Approve the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved	
	1	\$1,045,042.00	158-2458-069357 187-2458-061357/187-2458-069357/187-2458-069358 187-2791-069357/187-2791-069357/187-2791-069358 187-2789-069357/187-2789-069358 187-2785-069357/187-2785-069358	Funding approved as part of the FY 2015/16 budget
	Total	\$1,045,042.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Jose Gonzalez

Sign-Offs:

Department Director AD 	Assistant City Manager MT  KGB 	City Manager JLM 
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T:\AGENDA\2016\March\Procurement\2016-002-KB Bike Lanes\TB 2016-002-KB-Contract Amendment Atlantic Paving for



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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CONTRACT WITH ATLANTIC PAVING FOR THE PAINTING AND STRIPING OF DEDICATED BIKE LANES ACROSS THE CITY PURSUANT TO INVITATION TO BID (ITB) NO. 2016-002-KB; AND WAIVING, BY 5/7TH VOTE, THE CITY'S COMPETITIVE BIDDING REQUIREMENTS; FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Ensure comprehensive mobility addressing all modes throughout the city.

FUNDING

Funding in the amount of \$1,045,042 for additional green bike lanes throughout the City has been budgeted and approved as part of the FY2015/16 Capital budget.

BACKGROUND

On October 14, 2015, the City Commission approved the award of a contract, pursuant to Invitation to Bid (ITB) No. 2016-002-KB for Painting and Striping of Dedicated Bicycle Lanes, to Atlantic Paving Co. for the bike lanes in Flamingo Neighborhood 16th Street Bicycle Lanes from Alton Road to Washington Avenue. The scope of the work includes furnishing of all supervision, labor, materials, tools, equipment and performing all operations required to construct the Work in accordance with the Contract Documents. The contract stipulated a lump sum for the project of \$130,986.00, which calculates to \$6.50 per sq. ft. The contractor is in the process of completing the aforementioned scope.

The Bicycle/Pedestrian Master Plan Update currently under way, has also included the recommendation for painting green all existing bike lanes within City boundaries. The following is a list of green bike lanes projects that are recommended for implementation this fiscal year.

- Alton Road, from South Pointe Drive to 5th Street, including South Pointe Drive from Alton Road to Ocean Drive
- 16th Street from Washington Avenue to Alton Road
- Prairie Avenue from 28th Street to 44th Street
- Royal Palm Avenue from 42nd Street to 47th Street
- 47th Street from Pine Tree Drive to Alton Road

The contract with Atlantic Paving, pursuant to Section 0200 Instructions to Bidders; Subsection 73 Additional Services, allows for additional services to be added to the contract. Atlantic Paving was the lowest, responsible, and responsive bidder to the ITB is currently the only contractor who has completed green bike lane work in Miami Dade County. Therefore, staff recommends that the additional areas, pursuant to the Bicycle/Pedestrian Master Plan, which require dedicated bike lane painting, be added to the contract with Atlantic Paving.

In order to determine fair value for the remainder of the work, staff calculated the per square foot price which was paid for the initial green bike lane work on 16th Street, which equates to \$6.50 per sq. ft. Transportation Department staff has determined that the contractor's bid price is a reasonable cost for additional services required. It is recommended that the contract be extended for a period of one (1) year through March, 31, 2017, to allow for completion of the additional work.

RECOMMENDATION

Based on the aforementioned due diligence analysis prepared by staff, the Administration recommends that the contract with Atlantic Paving be amended to add the additional locations for green bike lanes at a cost of \$6.50 per square foot of additional work.



JLM/KGB/JRG/AD

RESOLUTION TO BE SUBMITTED



MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Micky Steinberg, Vice-Mayor

DATE: March 1, 2016

SUBJECT: Agenda item for March 9, 2016 City Commission Meeting

Please add to the March 9, 2016 City Commission meeting a consent agenda item to waive remaining city fees and charges for Miami Beach Gay Pride, April 8-10, 2016, which includes square footage and Lummus Park user fees.

Please see last year's approved waivers:

2015 waivers

\$250 – app. fee

\$250 – permit fee

\$9,000 – VBA's

\$11,069.50 -Sq. Ft.

\$6,687.70 – Lummus Park user

If you have any questions please do not hesitate to call our office.

Thank you,

Tathiane Trofino

MIAMIBEACH

On behalf of Vice-Mayor Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7103 / Fax: 305-673-7096 / www.miamibeachfl.gov

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

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING THE SPECIAL EVENT FEES, IN THE TOTAL AMOUNT OF \$28,517.20, FOR THE 2016 MIAMI BEACH GAY PRIDE EVENT.

WHEREAS, the Gay Business Development Ad Hoc Committee (now the LGBT Advisory Committee) was created in 2008, with the first initiative being the creation of the event known as Miami Beach Gay Pride; and

WHEREAS, Miami Beach Gay Pride, Inc. is a Florida not-for-profit corporation that produces free, safe, quality mass-appeal events that are open to all, and that include the Gay Pride Parade, Festival, Expo, and other adjunct, officially sanctioned Miami Beach Gay Pride events; and

WHEREAS, Miami Beach Gay Pride has produced six (6) successful years of events that have generated hotel room nights in Miami Beach; and

WHEREAS, the Administration recommends and the Mayor and City Commission approve the waiver of special event fees, in the total amount of \$28,517.20, for the 2016 Miami Beach Gay Pride event which represents \$250 in application fees, \$500 in permit fees, \$9,000 in vehicle beach access fees, \$11,069.50 in square footage fees, and \$6,687.70 in Lummus Park user fees and \$1,010 in fire administrative fees.

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 waive the special event fees, in the total amount of \$28,517.20, for the 2016 Miami Beach Gay Pride event.

PASSED AND ADOPTED this ____ day of March, 2016.

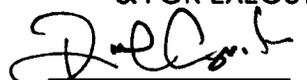
Attest:

PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

F:\ATTO\TURNIRESOS\Gay Pride Waiver 2016 RESO.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3-2-16

Date

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: March 1, 2016
SUBJECT: **A RESOLUTION TO CONSIDER WAIVING THE COLONY THEATRE RENT FEE IN THE AMOUNT OF \$2,550 FOR THE MIFO LGBT FILM FESTIVAL.**

Please add the above subject as a consent item to the March 9, 2016 Commission meeting agenda.

Sincerely,
Ricky Arriola

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING THE SPACE RENTAL CHARGES, IN THE AMOUNT OF \$2,550, AT THE COLONY THEATRE FOR THE MIAMI GAY AND LESBIAN FILM FESTIVAL, INC. A NON-PROFIT 501(C)(3) ORGANIZATION, FOR EVENTS TAKING PLACE IN MIAMI BEACH FROM APRIL 22 – MAY 1, 2016.

WHEREAS, the Miami and Fort Lauderdale (“MiFo”) Gay and Lesbian Film Festival (“Festival”) holds two film festivals per year, one in April in Miami and one in October in Fort Lauderdale, with additional films screened at locations throughout Miami-Dade County; and

WHEREAS, the Miami Gay and Lesbian Film Festival, Inc., is a Florida non-profit 501(c)3 corporation which organizes the Festival annually in Miami Beach, and features full-length narratives, short films, and documentaries offering historical and contemporary perspectives on the gay, lesbian, bisexual, and transgender experience; and

WHEREAS, the 18th Festival in Miami Beach will take place from Friday, April 22, 2016 through Sunday, May 1, 2016; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve the waiver of the space rental charges, in the amount of \$2,550, for the 18th Miami Gay and Lesbian Film Festival to be held at the Colony Theatre from Friday, April 22, 2016, through Sunday, May 1, 2016.

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 waive the space rental charges at the Colony Theater for the Miami Gay and Lesbian Film Festival, Inc., a non-profit 501(c)3 organization, for the Festival taking place in Miami Beach April 22 – May 1, 2016.

PASSED AND ADOPTED this ___th day of March, 2016.

ATTEST:

PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3-2-16

Date

R2

COMPETITIVE BID REPORTS

R2

Condensed Title:

REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) NO. 2016-090-KB FOR DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14TH STREET

Key Intended Outcome Supported:

Build And Maintain Priority Infrastructure With Full Accountability

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

N/A

Item Summary/Recommendation:

At its March 14, 2007 meeting, the City adopted the Basis of Design Report (BODR) for the West Avenue – Bay Road Neighborhood right-of-way improvement Project. The improvements include road reconstruction, sidewalks and bicycle circulation, installation of stormwater drainage systems, upgrade to the water distribution system, landscaping and street parking.

At its February 12, 2014 meeting, the City Commission adopted a resolution to approve a design build contract to construct stormwater drainage pump stations at 14th, 10th and 6th Streets. In addition, the City approved change orders 1 thru 5 to the design build contract to include the initial Improvements of the West Avenue Neighborhood in the following roads: West Avenue from 6th to 8th Streets; 14th, 10th and 6th Streets from Alton Road to Biscayne Bay; 17th street from Alton Road to Collins Canal; West Avenue from Lincoln Road to Collins Canal; and the construction of a new pump station at the intersection of 17th Street and West Avenue. All improvements mentioned above are considered to be the Phase I of this neighborhood improvement project.

Now that Phase I is currently under construction and expected to be completed this Fiscal Year, Public Works Department would like to initiate the procurement process of Phase II of this neighborhood improvement project. Due to the size of this project, Phase II has been broken into two separate contracts: Phase II North of 14th Street and Phase II South of 14th Street. Both phases will be constructed at the same time.

The City of Miami Beach is seeking proposals from qualified vendors for the survey, design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right Of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue South of 14th Street. The work will include but not be limited to site preparation; earthwork, roadway reconstruction; water, gravity sewer and storm drainage installation and/or relocation; water services relocation; and streetscape improvements..

RECOMMENDATION

To seek proposals from interested parties, the Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida authorize the issuance of issuance of the RFP No. 2016-090-KB for Design Build Services for West Avenue Improvements Phase II South of 14th Street.

Advisory Board Recommendation:

N/A

Financial Information:

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

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Alex Denis, Bruce Mowry

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD <i>[Signature]</i> BM <i>[Signature]</i>	MT <i>[Signature]</i> EC <i>[Signature]</i>	JLM <i>[Signature]</i>

T:\AGENDA\2016\March\Procurement\RFP 2016-090-KB DesignBuild Services for West AV South of 14 ST - ISSUANCE SUMMARY.doc

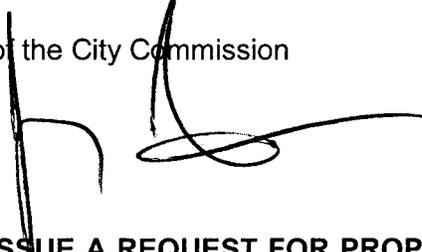


MIAMI BEACH

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: March 9, 2016

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) NO. 2016-090-KB FOR DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14TH STREET**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFP.

BACKGROUND

At its March 14, 2007 meeting, the City adopted the Basis of Design Report (BODR) for the West Avenue – Bay Road Neighborhood right-of-way improvement Project. The improvements include road reconstruction, sidewalks and bicycle circulation, installation of stormwater drainage systems, upgrade to the water distribution system, landscaping and street parking.

At its February 12, 2014 meeting, the City Commission adopted a resolution to approve a design build contract to construct stormwater drainage pump stations at 14th, 10th and 6th Streets. In addition, the City approved change orders 1 thru 5 to the design build contract to include the initial Improvements of the West Avenue Neighborhood in the following roads: West Avenue from 6th to 8th Streets; 14th, 10th and 6th Streets from Alton Road to Biscayne Bay; 17th street from Alton Road to Collins Canal; West Avenue from Lincoln Road to Collins Canal; and the construction of a new pump station at the intersection of 17th Street and West Avenue. All improvements mentioned above are considered to be the Phase I of this neighborhood improvement project.

Now that Phase I is currently under construction and expected to be complete this Fiscal Year, Public Works Department would like to initiate the procurement process of Phase II of this neighborhood improvement project. Due to the size of this project, Phase II has been broken into two separate contracts: Phase II North of 14th Street and Phase II South of 14th Street. Both phases will be constructed at the same time.

The City of Miami Beach is seeking proposals from qualified vendors for the survey, design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right Of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue South of 14th Street. The work will include but not be limited to site preparation; earthwork, roadway reconstruction; water, gravity sewer and storm drainage installation and/or relocation; water services relocation; and streetscape improvements..

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, RFP 2016-090-KB for DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14TH STREET (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, RFP 2016-090-KB for

DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14TH STREET (attached).

- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, RFP 2016-090-KB for DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14TH STREET (attached).

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFP No. 2016-090-KB for Design Build Services for West Avenue Improvements Phase II South of 14th Street is subject to funds availability approved through the City's budgeting process.

ATTACHMENTS

Attachment A: RFP 2016-090-KB for Design Build Services for West Avenue Improvements Phase II South of 14th Street.

JLM / EC / MT / BM / AD / KB

T:\AGENDA\2016\March\Procurement\RFP 2016-090-KB DesignBuild Services for West AV South of 14 ST - ISSUANCE MEMO.doc

REQUEST FOR PROPOSALS (RFP)

DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14 STREET

RFP NO. 2016-090-KB

RFP ISSUANCE DATE: MARCH 11, 2016

PROPOSALS DUE: APRIL 21, 2016 @ 3:00 PM

ISSUED BY: KRISTY BADA



MIAMIBEACH

KRISTY BADA, CONTRACTING OFFICER II

PROCUREMENT DEPARTMENT

1755 Meridian Avenue, 3rd Floor, Miami Beach, FL 33139

305.673.7000 x6218 | kristybada@miamibeachfl.gov

www.miamibeachfl.gov

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SECTION 0100

PUBLIC NOTICE

City of Miami Beach, 1755 Meridian Avenue, 3rd Floor, Miami Beach, Florida 33139,
www.miamibeachfl.gov
PROCUREMENT DEPARTMENT
Tel: 305.673.7490

**REQUEST FOR PROPOSALS (RFP) No. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14 STREET
Miami Beach, Florida**

By means of this RFP, the City seeks to contract with a Design/Build Firm for West Avenue Improvements Phase II South of 14 Street. Proposals received pursuant to this RFP will be evaluated in a two-phased process (Phase I and Phase II). The Design/Build Firm (DBF) will be responsible for the survey, design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right Of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue South of 14th Street. The work will include but not be limited to site preparation; earthwork, roadway reconstruction; water, gravity sewer and storm drainage installation and/or relocation; water services relocation; and streetscape improvements. The Design Criteria Package (DCP) for this project shall be provided in digital format on CDs to all short-listed proposers following Phase I evaluation.

A Pre-Proposal Meeting is scheduled for **March 22, 2016 @ 10:00 A.M.** at the following address: **City of Miami Beach, Procurement Department Conference Room, 3rd Floor, and 1755 Meridian Avenue, Miami Beach, Florida 33139.**

Attendance (in person or via telephone) is as a source of information. Respondents interested in participating in the Pre-Proposal Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1-888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 5804578#

The deadline for receipt of questions is due on **April 11, 2016 by 5:00 pm** and all questions or requests for clarifications must be received by the Department of Procurement in writing to Kristy Bada, via e-mail: kristybada@miamibeachfl.gov with a copy to the City Clerk's office, Rafael E. Granado via email: rafaelgranado@miamibeachfl.gov no later than **ten (10) calendar days** prior to the scheduled RFP due date.

YOU ARE HEREBY ADVISED THAT THIS REQUEST FOR QUALIFICATIONS IS UNDER THE CONE OF SILENCE—ORDINANCE NO. 2002-3378 WHICH MAY BE FOUND ON THE CITY OF MIAMI BEACH WEBSITE:
<http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>.

Sincerely,
Kristy Bada
Contracting Officer II
Procurement Department

SECTION 0200
INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS

1. GENERAL. This Request for Proposals (RFP) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposer to submit their qualifications, proposed scopes of work and cost Statement of Qualifications (the "proposal") to the City for the City's consideration as an option in achieving the required scope of services and requirements as noted herein. All documents released in connection with this solicitation, including all appendixes and addenda, whether included herein or released under separate cover, comprise the solicitation, and are complementary to one another and together establish the complete terms, conditions and obligations of the Proposer and, subsequently, the successful proposer(s) (the "contractor[s]") if this RFP results in an award.

The City utilizes **PublicPurchase** (www.publicpurchase.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFP. Any prospective proposer who has received this RFP by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFP. **Failure to receive an addendum may result in disqualification of proposal submitted.**

2. PURPOSE.

By means of this RFP, the City seeks to contract with a Design/Build Firm for the design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right Of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue South of 14th Street. Proposals received pursuant to this RFP will be evaluated in a two-phased process (Phase I and Phase II). Phase I Proposers will be evaluated in accordance with the criteria established in Section 0400 for Phase I Evaluation. Following City Commission selection of the short-listed proposers pursuant to Phase I of the RFP, the short-listed proposers will be allotted approximately 45 days to prepare a detailed technical proposal for the Project. The short-listed proposers will also be provided, via addendum, with the formal Design Criteria Package (DCP) and Design/Build Agreement. Following Phase I short-listing and prior to receipt of proposals pursuant to Phase II, the City may issue further information and clarifications via Addenda to the short-listed proposers, including (but not limited to) any amendments to the Design Criteria Package, cost tender form, form of contract, and other informational items or requirements necessary for the short-listed proposers to submit its Phase II proposals. Additionally, the City will conduct a pre-submittal conference with short-listed proposers to facilitate project understanding and consider any project specific questions from the short-listed proposers. Phase II proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation. Following City Commission approval of the City Managers recommendation pursuant to Phase II, the City will enter into contract negotiations and execution.

This RFP is issued pursuant to Chapter 287.055, Florida Statutes, the Consultants Competitive Negotiations Act (CCNA).

3. SOLICITATION TIMETABLE. The tentative schedule for this solicitation is as follows:

Phase I - Qualifications	
RFP Issued	March 11, 2016
Pre-Proposal Meeting	March 22, 2016 AT 10:00 AM
Deadline for Receipt of Questions	April 11, 2016 AT 5:00 PM
Responses Due	April 25, 2016 AT 3:00 PM
Evaluation Committee Meeting	TBD
Commission Approval to Shortlist	TBD
Phase II – Technical Proposals	
Solicitation Issued to Short-Listed Proposers	TBD
Pre-Submittal Meeting	TBD

Deadline for Receipt of Questions	TBD
Proposals Due	TBD
Evaluation Committee Meeting to Interview	TBD
Commission Approval of Final Proposer	TBD

4. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact: Kristy Bada	Telephone: 305-673-7490	Email: kristybada@miamibeachfl.gov
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Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

5. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled.

A Pre-PROPOSAL conference will be held as scheduled in Anticipated RFP Timetable section above at the following address:

City of Miami Beach
Procurement Department Conference Room
1755 Meridian Avenue, 3RD Floor
Miami Beach, Florida 33139

Attendance (in person or via telephone) is encouraged and recommended as a source of information, but is not mandatory. Proposers interested in participating in the Pre-Proposal Submission Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1- 888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 5804578

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFP expressing their intent to participate via telephone.

6. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*. Any prospective proposer who has received this RFP by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFP. Failure to receive an addendum may result in disqualification of proposal. Written questions should be received no later than the date outlined in the **Anticipated RFP Timetable** section.

7. CONE OF SILENCE. This RFP is subject to, and all proposers are expected to be or become familiar with, the City's Cone of Silence Requirements, as codified in Section 2-486 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their response voidable, in the event of such non-compliance. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov.

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

- | | |
|--|--|
| • CONE OF SILENCE..... | CITY CODE SECTION 2-486 |
| • PROTEST PROCEDURES..... | CITY CODE SECTION 2-371 |
| • DEBARMENT PROCEEDINGS..... | CITY CODE SECTIONS 2-397 THROUGH 2-485.3 |
| • LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... | CITY CODE SECTIONS 2-481 THROUGH 2-406 |
| • CAMPAIGN CONTRIBUTIONS BY VENDORS..... | CITY CODE SECTION 2-487 |
| • CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... | CITY CODE SECTION 2-488 |
| • REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... | CITY CODE SECTION 2-373 |
| • LIVING WAGE REQUIREMENT..... | CITY CODE SECTIONS 2-407 THROUGH 2-410 |
| • PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... | CITY CODE SECTION 2-374 |
| • FALSE CLAIMS ORDINANCE..... | CITY CODE SECTION 70-300 |
| • ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... | CITY CODE SECTION 2-449 |

9. PUBLIC ENTITY CRIME. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

10. COMPLIANCE WITH THE CITY’S LOBBYIST LAWS. This RFP is subject to, and all Proposers are expected to be or become familiar with, all City lobbyist laws. Proposers shall be solely responsible for ensuring that all City lobbyist laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including, without limitation, disqualification of their responses, in the event of such non-compliance.

11. DEBARMENT ORDINANCE: This RFP is subject to, and all proposers are expected to be or become familiar with, the City’s Debarment Ordinance as codified in Sections 2-397 through 2-406 of the City Code.

12. WITH THE CITY’S CAMPAIGN FINANCE REFORM LAWS. This RFP is subject to, and all Proposers are expected to be or become familiar with, the City’s Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City’s Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their responses, in the event of such non-compliance.

13. CODE OF BUSINESS ETHICS. Pursuant to City Resolution No.2000-23879, the Proposer shall adopt a Code of Business Ethics ("Code") and submit that Code to the Procurement Division with its response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

14. AMERICAN WITH DISABILITIES ACT (ADA). Call 305-673-7490 to request material in accessible format; sign language interpreters (five (5) days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673- 7000, Extension 2984.

15. POSTPONEMENT OF DUE DATE FOR RECEIPT OF PROPOSALS. The City reserves the right to postpone the deadline for submittal of proposals and will make a reasonable effort to give at least three (3) calendar days written notice of any such postponement to all prospective Proposers through *PublicPurchase*.

16. PROTESTS. Proposers that are not selected may protest any recommendation for selection of award in accordance with

eh proceedings established pursuant to the City's bid protest procedures, as codified in Sections 2-370 and 2-371 of the City Code (the City's Bid Protest Ordinance). Protest not timely made pursuant to the requirements of the City's Bid Protest Ordinance shall be barred.

17. Omitted Intentionally

18. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City Code Section 2-374, the City shall give a preference to a responsive and responsible Proposer which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent (5%) of the lowest responsive, responsible proposer, by providing such proposer an opportunity of providing said goods or contractual services for the lowest responsive proposal amount (or in this RFP, the highest proposal amount). Whenever, as a result of the foregoing preference, the adjusted prices of two (2) or more proposers which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise constitute the lowest proposal pursuant to an RFP or oral or written request for quotation, and such proposals are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the service-disabled veteran business enterprise.

19. DETERMINATION OF AWARD. Pursuant to F.S. 287.055, the City shall first consider the qualifications of firms through the process outlined in Section 0400, Evaluation Methodology. **The Evaluation of proposals shall proceed in a two-phase process:**

- A. Phase I – Proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase I Evaluation. Following the Phase I Evaluation Process, the City Manager may submit a recommendation to the City Commission to short-list one or more proposers at the conclusion of the Phase I evaluation to be considered in Phase II. The number of respondents recommended to be short-listed for consideration in Phase II is solely at the discretion of the City Manager.
- B. Phase II – Short-listed Proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation.

The results of both Phase I and Phase II evaluations will be considered by the City Manager who may recommend to the City Commission the respondent(s) he deems to be in the best interest of the City, or may recommend rejection of all responses. The City Manager's recommendation need not be consistent with the scoring results identified herein and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- a. The ability, capacity and skill of the proposer to perform the contract.
- b. Whether the proposer can perform the contract within the time specified, without delay or interference.
- c. The character, integrity, reputation, judgment, experience and efficiency of the respondent.
- d. The quality of performance of previous contracts.
- e. The previous and existing compliance by the proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation for each phase and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another proposer (or proposers) which it deems to be in the best interest of the City, or it may also reject all responses.

Once the Phase II ranking is approved by the City Commission, the City will enter into contract negotiations with the top ranked firm. If the City and selected firm cannot agree on contractual terms, the City will terminate negotiations and begin negotiations with the next ranked firm, continuing this process with each firm in rank order until agreeable terms can be met or the procurement is terminated. Contract negotiations and execution will take place as quickly as possible after selection.

20. NEGOTIATIONS. Following selection, the City reserves the right to enter into further negotiations with the selected Proposer. Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Proposer in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Proposers that no property, contract or legal rights of any kind shall be created at any time until and unless an Agreement has been agreed to; approved by the City; and executed by the parties.

21. Postponement/Cancellation/Acceptance/Rejection. The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, responses; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP, or in any responses received as a result of this RFP. Reasonable efforts will be made to either award the proposer the contract or reject all proposals within one-hundred twenty (120) calendar days after proposal opening date. A proposer may withdraw its proposal after expiration of one hundred twenty (120) calendar days from the date of proposal opening by delivering written notice of withdrawal to the Department of Procurement Management prior to award of the contract by the City Commission.

22. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

23. COSTS INCURRED BY PROPOSERS. All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the City.

24. RELATIONSHIP TO THE CITY. It is the intent of the City, and Proposers hereby acknowledge and agree, that the successful Proposer is considered to be an independent contractor, and that neither the Proposer, nor the Proposer's employees, agents, and/or contractors, shall, under any circumstances, be considered employees or agents of the City.

24. OCCUPATIONAL HEALTH AND SAFETY. In compliance with Chapter 442, Florida Statutes, any toxic substance listed in Section 38F-41.03 of the Florida Administrative Code delivered as a result of this proposal must be accompanied by a Material Safety Data Sheet (MSDS) which may be obtained from the manufacturer.

25. ENVIRONMENTAL REGULATIONS. The City reserves the right to consider a proposer's history of citations and/or violations of environmental regulations in investigating a proposer's responsibility, and further reserves the right to declare a proposer not responsible if the history of violations warrant such determination in the opinion of the City. Proposer shall submit with its proposal, a complete history of all citations and/or violations, notices and dispositions thereof. The non-submission of any such documentation shall be deemed to be an affirmation by the Proposer that there are no citations or violations. Proposer shall notify the City immediately of notice of any citation or violation which proposer may receive after the proposal opening date and during the time of performance of any contract awarded to it.

26. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

27. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this RFP. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

28. PAYMENT. Payment will be made by the City after the goods or services have been received, inspected, and found to comply with contract, specifications, free of damage or defect, and are properly invoiced. Invoices must be consistent with Purchase Order format.

29. COPYRIGHT, PATENTS & ROYALTIES. Proposer shall indemnify and save harmless the City of Miami Beach, Florida, and its officers, employees, contractors, and/or agents, from liability of any nature or kind, including cost and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the City of Miami Beach, Florida. If the Proposer uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the proposal prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

30. DEFAULT: Failure or refusal of the selected Proposer to execute a contract following approval of such contract by the City

Commission, or untimely withdrawal of a response before such award is made and approved, may result in a claim for damages by the City and may be grounds for removing the Proposer from the City's vendor list.

31. MANNER OF PERFORMANCE. Proposer agrees to perform its duties and obligations in a professional manner and in accordance with all applicable Local, State, County, and Federal laws, rules, regulations and codes. Lack of knowledge or ignorance by the Proposer with/of applicable laws will in no way be a cause for relief from responsibility. Proposer agrees that the services provided shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Proposer agrees to furnish to the City any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws, rules, and regulations. Proposer further certifies that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Proposer to comply with this paragraph shall constitute a material breach of this contract.

Where contractor is required to enter or go on to City of Miami Beach property to deliver materials or perform work or services as a result of any contract resulting from this solicitation, the contractor will assume the full duty, obligation and expense of obtaining all necessary licenses, permits, and insurance, and assure all work complies with all applicable laws. The contractor shall be liable for any damages or loss to the City occasioned by negligence of the Proposer, or its officers, employees, contractors, and/or agents, for failure to comply with applicable laws.

32. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

33. NON-DISCRIMINATION. The Proposer certifies that it is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin. In accordance with the City's Human Rights Ordinance, codified in Chapter 62 of the City Code, Proposer shall prohibit (and cause hotel operator to prohibit) discrimination by reason of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age or disability in the sale, lease, use or occupancy of the Hotel Project or any portion thereof.

34. DEMONSTRATION OF COMPETENCY. The city may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the City, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.
- D. The terms "equipment and organization", as used herein shall, be construed to mean a fully equipped and well established company in line with the best business practices in the industry, and as determined by the City of Miami Beach.
- E. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience), in making an award that is in the best interest of the City.
- F. The City may require Proposer s to show proof that they have been designated as authorized representatives of a manufacturer or supplier, which is the actual source of supply. In these instances, the City may also require material information from the source of supply regarding the quality, packaging, and characteristics of the products to be supply to the City.

35. ASSIGNMENT. The successful Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract, including any or all of its right, title or interest therein, or his/her or its power to execute such contract, to any person, company or corporation, without the prior written consent of the City.

36. LAWS, PERMITS AND REGULATIONS. The Proposer shall obtain and pay for all licenses, permits, and inspection fees

required to complete the work and shall comply with all applicable laws.

37. OPTIONAL CONTRACT USAGE. When the successful Proposer (s) is in agreement, other units of government or non-profit agencies may participate in purchases pursuant to the award of this contract at the option of the unit of government or non-profit agency.

38. VOLUME OF WORK TO BE RECEIVED BY CONTRACTOR. It is the intent of the City to purchase the goods and services specifically listed in this solicitation from the contractor. However, the City reserves the right to purchase any goods or services awarded from state or other governmental contract, or on an as-needed basis through the City's spot market purchase provisions.

39. DISPUTES. In the event of a conflict between the documents, the order of priority of the documents shall be as follows:

- A. Any contract or agreement resulting from the award of this solicitation; then
- B. Addendum issued for this solicitation, with the latest Addendum taking precedence; then
- C. The solicitation; then
- D. The Proposer's proposal in response to the solicitation.

40. INDEMNIFICATION. The Proposer shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the agreement by the contractor or its employees, agents, servants, partners, principals or subcontractors. The contractor shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may be incurred thereon. The Proposer expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided. The above indemnification provisions shall survive the expiration or termination of this Agreement.

41. CONTRACT EXTENSION. The City reserves the right to require the Contractor to extend contract past the stated termination date for a period of up to 120 days in the event that a subsequent contract has not yet been awarded. Additional extensions past the 120 days may occur as needed by the City and as mutually agreed upon by the City and the contractor.

42. FLORIDA PUBLIC RECORDS LAW. Proposers are hereby notified that all Bid including, without limitation, any and all information and documentation submitted therewith, are exempt from public records requirements under Section 119.07(1), Florida Statutes, and s. 24(a), Art. 1 of the State Constitution until such time as the City provides notice of an intended decision or until thirty (30) days after opening of the proposals, whichever is earlier. Additionally, Contractor agrees to be in full compliance with Florida Statute 119.0701 including, but not limited to, agreement to (a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the services; (b) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

43. OBSERVANCE OF LAWS. Proposers are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFP (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Proposer will in no way relieve it from responsibility for compliance.

44. CONFLICT OF INTEREST. All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

45. MODIFICATION/WITHDRAWALS OF PROPOSALS. A Proposer may submit a modified Proposal to replace all or any portion of a previously submitted Proposal up until the Proposal due date and time. Modifications received after the Proposal due date and time will not be considered. Proposals shall be irrevocable until contract award unless withdrawn in writing prior to the Proposal due date, or after expiration of **120** calendar days from the opening of Proposals without a contract award. Letters of withdrawal received after the Proposal due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

47. EXCEPTIONS TO RFP. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the RFP to which Proposer took exception to (as said term and/or condition was originally set forth on the RFP).

48. ACCEPTANCE OF GIFTS, FAVORS, SERVICES. Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Proposal. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

49. SUPPLEMENTAL INFORMATION. City reserves the right to request supplemental information from Proposers at any time during the RFP solicitation process, unless otherwise noted herein.

50. ADDITIONAL SERVICES. Although this solicitation and resultant contract identifies specific goods, services or facilities ("items"), it is hereby agreed and understood that the City, through the approval of the Department and Procurement Directors (for additional items up to \$50,000) or the City Manager (for additional items greater than \$50,000), may require additional items to be added to the Contract which are required to complete the work. When additional items are required to be added to the Contract, awarded vendor(s), as applicable to the item being requested, under this contract may be invited to submit price quote(s) for these additional requirements. If these quote(s) are determined to be fair and reasonable, then the additional work will be awarded to the current contract vendor(s) that offers the lowest acceptable pricing. The additional items shall be added to this contract by through a Purchase Order (or Change Order if Purchase Order already exists). In some cases, the City may deem it necessary to add additional items through a formal amendment to the Contract, to be approved by the City Manager.

The City may determine to obtain price quotes for the additional items from other vendors in the event that fair and reasonable pricing is not obtained from the current contract vendors, or for other reasons at the City's discretion.

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SECTION 0300
PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. One original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE BIDS. Bid Proposals are to be received on or before the due date established herein for the receipt of Bids. **Any Bid received after the deadline established for receipt of proposals will be considered late and not be accepted or will be returned to Proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of proposals, it is strongly recommended that proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

PHASE I RESPONSE FORMAT

TAB 1	Cover Letter & Minimum Qualifications Requirements
<p>1.1 Cover Letter and Table of Contents. The cover letter must indicate Prime Proposer and Prime Proposer Primary Contact for the purposes of this solicitation. (1 page cover letter)</p> <p>1.2 Response Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed.</p> <p>1.3 Minimum Qualifications Requirements. Submit verifiable information documenting compliance with the minimum qualifications requirements established in Appendix C, Minimum Requirements and Specifications, as required herein.</p> <p style="padding-left: 40px;">1.3.1 Request for Qualification Similar Experience. For each project that complies with the minimum requirements on Appendix C, Section C1, submit project name, total contract award amount, completion date, scope of work, project contact information (phone and email) and prime proposer's role in project. (1 page per project)</p>	

TAB 2	Project Team
<p>Prime Proposer shall submit a design-build team organizational structure that has a sufficient number of professionals and other personnel to perform the work, including:</p> <ol style="list-style-type: none"> 1. Organizational Chart. An organizational chart depicting the structure and lines of authority and communication. A narrative that describes the intended structure regarding project management, accountability and compliance with the terms of the RFP. (1 page) 2. Key Personnel. Identify all key personnel, including the Project Manager, who will be assigned to the Project and their intended functions and responsibilities. Also indicate the percentage of time commitment of each key person on this Project. (2 pages) 3. Resumes. Resumes of the team's key personnel who will be assigned to the Project that demonstrate their experience and qualifications, education and performance record. The Prime Proposer shall include the above listed information for the following proposed project team members: (1 page per resume) <ol style="list-style-type: none"> a. Design/Build Project Manager b. Construction Manager 	

- c. Construction Superintendent for the DBF and other major subcontractors.
 - d. Lead Designer Design Manager
 - e. Project engineer(s)
 - f. Surveyor
4. **Evidence Of Prior Working Experience.** Submit evidence that the proposed team has successfully collaborated on prior projects. For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (limit to three projects)
5. **Other.** Provide any other information the Proposer believes will help the City understand and evaluate the team's capabilities. (1 page)

TAB 3
Design/Build Firm (Prime Proposer) Experience & Qualifications

Qualifications of Firm. Describe experience and qualifications of the Prime Respondent in providing the services detailed herein.

1. **Company Information:** Provide background information, including company history, years in business, number of employees, and any other information communicating capabilities and experience. (1 page)
2. **Company's List of Similar Experience and Qualifications:** Provide a list of the company's experience and qualifications with the services detailed herein. Provide a table that includes the following information: agency name, project name, type of project (right-of-way, design/build, etc.), percentage completed, anticipated completion date, your firm's role (i.e. design/build, lead designer, lead constructor). (1 page)
3. **Relevant Experience:** Summarize (3) of the company's most similar projects of comparable size and scope where similar services to those described in this RFP have been provided. Projects must illustrate familiarity with all of the following aspects: urban road reconstruction including: water sewer and drainage; utility coordination; dewatering; impacts and mitigation to abutting properties; construction staging; and maintenance of traffic.(1 page per project) For each project include:
 - a. Project name and location
 - b. Project description
 - c. Date of project completion
 - d. Awarded contract amount and final contract amount
 - e. Original contract duration and final contract duration.
 - f. Number of change orders
 - g. Indicate firm's role in the project (design/builder, lead designer, or lead constructor).
 - h. The names of the key project managers, highlighting any individuals who also worked on this project.
 - i. Reference contact information (including name, address, telephone number and e-mail address).
4. **Safety Record:** Provide the firm's Experience Modification Rate (EMR) data for the previous three (3) full calendar years on a firm-wide basis, which shall be documented by a signed letter with contact information from the firm's insurance carrier, or the insurance carrier's agency representative.
5. **Dun & Bradstreet Supplier Qualifier Report:** Design/Build Firm shall pay D&B to send the Supplier Qualifier Report (SQR) to the City through electronic means kristybada@miamibeachfl.gov. The cost of the preparation of the D&B report shall be the responsibility of the Proposer. The proposer can request the report from D&B at:
<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>
6. **Insurance:** Provide a letter from Proposer's insurer on the insurer company letterhead that the insurer can provide levels of coverage to the Proposer as indicated in Appendix E – Insurance Requirements.
7. **Minority/Women-owned Business Enterprise (MWBE) or Small/Disadvantaged Business Enterprise (S/DBE).** Submit certification from either The State of Florida Office of Supplier Diversity or Miami Dade County.

TAB 4 **Lead Designer Experience & Qualifications**

Qualifications of Firm. Describe experience and qualifications in providing the services detailed herein.

1. **Company Information:** Provide background information, including company history, years in business, number of employees, and any other information communicating capabilities and experience. (1 page)
2. **Company's List of Similar Experience and Qualifications:** Provide a list of the company's experience in providing the services detailed herein. Provide a table to include the following information: agency name, project name, type of project, percentage completed, anticipated completion date, your firm's role (i.e. lead designer) (1 page).
3. **Florida Registration:** Provide evidence of professional registration pursuant to Chapter 287.055, Florida Statutes, the Consultants Competitive Negotiations Act (CCNA).
4. **Relevant Experience:** Summarize (3) of the company's most similar design projects of comparable size and scope where similar services to those described in this RFP have been provided. Projects must illustrate familiarity with the following aspects: urban road design including horizontal and vertical alignment; pavement, closed drainage systems; water and sewer replacement, extensive utility coordination; signing and marking; signalization; street lighting' and maintenance of traffic. Preference will be given to projects where impacts to adjacent were mitigated during design neighborhood / right-of-way related construction (1 page per project). For each project include:
 - a. Project name and location
 - b. Project description
 - c. Date of project completion
 - d. Awarded contract amount for the design portion.
 - e. List of permits applied for and obtained.
 - f. The names of the key project engineers, highlighting any individuals who will also work on this project
 - g. Reference contact information (including address, telephone number and e-mail address).

TAB 5 **Forms**

Provide Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed. The Certification, Questionnaire & Requirements Affidavit (Appendix A) must be signed by the Prime Proposer.

Note: After proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

PHASE II RESPONSE FORMAT (TECHNICAL PROPOSAL)

In order to maintain comparability, facilitate the review process, and assist the Evaluation Committee in review of responses, it is recommended that responses be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittals should be bound and tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposers should prepare narratives, specification etc. on 8.5 x 11 paper. All Plans shall be provided bound flat not in a 3-ring binder with 11"x17" paper containing a title block, drawing titles, dated and numbered. Please feel free to include other materials, such as covers, appendices, brochures, etc. at your discretion.

Due Diligence and Site Inspections: It is the responsibility of each Proposer, before submitting the Phase II proposal, to:

- Visit the site or structure to become familiar with conditions that may affect costs, progress, performance or furnishing of the Work;
- Take into account federal, state and local (City and Miami-Dade County) laws, regulations, permits, and ordinances that may affect costs, progress, performance, furnishing of the Work, or award;
- Study and carefully correlate Proposer's observations with the RFP; and

The submission of a proposal shall constitute an incontrovertible representation by proposer that proposer has complied with the above requirements and understands all terms and conditions for performance and furnishing of the Work.

The City reserves the right to require additional information to determine financial capability. Proposer shall have ten (10) calendar days respond to such a request.

TAB 1	Project Technical Proposal
<p>The Technical Proposal shall document team's understanding of the project, major design elements, materials and methods. The Technical Proposal shall be developed using narratives, tables, charts, plots, drawings and conceptual sketches as appropriate. The technical proposal shall be insufficient detail to allow the City to evaluate its compliance with the design criteria package, including major systems and requirements.</p>	
TAB 2	Subcontractor Experience & Qualifications
<p>Qualifications of Key Subcontractors. For each key construction subcontractor (whose value of work exceeds \$500,000) describe experience and qualifications as detailed below.</p> <ol style="list-style-type: none"> 1. Company Information: Provide background information, including company history, years in business, number of employees, and any other information communicating capabilities and experience. (1 page) 2. Company's List of Similar Experience and Qualifications: Provide a list of the company's experience and qualifications with the Services detailed herein. Provide a table that includes the following information: agency name, project name, type of project right-of-way, design/build, etc.), work assigned. (1 page) 3. Relevant Experience: Summarize (3) of the company's most similar projects of comparable size and scope where similar construction services have been provided. Please be specific of the actual work provided this firm that relates this this project. (1 page per project) For each project include: <ol style="list-style-type: none"> a. Project name and location b. Project description c. Date of project completion d. Amount of contract amount for the portion of the work provided by this firm. e. Reference contact information 	
TAB 3	Approach & Methodology Plan

Proposer shall, at a minimum, address the following factors:

1. The Proposer shall illustrate complete understanding of the scope of work for all components of the project. The narrative shall address methodology, sequencing, maintenance of traffic (MOT) and phasing of the various work efforts.
2. The Proposer shall describe the efforts involved in coordinating with all utilities including but not limited to Florida Power and Light (FPL), AT&T and Atlantic Broadband (ABB).
3. Proposer shall clearly detail and present its approach to all required permitting issues, including but not limited to, water distribution system, stormwater drainage system, landscaping etc., relative to the applicable agency(ies) and entity(ies), e.g. City of Miami Beach, SFWMD, FDOT, FDEP, USACOE, Miami-Dade County RER, Fl. Dept. of Health, etc.
4. Proposer shall describe their Quality Assurance / Quality Control Plan ("QA/QC Plan") for the Work, including design, construction, coordination, implementation and completion of the Project. The Proposer shall explain its QA/QC Plan and the plan for any of its subconsultants or Subcontractors, namely the policies and procedures that will be used to assure the complete and the accurate management of the Project.
5. Proposer must perform at least sixty percent (60%) of the construction work with the firm's own forces.
6. Proposer shall provide summary narrative inclusive of the proposer's project understanding, scheduling including key performance and success factors, and the proposed design and construction approach which highlights the main attributes and benefits of this approach.
7. Proposer shall describe the technical approach, and provide calculations and drawings as applicable, to sufficiently demonstrate the following:
 - a. Roadway typical section and profile.
 - b. Anticipated utility impacts and how to effectively coordinate with private utilities.
 - c. Anticipated adjacent property impacts due to grade differential and how to effectively coordinate with property owners.
 - d. Planned supplementary geotechnical investigations, or environmental/ contamination surveys/assessments by the proposer to support or validate the proposer's design approach, if any.
8. Proposer shall describe the project schedule approach utilizing the Critical Path Method
 - a. Schedule shall utilize calendar days,
 - b. Weekend and City Holidays shall not be considered work days
9. Proposer shall describe the planned environmental quality management approach by demonstrating the following:
 - a. Approach to minimize community impacts from, construction noise, dust and vibration.
 - b. Correcting any resultant settlement and / or damage to any existing structures that are a consequence of the Proposer's construction activities.
 - c. Prevention or containment of any caused by the proposed work.
 - d. Pre-treatment of construction water prior to disposal to ensure compliance with permit requirements.
10. It is the objective of the City that, at a minimum, 60% of the construction portion of the project defined herein shall be performed directly by the Prime Contractor (rather than through sub-contractors). To evaluate compliance with this objective, proposers shall submit a schedule, by Construction Specification Institute (CSI) Division, denoting which sections of the scope shall be performed directly by the Prime Contractor (with its own forces) and which sections are intended to be subcontracted.
11. Describe plan on how construction staging areas, pedestrian paths, vehicular traffic patterns, etc. will be handled in order to mitigate disruption.

TAB 4 Project Schedule

The Proposer shall submit a Preliminary CPM Project Schedule covering the period from NTP to Final Completion with the submittal which will be the initial Project Baseline Schedule. The Preliminary Project Schedule shall include all major design, permitting, procurement and construction, testing and commissioning activities and meet the stated Contract Dates and any other suggested major milestones. Activities shall indicate their associated phasing and dependence with other activities, and highlight the main, coordination efforts and issues requiring the City's involvement and necessary reviews.

At a minimum, the Preliminary Project Schedule must address the following milestones and activities:

- Design Schedule & Submittals
- Design Phase Reviews by the City – Assume 4 weeks
- Community Involvement
- Permitting
- Utility Coordination/Relocation
- Start and completion of Construction, Testing and Commissioning
- Substantial Completion and Final Completion Dates for all Work.

TAB 5 Lump Sum Price

Submit a Guaranteed Maximum Price (GMP) Lump Sum Price for delivering the completed Project consistent with the Design Criteria Package. Utilize Appendix D – Cost Tender Form to submit your GMP.

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SECTION 0400 PROPOSAL EVALUATION

The Evaluation Process will be conducted in two phases.

PHASE I EVALUATION PROCESS

1. Two Step Evaluation. The evaluation of responsive proposals in Phase 1 will proceed in a two-step process. The first step (Step 1) will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step (Step 2) will consist of quantitative criteria established below to be added to the first step scores by the Procurement Department. The City reserves the right to engage the advice of its consultant, DCP or other technical experts in assisting the Evaluation Committee in the review of proposals received.

2. Phase I / Step 1 Evaluation (100 Points). An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the solicitation. If further information is desired, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of proposals will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the proposals only. In doing so, the Evaluation Committee may:

- review and score all proposals received, with or without conducting interview sessions; or
- review all proposals received and short-list one or more Proposers to be further considered during subsequent interview session(s) (using the same criteria).

Proposers will be evaluated on the following criteria (100 maximum possible points):

- Project Team (30 Points)
- Design/Build Firm Experience & Qualifications (40 Points)
- Lead Designer Experience & Qualifications (30 Points)

3. Phase I / Step 2 Evaluation (10 Points). Following the results of Step 1 Evaluation Qualitative criteria, the proposers may receive additional points to be added by the Procurement Department to those points earned in Step 1, as follows.

- Veterans and State-Certified Service-Disabled Veteran Business Enterprise (5 points)
- Prime Proposer Volume of Work (0-5 Points). Points awarded to the proposer for volume of work awarded by the City in the last three (3) years in accordance with the following table:

Less than \$250,000	5
\$250,000.01 – \$2,000,000	3
Greater than \$2,000,000	0

4. Determination of Phase I Ranking. Phase 1/Step 1 scores (by the Evaluation Committee) and Phase 1/Step 2 scores (by the Procurement Department) will be converted to rankings in accordance with the following example:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	10	7	5
	Total	92	84	85
	Rank	1	3	2
Committee Member 2	Step 1 Points	90	85	72
	Step 2 Points	10	7	5
	Total	100	92	79
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	10	7	5
	Total	90	81	72
	Rank	1	2	3
Low Aggregate Score		3	7	8
Phase I Ranking		1	2	3

If fewer than three responsive proposals are received by the City or if all responsive proposals received are determined by City Manager to be qualified for Phase II, Phase II may proceed without interruption or additional approvals following Phase I. Otherwise, the City Manager may submit a recommendation to the City Commission to short-list one or more proposers at the conclusion of the Phase I evaluation. Following City Commission approval of the City Manager's recommendation pursuant to Phase I of the RFP, the short-listed proposers will be allotted approximately 45 days to prepare a detailed technical proposal for the Project. The short-listed proposers will also be provided, via addendum, with the formal Design Criteria Package (DCP) and the Design/Building Agreement. Following Phase I short-listing and prior to receipt of proposals pursuant to Phase II, the City may issue further information and clarifications via Addenda to the short-listed proposers, including (but not limited to) any amendments to the Design Criteria Package, cost tender form, form of contract, and other informational items or requirements necessary for the short-listed proposers to submit its Phase II proposals. Additionally, the City will conduct a pre-submittal conference with short-listed proposer to facilitate project understanding and consider any project specific questions from the short-listed proposers. Phase II proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation.

PHASE II EVALUATION PROCESS

The Phase II evaluation process shall be completed by a Technical Review Committee, appointed by the City Manager, who may be different than the Evaluation Committee, who shall meet to evaluate each short-listed response and technical package in accordance with the criteria established below. In doing so, the Evaluation Committee will:

- a. Interview short-listed proposers, if deemed necessary.
- b. Receive input from a Technical Review by City Staff, the Design Criteria Professional, and other City advisors
- c. Recommend the Voluntary Alternate Proposals to accept, if any
- d. Score proposers utilizing the Evaluation Criteria

Proposers will be evaluated on the following criteria (100 maximum possible points):

- Technical Proposals (25 Points)
- Subcontractor Experience & Qualifications (5 Points)
- Approach & Methodology Plan (10 Points)
- Project Schedule (10 Points)
- Lowest GMP(50 Points)

Each proposed GMP shall be scored as follows:

Sample Objective Formula for Cost				
Vendor	Lump Sum Price	Example Maximum Allowable Points <small>(Points noted are for illustrative purposes only. Actual points are noted above.)</small>	Formula for Calculating Points <small>(lowest cost / cost of proposal being evaluated X maximum allowable points = awarded points)</small> Round to	Total Points Awarded
Vendor A	\$100.00	20	$\$100 / \$100 \times 20 = 20$	20
Vendor B	\$150.00	20	$\$100 / \$150 \times 20 = 13$	13
Vendor C	\$200.00	20	$\$100 / \$200 \times 20 = 10$	10

Final Ranking is presented to the City Manager for further due diligence and recommendation to the City Commission. Final Ranking does not constitute an award recommendation until such time as the City Manager has made his recommendation to the City Commission, which may be different than final ranking results.

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SECTION 0500**CITY OF MIAMI BEACH LICENSES, PERMITS AND FEES**

Each license, permit or fee a Contractor will have to pay the City before or during construction or the percentage method or unit method of all licenses, permits and fees **REQUIRED BY THE CITY AND PAYABLE TO THE CITY** by virtue of this construction as part of the Contract is as follows:

The City of Miami Beach will require occupational licenses for Contractors as well as sub-contractors.

Licenses, permits and fees which may be required by Miami-Dade County, the State of Florida, or other governmental entities are not included in the above list, but are listed as attached (next page) and included as an allowance in the proposal.

1. Occupational licenses from City of Miami Beach firms will be required to be submitted within fifteen (15) days of notification of intent to award.
2. Occupational licenses will be required pursuant to Chapter 205.065 Florida Statutes.

NOTE: a) If the Contractor is a State of Florida Certified Contractor the following will be required:

- 1) Copy of State Contractors Certification
- 2) Place of Business Occupational License
- 3) Liability and Property Damage Insurance Certificate made to City of Miami Beach
- 4) Workers compensation or the exemption

b) If a Dade County Licensed Contractor:

- 1) Dade Certificate of Competency in the Discipline Licensed
- 2) Municipal Contractors Occupational License
- 3) Liability and Property damage Insurance Certificate made to City of Miami Beach
- 4) Workers Compensation or the exemption

NOTE: PLEASE PROVIDE COPIES OF ALL YOUR LICENSES AND CORPORATE CERTIFICATES WITH YOUR PROPOSAL RESPONSE.

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REQUEST FOR PROPOSALS (RFP) No. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14 STREET

Note: The Proposer shall obtain and pay for all permits required for execution of the work; provided however, that the City will waive Public Works Department Right-of-Way permit fees.

PERMITS

- I. **MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER) (formerly DERM).**
 - Class II Permit for Construction of Drainage System with Outfall.
 - Class V Dewatering Permit
 - Drainage Well Permit
 - File Notice of commencement with SFWMD and RER
- II. **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)**
 - Notice of Intent to Use Generic Permit for Storm Water Discharge from Large and Small Construction Activities
 - National Pollutant Discharge Elimination System (NPDES) permit
- III. **FLORIDA POWER AND LIGHT (FPL)**
- IV. **CITY OF MIAMI BEACH PUBLIC WORKS DEPARTMENT**
 - ROW Permit - Fee to be waived.
 - Building Department - Plumbing, Structural, Electrical - Fees to be waived with the exception of Dade County fees
 - Notice of Commencement Permit
- V. **SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) Environmental Resource Permit (ERP)**

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APPENDIX A



MIAMI BEACH

Proposal Certification, Questionnaire & Requirements Affidavit

RFP NO. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II SOUTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue , 3rd Floor
Miami Beach, Florida 33139

Solicitation No: 2016-090-KB	Solicitation Title: DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14 STREET	
Procurement Contact: KRISTY BADA	Tel: 305-673-7490	Email: KRISTYBADA@MIAMIBEACHFL.GOV

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:	
No of Years in Business:	No of Years in Business Locally:
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:	
FIRM PRIMARY ADDRESS (HEADQUARTERS):	
CITY:	
STATE:	ZIP CODE:
TELEPHONE NO.:	
TOLL FREE NO.:	
FAX NO.:	
FIRM LOCAL ADDRESS:	
CITY:	
STATE:	ZIP CODE:
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:	
ACCOUNT REP TELEPHONE NO.:	
ACCOUNT REP TOLL FREE NO.:	
ACCOUNT REP EMAIL:	
FEDERAL TAX IDENTIFICATION NO.:	

The City reserves the right to seek additional information from Proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the Proposer to perform in accordance with contract requirements.

1. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

YES NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

2. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Proposers must also disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

3. **References & Past Performance.** Proposer shall submit at least three (3) references for whom the Proposer has completed work similar in size and nature as the work referenced in solicitation.

SUBMITTAL REQUIREMENT: For each reference submitted, the following information is required: 1) Firm Name, 2) Contact Individual Name & Title, 3) Address, 4) Telephone, 5) Contact's Email and 6) Narrative on Scope of Services Provided.

4. **Suspension, Debarment or Contract Cancellation.** Has Proposer ever been debarred, suspended or other legal violation, or had a contract cancelled due to non-performance by any public sector agency?

YES NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

5. **Vendor Campaign Contributions.** Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their Proposals, in the event of such non-compliance.

SUBMITTAL REQUIREMENT: Submit the names of all individuals or entities (including your sub-consultants) with a controlling financial interest as defined in solicitation. For each individual or entity with a controlling financial interest indicate whether or not each individual or entity has contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach.

6. **Code of Business Ethics.** Pursuant to City Resolution No.2000-23879, each person or entity that seeks to do business with the City shall adopt a Code of Business Ethics ("Code") and submit that Code to the Department of Procurement Management with its proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. **Living Wage.** Pursuant to Section 2-408 of the Miami Beach City Code, as same may be amended from time to time, Proposers shall be required to pay all employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:
- Commencing with City fiscal year 2012-13 (October 1, 2012), the hourly living rate will be \$11.28/hr with health benefits, and \$12.92/hr without benefits.

The living wage rate and health care benefits rate may, by Resolution of the City Commission be indexed annually for inflation using the Consumer Price Index for all Urban Consumers (CPI-U) Miami/Ft. Lauderdale, issued by the U.S. Department of Labor's Bureau of Labor Statistics. Notwithstanding the preceding, no annual index shall exceed three percent (3%). The City may also, by resolution, elect not to index the living wage rate in any particular year, if it determines it would not be fiscally sound to implement same (in a particular year).

Proposers' failure to comply with this provision shall be deemed a material breach under this proposal, under which the City may, at its sole option, immediately deem said Proposer as non-responsive, and may further subject Proposer to additional penalties and fines, as provided in the City's Living Wage Ordinance, as amended. Further information on the Living Wage requirement is available at www.miamibeachfl.gov/procurement/.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees to the living wage requirement.

8. **Equal Benefits for Employees with Spouses and Employees with Domestic Partners.** When awarding competitively solicited contracts valued at over \$100,000 whose contractors maintain 51 or more full time employees on their payrolls during 20 or more calendar work weeks, the Equal Benefits for Domestic Partners Ordinance 2005-3494 requires certain contractors doing business with the City of Miami Beach, who are awarded a contract pursuant to competitive proposals, to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a Contractor who work within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

- A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?
 YES NO
- B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?
 YES NO
- C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Firm Provides for Employees with Spouses	Firm Provides for Employees with Domestic Partners	Firm does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

If Proposer cannot offer a benefit to domestic partners because of reasons outside your control, (e.g., there are no insurance providers in your area willing to offer domestic partner coverage) you may be eligible for Reasonable Measures compliance. To comply on this basis, you must agree to pay a cash equivalent and submit a completed Reasonable Measures Application (attached) with all necessary documentation. Your Reasonable Measures Application will be reviewed for consideration by the City Manager, or his designee. Approval is not guaranteed and the City Manager's decision is final. Further information on the Equal Benefits requirement is available at www.miamibeachfl.gov/procurement/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Bid or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of proposal submitted; Proposer has not divulged, discussed, or compared the proposal with other Proposers and has not colluded with any other Proposer or party to any other proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA)
)
 County of _____)
 _____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

On this ____ day of _____, 20__, personally appeared before me _____ who stated that (s)he is the _____ of _____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

 Notary Public for the State of Florida
 My Commission Expires: _____.

APPENDIX B



MIAMI BEACH

“No Bid” Form

RFP NO. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II SOUTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

Note: It is important for those vendors who have received notification of this solicitation but have decided not to respond, to complete and submit the attached “Statement of No Bid.” The “Statement of No Bid” provides the City with information on how to improve the solicitation process. Failure to submit a “Statement of No Bid” may result in not being notified of future solicitations by the City.

Statement of No Bid

WE HAVE ELECTED NOT TO SUBMIT A PROPOSAL AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

- Workload does not allow us to proposal
- Insufficient time to respond
- Specifications unclear or too restrictive
- Unable to meet specifications
- Unable to meet service requirements
- Unable to meet insurance requirements
- Do not offer this product/service
- OTHER. (Please specify)

We do do not want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
PROCUREMENT DEPT.
ATTN: **Kristy Bada**
STATEMENTS OF QUALIFICATIONS #2016-090-KB
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

RFP NO. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II NORTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

C1. Minimum Eligibility Requirements. The Minimum Eligibility Requirements for this solicitation are listed below. Proposer shall submit, with its proposal, the required submittal(s) documenting compliance with each minimum requirement. Proposers that fail to include the required submittals with its proposal or fail to comply with minimum requirements shall be deemed non-responsive and shall not have its proposal considered.

1. Design/Build Firm must be licensed as a General Contractor or Underground Utility Contractor in the State of Florida.

Submittal Requirement: Submit a copy of the required license(s).

2. Design/Build Firm shall demonstrate to have successfully completed the construction of (2) projects similar in scope and volume in the past 10 years demonstrating the experience in urban right of ways and infrastructure improvements

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

3. **Design/Build** Firm or its landscaping subcontractor shall demonstrate to have successfully completed the landscape construction of (2) projects similar in scope and volume in the past 10 years demonstrating the experience in urban and residential communities.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

4. Design/Build Firm or its design lead consultant shall demonstrate to have successfully completed the design of (2) similar to this project within the past 10 years demonstrating the experience in urban right of ways and infrastructure improvements.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

5. The DBF or its design consultant shall demonstrate familiarity of the permit process with all environmental agencies such as Dade County, South Florida Water Management District; Corps of Engineers, etc.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

6. Design/Build Firm must submit documentation acceptable to the City that the Final Design team member is pre-qualified under Miami-Dade County, Internal Services Department, Procurement Management Services Division, for the following categories:

- 3.02 - Highway Systems – Highway Design
- 3.09 – Highway Systems – Signing, Pavement Marking, Channel
 - 3.10 – Highway Lighting
 - 3.11 – Highway Signalization

- 6.01 – W & S System – Water Distribution and Sanitary Sewage Collection
- 9.02 Soils, Foundations and material testing.
- 10.01 – Environmental Engineering – Stormwater Drainage Design
- 16.00 – General Civil Engineering
- 20.00 – Landscape Architecture

Submittal Requirement: Submit a copy of the required pre-qualifications.

7. Proposer must have sufficient bonding capacity for a Payment and Performance Bond in an amount not less than \$25 million.

Submittal Requirement: Provide a letter from a Surety firm affirming that the Proposer has sufficient bonding capacity to provide performance and payment bonds in an amount not less than \$25 million for the project. The Surety firm shall be rated by AM Best as to be no less than A- (Excellent) and within a Financial Size Category of no less than Category V (\$10 - \$25 million). The statement of bonding capacity shall be directly from the Surety firm on its official letterhead and signed by an authorized agent of the firm.

C2. Statement of Work Required.

The purpose of this RFP is to contract with a Design/Build Firm for Right of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue North of 14th Street. Proposals received pursuant to this RFP will be evaluated in a two-phased process (Phase I and Phase II). Phase I Proposers will be evaluated in accordance with the criteria established in Section 0400 for Phase I Evaluation. Following City Commission selection of the short-listed proposers pursuant to Phase I of the RFP, the short-listed proposers will be allotted approximately 45 days to prepare a detailed technical proposal for the Project. The short-listed proposers will also be provided, via addendum, with the formal Design Criteria Package (DCP) and Design/Build Agreement. Following Phase I short-listing and prior to receipt of proposals pursuant to Phase II, the City may issue further information and clarifications via Addenda to the short-listed proposers, including (but not limited to) any amendments to the Design Criteria Package, cost tender form, form of contract, and other informational items or requirements necessary for the short-listed proposers to submit its Phase II proposals. Additionally, the City will conduct a pre-submittal conference with short-listed proposers to facilitate project understanding and consider any project specific questions from the short-listed proposers. Phase II proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation. Following City Commission approval of the City Managers recommendation pursuant to Phase II, the City will enter into contract negotiations and execution.

Scope of Work:

The Design/Build Firm (DBF) will be responsible for the survey, design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue North of 14th Street. The work will include but not be limited to site preparation; earthwork; roadway reconstruction; water, sewer and drainage installation and/or relocation; water services relocation; landscaping; and streetscape improvements including all ADA features as applicable.

The scope of the work shall incorporate the following general areas of work as well as all miscellaneous construction necessary to accomplish these major goals.

1. Water main improvements consisting of the removal of the existing old water mains and installation of new water mains, all fittings and service connections with new meters including 6,200 feet 8" DIP, 3,700 feet of 12" DIP and 3,500 feet of 20" DIP. Water service must be maintained at all times.

2. Gravity sewer system improvements consisting of the removal of the existing old sewer system and installation of new sewer lines, sewer manholes and service connections including 4200 feet 8" C-900, 3900 feet 10" C-900, 900 feet 12" C-900 and 2700 feet 15" C-900. Sewer service must be maintained at all times.

3. Roadway Reconstruction and Streetscape Improvements consisting of the removal of encroachments and the complete reconstruction of the roadway cross section including a designed profile and cross slope - raising the roadbed and minimum road crown elevations of 3.7 NAVD, and harmonization of properties. Performing a topographical survey and a ROW survey containing finished floor (FFE) data within the project limits, all road right-of-ways within the limits of the project shall be reconstructed to newly targeted elevations as requested by Owner. Additional design considerations will be made to maintain positive drainage away from the private lots. Landscaping shall be preserved to the greatest extent possible but if relocation/removal is necessary, it should be replaced consistent with City Code.

4. Stormwater System Improvements consisting of the removal of the existing drainage system and the design and construction of an interconnected drainage system to include new piping, catch basins, manholes, and connections to existing outfalls via the new pumps station recently constructed or under construction in the first phase of the West Avenue Neighborhood Improvement Project. The new stormwater piping includes the installation of 4,200 feet of 48" trunk line along West Avenue and Bay Road as depicted on a Drainage Report that will be included as part of the DCP for this project.

5. Design and construction for bike lanes, multi-use paths and ADA sidewalks as depicted on the typical sections depicted on the 2007 Basis of Design Report for West Avenue and Bay Road that will be included as part of the DCP for this project.

Proposed Budget:

The City of Miami Beach's Public Works budget for the proposed project is \$25 Million.

Project Duration: The Design/Build Firm must complete the Work by the following durations, which exclude the warranty administrative period.

- Design & Permitting Phase: 180 Days from the issuance of Notice to Proceed (NTP)
- Substantial Completion: 545 Calendar Days from NTP.
- Final Completion: 90 Calendar Days from date of attaining Substantial Completion.

If the Design/Build Firm does not achieve Substantial Completion by the established Substantial Completion Contract Date, Liquidated Damages (LDs) will be assessed in the amount of \$ 3,900 per calendar day, which will be paid to the City by the Design/Build Firm. If the Design/Build

Firm does not achieve Final Completion by the established Final Completion Contract Date, LDs will be assessed in the amount of \$1,000.00 per calendar day, which will be paid to the City by the Design/Build Firm. LDs will be cumulative if both the Substantial Completion Contract Date and the Final Completion Contract Date are exceeded. All assessments of LDs to the Design/Build Firm may be adjustments to payments due to the Design/Build Firm.

Location of Work: That portion of Neighborhood No. 11 West Avenue Phase II north of 14th Street includes the following: Bay Road from Collins Canal to 14th Street; West Ave from Lincoln Road to 14th Street; Lincoln Road from Alton Road to Biscayne Bay; Lincoln Court from Lincoln Road to Collins Canal; Lincoln Terrace from Bay Road to Biscayne Bay; 16th Street, 15th Terrace, 15th Street from Alton Road to the Biscayne Bay; Flamingo Way from Bay Road to West Ave; 14th Court from West Ave to Alton Court; and 14th Terrace from Bay Road to West Ave.

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APPENDIX D



MIAMI BEACH

Special Conditions

RFP NO. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II NORTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

1. TERM OF CONTRACT. Not Applicable.

2. OPTIONS TO RENEW. Not Applicable.

3. PRICES. Not Applicable.

4. EXAMINATION OF FACILITIES. Not Applicable.

5. INDEMNIFICATION. Provider shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Provider or its employees, agents, servants, partners principals or subcontractors. Provider shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provider expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Provider shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. PERFORMANCE BOND. Not Applicable.

7. REQUIRED CERTIFICATIONS. Not Applicable.

8. SHIPPING TERMS. Not Applicable.

9. DELIVERY REQUIREMENTS. Not Applicable.

10. WARRANTY REQUIREMENTS. Not Applicable.

11. BACKGROUND CHECKS. Not Applicable.

12. COMPETITIVE SPECIFICATIONS. It is the goal of the City to maximize competition for the project among suppliers & contractors. Consultant shall endeavor to prepare all documents, plans & specifications that are in accordance with this goal. Under no condition shall Consultant include means & methods or product specifications that are considered "sole source" or restricted without prior written approval of the City.

13. ADDITIONAL TERMS OR CONDITIONS. This RFP, including the attached Sample Contract, contains all the terms and conditions applicable to any service being provided to the City resulting from award of contract. By virtue of submitting a proposal, consultant agrees not to require additional terms and conditions at the time services are requested, either through a separate agreement, work order, letter of engagement or purchase order.

14. CHANGE OF PROJECT MANAGER. A change in the Consultant's project manager (as well as any replacement) shall be subject to the prior written approval of the City Manager or his designee (who in this case shall be an Assistant City Manager). Replacement (including reassignment) of an approved project manager or public information officer shall not be made without submitting a resume for the

replacement staff person and receiving prior written approval of the City Manager or his designee (i.e. the City project manager).

15. SUB-CONSULTANTS. The Consultant shall not retain, add, or replace any sub-consultant without the prior written approval of the City Manager, in response to a written request from the Consultant stating the reasons for any proposed substitution. Any approval of a sub-consultant by the City Manager shall not in any way shift the responsibility for the quality and acceptability by the City of the services performed by the sub-consultant from the Consultant to the City. The quality of services and acceptability to the City of the services performed by sub-consultants shall be the sole responsibility of Consultant.

16. NEGOTIATIONS. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer (s) will take place to arrive at a mutually acceptable Agreement, including final scope of services, deliverables and cost of services.

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APPENDIX E



MIAMI BEACH

Cost Tender Form (SAMPLE ONLY)

**Actual Cost Tender Form shall be provided to short-listed firms
at the conclusion of Phase I Evaluation.**

RFP NO. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II NORTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

Section 1 – Certification

The undersigned, as Proposer, hereby declares that the only persons interested in this proposal as principal are named herein and that no person other than herein mentioned has any interest in this proposal or in the Contract to be entered into; that this proposal is made without connection with any other person, firm, or parties making a proposal; and that it is, in all respects, made fairly and in good faith without collusion or fraud.

The Proposer further declares that it has examined the site of the Work and informed itself fully of all conditions pertaining to the place where the Work is to be done; that it has examined the Contract Documents and all addenda thereto furnished before the opening of the proposals, as acknowledged below; and that it has satisfied itself about the Work to be performed; and all other required information with the proposal; and that this proposal is submitted voluntarily and willingly.

The Proposer agrees, if this proposal is accepted, to contract with the City, a political subdivision of the State of Florida, pursuant to the terms and conditions of the Contract Documents and to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, and all labor necessary to construct and complete within the time limits specified the Work covered by the Contract Documents for the Project entitled:

REQUEST FOR PROPOSALS (RFP) No. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14 STREET

The Proposer also agrees to furnish the required Performance Bond and Payment Bond or alternative form of security, if permitted by the City, each for not less than the total proposal price plus alternates, if any, provided in the RFP Price Form in Section 00408 and to furnish the required Certificate(s) of Insurance.

In the event of arithmetical errors between the division totals and the total base proposal in the RFP Price Form, the Proposer agrees that the total base proposal shall govern. In the event of a discrepancy between the numerical total base proposal and the written total base proposal, the written total base proposal shall govern. In absence of totals submitted for any division cost, the City shall interpret as no proposal for the division, which may disqualify the Proposer.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA) On this ___ day of _____, 20__
personally

) appeared before me _____ who
) stated that (s)he is the _____ of _____, a
corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for the State of Florida
My Commission Expires: _____.

Section 2 – GUARANTEED MAXIMUM PRICE (GMP) - SAMPLE

REQUEST FOR PROPOSALS (RFP)

No. 2016-091-KB

**DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14 STREET
FURTHER BREAKDOWN OF LINE ITEMS INDICATED MAY BE PROVIDED AT THE DISCRETION OF
THE PROPOSER**

DESCRIPTION	QUANTITY	UNITS	UNIT COST	TOTAL AMOUNT
ROADWAY PAY ITEMS				
CLEAR AND GRUBBING	1	LS		
EMBANKMENT	1	LS		
TYPE B STABILIZATION (12")	1	LS		
OPTIONAL BASE	1	LS		
GEOFABRIC (1400)	1	LS		
TYPE S-III ASPHALTIC CONC. (2" AVG. DEPTH)	1	LS		
CONCRETE CURB & GUTTER, TYPE F	1	LS		
CONCRETE SIDEWALK, 4" THICK	1	LS		
CONCRETE SIDEWALK 6" THICK DW	1	LS		
BRICK AND PAVERS	1	LS		
RETAINING WALL	1	LS		
HANDRAIL	1	LS		
SOD(BAHIA)	1	LS		
DEMUCK/BACKFILL OF NEW WATER,SEWER AND DRAINAGE SYSTEMS & INCLUDE DEMUCK/BACKFILL OF EXISTING UTILITES NEEDS TO BE REMOVED	1	LS		
DRAINAGE PAY ITEMS				
CURB INLETS	1	LS		
MANHOLES	1	LS		
YARD DRAIN (W/ PIPE CONNECTION TO STORM SYSTEM)	1	LS		
18" PIPE	1	LS		
24" PIPE	1	LS		
48" PIPE	1	LS		
TRENCH DRAIN (W/ PIPE CONNECTION TO STORM SEWER)	1	LS		
WATER PAY ITEMS				
CONNECT TO EXISTING 8" WM	1	LS		
CONNECT TO EXISTING 12" WM	1	LS		
CONNECT TO EXISTING 20" WM	1	LS		
4" DIP WM (W/FITTINGS)	1	LS		
8" DIP WM (W/FITTINGS)	1	LS		
12" DIP WM (W/FITTINGS)	1	LS		
20" DIP WM (W/FITTINGS)	1	LS		
4" GATE VALVES	1	LS		
8" GATE VALVES	1	LS		
12" GATE VALVES	1	LS		
20" GATE VALVES	1	LS		
WATER SERVICES W/ AMR METERS	1	LS		

FIRE HYDRANT	1	LS		
SEWER PAY ITEMS				
8" C-900 GRAVITY SEWER	1	LS		
10" C-900 GRAVITY SEWER	1	LS		
12" C-900 GRAVITY SEWER	1	LS		
15" C-905 GRAVITY SEWER	1	LS		
SERVICE CONNECTIONS	1	LS		
MANHOLE	1	LS		
PAVEMENT MARKINGS AND LIGHTING				
SIGNING AND MARKINGS	1	LS		
SIGNILIZED INTERSECTION 17TH AND WEST	1	LS		
SIGNILIZED INTERSECTION 16TH AND WEST	1	LS		
SIGNILIZED INTERSECTION 15TH AND WEST	1	LS		
STREET LIGHTING	1	LS		
PEDESTRIAN LIGHTING	1	LS		
ALLOWANCE PERMITS				
ALLOWANCE PERMITS	1	LS	\$50,000.00	\$50,000.00
CONSIDERATION FOR INDEMNIFICATION OF CITY	1	LS	\$25.00	\$25.00
COST FOR COMPLIANCE TO ALL FEDERAL AND STATE REQUIREMENTS OF THE TRENCH SAFETY ACT	1	LS	\$25.00	\$25.00
MOT (6%)	1	LS		
MOBILIZATION/GENERAL CONDITIONS (12%)	1	LS		
ENGINEERING (10%)	1	LS		
BONDS AND INSURANCE (2.5%)	1	LS		
TOTAL WEST AVE II NORTH PHASE				
OWNER CONTROLLED PROJECT				
CONTINGENCY 10% OF TOTAL WEST AVE II	10	%		
TOTAL GMP WEST AVE II NORTH PHASE				

ANY LETTERS, ATTACHMENTS, OR ADDITIONAL INFORMATION TO BE CONSIDERED PART OF THE PROPOSAL MUST BE SUBMITTED IN DUPLICATE.

WRITTEN TOTAL: _____

PROPOSER (Print): _____

ADDRESS: _____

CITY/STATE: _____ ZIP: _____

FEDERAL I.D. #: _____

NAME/TITLE OF REPRESENTATIVE (Print): _____

SIGNED: _____

(I certify that I am authorized to execute this proposal and commit the proposing firm)

APPENDIX F



MIAMI BEACH

Insurance Requirements

RFP NO. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II NORTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

INSURANCE REQUIREMENTS

This document sets forth the minimum levels of insurance that the contractor is required to maintain throughout the term of the contract and any renewal periods.

The provider shall furnish to Department of Procurement, City of Miami Beach, 1755 Meridian Avenue, 3rd Floor, Miami Beach, Florida 33139, Certificate(s) of Insurance which indicate that insurance coverage has been obtained which meets the requirements as outlined below:

- A. Worker's Compensation Insurance for all employees of the vendor as required by Florida Statute 440.
- B. Commercial General Liability on a comprehensive basis in an amount not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage. **City of Miami Beach must be shown as an additional insured with respect to this coverage.**
- C. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the work, in an amount not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage.
- D. Professional Liability Insurance in an amount not less than \$2,000,000 with the deductible per claim, if any, not to exceed 10% of the limit of liability.
- E. Installation Floater Insurance including coverage for material & equipment to be installed during the course of this project. City of Miami Beach shall be included as a Named Insured on this policy, as its insurable interest may appear. This policy shall remain in force until acceptance of the project by the City.

A waiver of subrogation in favor of the City must be included for the policies required above. The insurance coverage required shall include those classifications, as listed in standard liability insurance manuals, which most nearly reflect the operations of the vendor.

All insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

The company must be rated no less than "B+" as to management, and no less than "Class V" as to financial strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the City Risk Management Division.

or

The company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to Do Business in Florida" issued by the State of Florida Department of Insurance and are members of the Florida Guaranty Fund.

Certificates will indicate no modification or change in insurance shall be made without thirty (30) days in advance notice to the certificate holder.

CERTIFICATE HOLDER MUST READ:

**CITY OF MIAMI BEACH
1755 MERIDIAN AVENUE
3rd FLOOR
MIAMI BEACH, FL 33139**

Compliance with the foregoing requirements shall not relieve the vendor of his liability and obligation under this section or under any other section of this agreement.

The City of Miami Beach is self-insured. Any and all claim payments made from self-insurance are subject to the limits and provisions of Florida Statute 768.28, the Florida Constitution, and any other applicable Statutes.

Condensed Title:

REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) NO. 2016-091-KB FOR DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14TH STREET

Key Intended Outcome Supported:

Build And Maintain Priority Infrastructure With Full Accountability

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

N/A

Item Summary/Recommendation:

At its March 14, 2007 meeting, the City adopted the Basis of Design Report (BODR) for the West Avenue – Bay Road Neighborhood right-of-way improvement Project. The improvements include road reconstruction, sidewalks and bicycle circulation, installation of stormwater drainage systems, upgrade to the water distribution system, landscaping and street parking.

At its February 12, 2014 meeting, the City Commission adopted a resolution to approve a design build contract to construct stormwater drainage pump stations at 14th, 10th and 6th Streets. In addition, the City approved change orders 1 thru 5 to the design build contract to include the initial Improvements of the West Avenue Neighborhood in the following roads: West Avenue from 6th to 8th Streets; 14th, 10th and 6th Streets from Alton Road to Biscayne Bay; 17th street from Alton Road to Collins Canal; West Avenue from Lincoln Road to Collins Canal; and the construction of a new pump station at the intersection of 17th Street and West Avenue. All improvements mentioned above are considered to be the Phase I of this neighborhood improvement project.

Now that Phase I is currently under construction and expected to be completed this Fiscal Year, Public Works Department would like to initiate the procurement process of Phase II of this neighborhood improvement project. Due to the size of this project, Phase II has been broken into two separate contracts: Phase II North of 14th Street and Phase II South of 14th Street. Both phases will be constructed at the same time.

The City of Miami Beach is seeking proposals from qualified vendors for the survey, design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue North of 14th Street. The work will include but not be limited to site preparation; earthwork; roadway reconstruction; water, sewer and drainage installation and/or relocation; water services relocation; landscaping; and streetscape improvements.

RECOMMENDATION

To seek proposals from interested parties, the Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida authorize the issuance of issuance of the RFP No. 2016-090-KB for Design Build Services for West Avenue Improvements Phase II North of 14th Street.

Advisory Board Recommendation:

N/A

Financial Information:

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

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Alex Denis, Bruce Mowry

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD <i>[Signature]</i> BM <i>[Signature]</i>	MT EC <i>[Signature]</i>	JLM <i>[Signature]</i>

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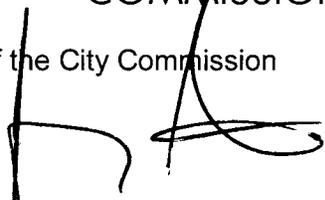


MIAMI BEACH

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: March 9, 2016

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) NO. 2016-091-KB FOR DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14TH STREET**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFP.

BACKGROUND

At its March 14, 2007 meeting, the City adopted the Basis of Design Report (BODR) for the West Avenue – Bay Road Neighborhood right-of-way improvement Project. The improvements include road reconstruction, sidewalks and bicycle circulation, installation of stormwater drainage systems, upgrade to the water distribution system, landscaping and street parking.

At its February 12, 2014 meeting, the City Commission adopted a resolution to approve a design build contract to construct stormwater drainage pump stations at 14th, 10th and 6th Streets. In addition, the City approved change orders 1 thru 5 to the design build contract to include the initial Improvements of the West Avenue Neighborhood in the following roads: West Avenue from 6th to 8th Streets; 14th, 10th and 6th Streets from Alton Road to Biscayne Bay; 17th street from Alton Road to Collins Canal; West Avenue from Lincoln Road to Collins Canal; and the construction of a new pump station at the intersection of 17th Street and West Avenue. All improvements mentioned above are considered to be the Phase I of this neighborhood improvement project.

Now that Phase I is currently under construction and expected to be completed this Fiscal Year, Public Works Department would like to initiate the procurement process of Phase II of this neighborhood improvement project. Due to the size of this project, Phase II has been broken into two separate contracts: Phase II North of 14th Street and Phase II South of 14th Street. Both phases will be constructed at the same time.

The City of Miami Beach is seeking proposals from qualified vendors for the survey, design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue North of 14th Street. The work will include but not be limited to site preparation; earthwork; roadway reconstruction; water, sewer and drainage installation and/or relocation; water services relocation; landscaping; and streetscape improvements.

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, RFP 2016-091-KB for DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14TH STREET (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, RFP 2016-091-KB for

DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14TH STREET (attached).

- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, RFP 2016-091-KB for DESIGN BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14TH STREET (attached).

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFP No. 2016-091-KB for Design Build Services for West Avenue Improvements Phase II North of 14th Street is subject to funds availability approved through the City's budgeting process.

ATTACHMENTS

Attachment A: RFP 2016-091-KB for Design Build Services for West Avenue Improvements Phase II North of 14th Street.

JLM / EC / MT / BM / AD / KB

T:\AGENDA\2016\March\Procurement\RFP 2016-091-KB DesignBuild Services for West AV North of 14 ST - ISSUANCE MEMO.doc

REQUEST FOR PROPOSALS (RFP)

DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14 STREET

RFP NO. 2016-091-KB

RFP ISSUANCE DATE: MARCH 11, 2016

PROPOSALS DUE: APRIL 21, 2016 @ 3:00 PM

ISSUED BY: KRISTY BADA



MIAMIBEACH

KRISTY BADA, CONTRACTING OFFICER II

PROCUREMENT DEPARTMENT

1755 Meridian Avenue, 3rd Floor, Miami Beach, FL 33139

305.673.7000 x6218 | kristybada@miamibeachfl.gov

www.miamibeachfl.gov

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SECTION 0100**PUBLIC NOTICE**

City of Miami Beach, 1755 Meridian Avenue, 3rd Floor, Miami Beach, Florida 33139,
www.miamibeachfl.gov
PROCUREMENT DEPARTMENT
Tel: 305.673.7490

**REQUEST FOR PROPOSALS (RFP) No. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14 STREET
Miami Beach, Florida**

By means of this RFP, the City seeks to contract with a Design/Build Firm for West Avenue Improvements Phase II NORTH OF 14 Street. Proposals received pursuant to this RFP will be evaluated in a two-phased process (Phase I and Phase II). The Design/Build Firm (DBF) will be responsible for the survey, design, permitting, community outreach, construction administration and the construction of the infrastructure site work for Right Of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue North of 14th Street. The work will include but not be limited to site preparation; earthwork; roadway reconstruction; water, sewer and storm drainage installation and/or relocation; water services relocation; ; landscape; and streetscape improvements. . The Design Criteria Package (DCP) for this project shall be provided in digital format on CDs to all short-listed proposers following Phase I evaluation.

A Pre-Proposal Meeting is scheduled for **March 22, 2016 @ 10:00 A.M. at the following address: City of Miami Beach, Procurement Department Conference Room, 3rd Floor, and 1755 Meridian Avenue, Miami Beach, Florida 33139.**

Attendance (in person or via telephone) is as a source of information. Respondents interested in participating in the Pre-Proposal Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1-888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 5804578#

The deadline for receipt of questions is due on **April 11, 2016 by 5:00 pm** and all questions or requests for clarifications must be received by the Department of Procurement in writing to Kristy Bada, via e-mail: kristybada@miamibeachfl.gov with a copy to the City Clerk's office, Rafael E. Granado via email: rafaelgranado@miamibeachfl.gov no later than **ten (10) calendar days** prior to the scheduled RFP due date.

YOU ARE HEREBY ADVISED THAT THIS REQUEST FOR QUALIFICATIONS IS UNDER THE CONE OF SILENCE—ORDINANCE NO. 2002-3378 WHICH MAY BE FOUND ON THE CITY OF MIAMI BEACH WEBSITE:
<http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>.

Sincerely,
Kristy Bada
Contracting Officer II
Procurement Department

SECTION 0200
INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS

1. GENERAL. This Request for Proposals (RFP) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposer to submit their qualifications, proposed scopes of work and cost Statement of Qualifications (the "proposal") to the City for the City's consideration as an option in achieving the required scope of services and requirements as noted herein. All documents released in connection with this solicitation, including all appendixes and addenda, whether included herein or released under separate cover, comprise the solicitation, and are complementary to one another and together establish the complete terms, conditions and obligations of the Proposer and, subsequently, the successful proposer(s) (the "contractor[s]") if this RFP results in an award.

The City utilizes **PublicPurchase** (www.publicpurchase.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFP. Any prospective proposer who has received this RFP by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFP. **Failure to receive an addendum may result in disqualification of proposal submitted.**

2. PURPOSE.

By means of this RFP, the City seeks to contract with a Design/Build Firm for the design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right Of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue North of 14th Street. Proposals received pursuant to this RFP will be evaluated in a two-phased process (Phase I and Phase II). Phase I Proposers will be evaluated in accordance with the criteria established in Section 0400 for Phase I Evaluation. Following City Commission selection of the short-listed proposers pursuant to Phase I of the RFP, the short-listed proposers will be allotted approximately 45 days to prepare a detailed technical proposal for the Project. The short-listed proposers will also be provided, via addendum, with the formal Design Criteria Package (DCP) and Design/Build Agreement. Following Phase I short-listing and prior to receipt of proposals pursuant to Phase II, the City may issue further information and clarifications via Addenda to the short-listed proposers, including (but not limited to) any amendments to the Design Criteria Package, cost tender form, form of contract, and other informational items or requirements necessary for the short-listed proposers to submit its Phase II proposals. Additionally, the City will conduct a pre-submittal conference with short-listed proposers to facilitate project understanding and consider any project specific questions from the short-listed proposers. Phase II proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation. Following City Commission approval of the City Managers recommendation pursuant to Phase II, the City will enter into contract negotiations and execution.

This RFP is issued pursuant to Chapter 287.055, Florida Statutes, the Consultants Competitive Negotiations Act (CCNA).

3. SOLICITATION TIMETABLE. The tentative schedule for this solicitation is as follows:

Phase I - Qualifications	
RFP Issued	March 11, 2016
Pre-Proposal Meeting	March 22, 2016 AT 10:00 AM
Deadline for Receipt of Questions	April 11, 2016 AT 5:00 PM
Responses Due	April 25, 2016 AT 3:00 PM
Evaluation Committee Meeting	TBD
Commission Approval to Shortlist	TBD
Phase II – Technical Proposals	
Solicitation Issued to Short-Listed Proposers	TBD
Pre-Submittal Meeting	TBD

Deadline for Receipt of Questions	TBD
Proposals Due	TBD
Evaluation Committee Meeting to Interview	TBD
Commission Approval of Final Proposer	TBD

4. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact: Kristy Bada	Telephone: 305-673-7490	Email: kristybada@miamibeachfl.gov
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Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

5. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled.

A Pre-PROPOSAL conference will be held as scheduled in Anticipated RFP Timetable section above at the following address:

**City of Miami Beach
Procurement Department Conference Room
1755 Meridian Avenue, 3RD Floor
Miami Beach, Florida 33139**

Attendance (in person or via telephone) is encouraged and recommended as a source of information, but is not mandatory. Proposers interested in participating in the Pre-Proposal Submission Meeting via telephone must follow these steps:

- (1) Dial the TELEPHONE NUMBER: 1- 888-270-9936 (Toll-free North America)
- (2) Enter the MEETING NUMBER: 5804578

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFP expressing their intent to participate via telephone.

6. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*. Any prospective proposer who has received this RFP by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFP. Failure to receive an addendum may result in disqualification of proposal. Written questions should be received no later than the date outlined in the **Anticipated RFP Timetable** section.

7. CONE OF SILENCE. This RFP is subject to, and all proposers are expected to be or become familiar with, the City's Cone of Silence Requirements, as codified in Section 2-486 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their response voidable, in the event of such non-compliance. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov.

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

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| • CONE OF SILENCE..... | CITY CODE SECTION 2-486 |
| • PROTEST PROCEDURES..... | CITY CODE SECTION 2-371 |
| • DEBARMENT PROCEEDINGS..... | CITY CODE SECTIONS 2-397 THROUGH 2-485.3 |
| • LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... | CITY CODE SECTIONS 2-481 THROUGH 2-406 |
| • CAMPAIGN CONTRIBUTIONS BY VENDORS..... | CITY CODE SECTION 2-487 |
| • CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... | CITY CODE SECTION 2-488 |
| • REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... | CITY CODE SECTION 2-373 |
| • LIVING WAGE REQUIREMENT..... | CITY CODE SECTIONS 2-407 THROUGH 2-410 |
| • PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... | CITY CODE SECTION 2-374 |
| • FALSE CLAIMS ORDINANCE..... | CITY CODE SECTION 70-300 |
| • ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... | CITY CODE SECTION 2-449 |

9. PUBLIC ENTITY CRIME. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

10. COMPLIANCE WITH THE CITY'S LOBBYIST LAWS. This RFP is subject to, and all Proposers are expected to be or become familiar with, all City lobbyist laws. Proposers shall be solely responsible for ensuring that all City lobbyist laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including, without limitation, disqualification of their responses, in the event of such non-compliance.

11. DEBARMENT ORDINANCE: This RFP is subject to, and all proposers are expected to be or become familiar with, the City's Debarment Ordinance as codified in Sections 2-397 through 2-406 of the City Code.

12. WITH THE CITY'S CAMPAIGN FINANCE REFORM LAWS. This RFP is subject to, and all Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their responses, in the event of such non-compliance.

13. CODE OF BUSINESS ETHICS. Pursuant to City Resolution No.2000-23879, the Proposer shall adopt a Code of Business Ethics ("Code") and submit that Code to the Procurement Division with its response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

14. AMERICAN WITH DISABILITIES ACT (ADA). Call 305-673-7490 to request material in accessible format; sign language interpreters (five (5) days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673- 7000, Extension 2984.

15. POSTPONEMENT OF DUE DATE FOR RECEIPT OF PROPOSALS. The City reserves the right to postpone the deadline for submittal of proposals and will make a reasonable effort to give at least three (3) calendar days written notice of any such postponement to all prospective Proposers through *PublicPurchase*.

16. PROTESTS. Proposers that are not selected may protest any recommendation for selection of award in accordance with

eh proceedings established pursuant to the City's bid protest procedures, as codified in Sections 2-370 and 2-371 of the City Code (the City's Bid Protest Ordinance). Protest not timely made pursuant to the requirements of the City's Bid Protest Ordinance shall be barred.

17. Omitted Intentionally

18. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City Code Section 2-374, the City shall give a preference to a responsive and responsible Proposer which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent (5%) of the lowest responsive, responsible proposer, by providing such proposer an opportunity of providing said goods or contractual services for the lowest responsive proposal amount (or in this RFP, the highest proposal amount). Whenever, as a result of the foregoing preference, the adjusted prices of two (2) or more proposers which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise constitute the lowest proposal pursuant to an RFP or oral or written request for quotation, and such proposals are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the service-disabled veteran business enterprise.

19. DETERMINATION OF AWARD. Pursuant to F.S. 287.055, the City shall first consider the qualifications of firms through the process outlined in Section 0400, Evaluation Methodology. **The Evaluation of proposals shall proceed in a two-phase process:**

- A. Phase I – Proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase I Evaluation. Following the Phase I Evaluation Process, the City Manager may submit a recommendation to the City Commission to short-list one or more proposers at the conclusion of the Phase I evaluation to be considered in Phase II. The number of respondents recommended to be short-listed for consideration in Phase II is solely at the discretion of the City Manager.
- B. Phase II – Short-listed Proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation.

The results of both Phase I and Phase II evaluations will be considered by the City Manager who may recommend to the City Commission the respondent(s) he deems to be in the best interest of the City, or may recommend rejection of all responses. The City Manager's recommendation need not be consistent with the scoring results identified herein and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- a. The ability, capacity and skill of the proposer to perform the contract.
- b. Whether the proposer can perform the contract within the time specified, without delay or interference.
- c. The character, integrity, reputation, judgment, experience and efficiency of the respondent.
- d. The quality of performance of previous contracts.
- e. The previous and existing compliance by the proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation for each phase and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another proposer (or proposers) which it deems to be in the best interest of the City, or it may also reject all responses.

Once the Phase II ranking is approved by the City Commission, the City will enter into contract negotiations with the top ranked firm. If the City and selected firm cannot agree on contractual terms, the City will terminate negotiations and begin negotiations with the next ranked firm, continuing this process with each firm in rank order until agreeable terms can be met or the procurement is terminated. Contract negotiations and execution will take place as quickly as possible after selection.

20. NEGOTIATIONS. Following selection, the City reserves the right to enter into further negotiations with the selected Proposer. Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Proposer in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Proposers that no property, contract or legal rights of any kind shall be created at any time until and unless an Agreement has been agreed to; approved by the City; and executed by the parties.

21. Postponement/Cancellation/Acceptance/Rejection. The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, responses; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP, or in any responses received as a result of this RFP. Reasonable efforts will be made to either award the proposer the contract or reject all proposals within one-hundred twenty (120) calendar days after proposal opening date. A proposer may withdraw its proposal after expiration of one hundred twenty (120) calendar days from the date of proposal opening by delivering written notice of withdrawal to the Department of Procurement Management prior to award of the contract by the City Commission.

22. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

23. COSTS INCURRED BY PROPOSERS. All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the City.

24. RELATIONSHIP TO THE CITY. It is the intent of the City, and Proposers hereby acknowledge and agree, that the successful Proposer is considered to be an independent contractor, and that neither the Proposer, nor the Proposer's employees, agents, and/or contractors, shall, under any circumstances, be considered employees or agents of the City.

24. OCCUPATIONAL HEALTH AND SAFETY. In compliance with Chapter 442, Florida Statutes, any toxic substance listed in Section 38F-41.03 of the Florida Administrative Code delivered as a result of this proposal must be accompanied by a Material Safety Data Sheet (MSDS) which may be obtained from the manufacturer.

25. ENVIRONMENTAL REGULATIONS. The City reserves the right to consider a proposer's history of citations and/or violations of environmental regulations in investigating a proposer's responsibility, and further reserves the right to declare a proposer not responsible if the history of violations warrant such determination in the opinion of the City. Proposer shall submit with its proposal, a complete history of all citations and/or violations, notices and dispositions thereof. The non-submission of any such documentation shall be deemed to be an affirmation by the Proposer that there are no citations or violations. Proposer shall notify the City immediately of notice of any citation or violation which proposer may receive after the proposal opening date and during the time of performance of any contract awarded to it.

26. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

27. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this RFP. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

28. PAYMENT. Payment will be made by the City after the goods or services have been received, inspected, and found to comply with contract, specifications, free of damage or defect, and are properly invoiced. Invoices must be consistent with Purchase Order format.

29. COPYRIGHT, PATENTS & ROYALTIES. Proposer shall indemnify and save harmless the City of Miami Beach, Florida, and its officers, employees, contractors, and/or agents, from liability of any nature or kind, including cost and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the City of Miami Beach, Florida. If the Proposer uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the proposal prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

30. DEFAULT: Failure or refusal of the selected Proposer to execute a contract following approval of such contract by the City

Commission, or untimely withdrawal of a response before such award is made and approved, may result in a claim for damages by the City and may be grounds for removing the Proposer from the City's vendor list.

31. MANNER OF PERFORMANCE. Proposer agrees to perform its duties and obligations in a professional manner and in accordance with all applicable Local, State, County, and Federal laws, rules, regulations and codes. Lack of knowledge or ignorance by the Proposer with/of applicable laws will in no way be a cause for relief from responsibility. Proposer agrees that the services provided shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Proposer agrees to furnish to the City any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws, rules, and regulations. Proposer further certifies that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Proposer to comply with this paragraph shall constitute a material breach of this contract.

Where contractor is required to enter or go on to City of Miami Beach property to deliver materials or perform work or services as a result of any contract resulting from this solicitation, the contractor will assume the full duty, obligation and expense of obtaining all necessary licenses, permits, and insurance, and assure all work complies with all applicable laws. The contractor shall be liable for any damages or loss to the City occasioned by negligence of the Proposer, or its officers, employees, contractors, and/or agents, for failure to comply with applicable laws.

32. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

33. NON-DISCRIMINATION. The Proposer certifies that it is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin. In accordance with the City's Human Rights Ordinance, codified in Chapter 62 of the City Code, Proposer shall prohibit (and cause hotel operator to prohibit) discrimination by reason of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age or disability in the sale, lease, use or occupancy of the Hotel Project or any portion thereof.

34. DEMONSTRATION OF COMPETENCY. The city may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the City, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.
- D. The terms "equipment and organization", as used herein shall, be construed to mean a fully equipped and well established company in line with the best business practices in the industry, and as determined by the City of Miami Beach.
- E. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience), in making an award that is in the best interest of the City.
- F. The City may require Proposer s to show proof that they have been designated as authorized representatives of a manufacturer or supplier, which is the actual source of supply. In these instances, the City may also require material information from the source of supply regarding the quality, packaging, and characteristics of the products to be supply to the City.

35. ASSIGNMENT. The successful Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract, including any or all of its right, title or interest therein, or his/her or its power to execute such contract, to any person, company or corporation, without the prior written consent of the City.

36. LAWS, PERMITS AND REGULATIONS. The Proposer shall obtain and pay for all licenses, permits, and inspection fees

required to complete the work and shall comply with all applicable laws.

37. OPTIONAL CONTRACT USAGE. When the successful Proposer (s) is in agreement, other units of government or non-profit agencies may participate in purchases pursuant to the award of this contract at the option of the unit of government or non-profit agency.

38. VOLUME OF WORK TO BE RECEIVED BY CONTRACTOR. It is the intent of the City to purchase the goods and services specifically listed in this solicitation from the contractor. However, the City reserves the right to purchase any goods or services awarded from state or other governmental contract, or on an as-needed basis through the City's spot market purchase provisions.

39. DISPUTES. In the event of a conflict between the documents, the order of priority of the documents shall be as follows:

- A. Any contract or agreement resulting from the award of this solicitation; then
- B. Addendum issued for this solicitation, with the latest Addendum taking precedence; then
- C. The solicitation; then
- D. The Proposer's proposal in response to the solicitation.

40. INDEMNIFICATION. The Proposer shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the agreement by the contractor or its employees, agents, servants, partners, principals or subcontractors. The contractor shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may be incurred thereon. The Proposer expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided. The above indemnification provisions shall survive the expiration or termination of this Agreement.

41. CONTRACT EXTENSION. The City reserves the right to require the Contractor to extend contract past the stated termination date for a period of up to 120 days in the event that a subsequent contract has not yet been awarded. Additional extensions past the 120 days may occur as needed by the City and as mutually agreed upon by the City and the contractor.

42. FLORIDA PUBLIC RECORDS LAW. Proposers are hereby notified that all Bid including, without limitation, any and all information and documentation submitted therewith, are exempt from public records requirements under Section 119.07(1), Florida Statutes, and s. 24(a), Art. 1 of the State Constitution until such time as the City provides notice of an intended decision or until thirty (30) days after opening of the proposals, whichever is earlier. Additionally, Contractor agrees to be in full compliance with Florida Statute 119.0701 including, but not limited to, agreement to (a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the services; (b) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

43. OBSERVANCE OF LAWS. Proposers are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFP (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Proposer will in no way relieve it from responsibility for compliance.

44. CONFLICT OF INTEREST. All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

45. MODIFICATION/WITHDRAWALS OF PROPOSALS. A Proposer may submit a modified Proposal to replace all or any portion of a previously submitted Proposal up until the Proposal due date and time. Modifications received after the Proposal due date and time will not be considered. Proposals shall be irrevocable until contract award unless withdrawn in writing prior to the Proposal due date, or after expiration of **120** calendar days from the opening of Proposals without a contract award. Letters of withdrawal received after the Proposal due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

47. EXCEPTIONS TO RFP. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the RFP to which Proposer took exception to (as said term and/or condition was originally set forth on the RFP).

48. ACCEPTANCE OF GIFTS, FAVORS, SERVICES. Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Proposal. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

49. SUPPLEMENTAL INFORMATION. City reserves the right to request supplemental information from Proposers at any time during the RFP solicitation process, unless otherwise noted herein.

50. ADDITIONAL SERVICES. Although this solicitation and resultant contract identifies specific goods, services or facilities ("items"), it is hereby agreed and understood that the City, through the approval of the Department and Procurement Directors (for additional items up to \$50,000) or the City Manager (for additional items greater than \$50,000), may require additional items to be added to the Contract which are required to complete the work. When additional items are required to be added to the Contract, awarded vendor(s), as applicable to the item being requested, under this contract may be invited to submit price quote(s) for these additional requirements. If these quote(s) are determined to be fair and reasonable, then the additional work will be awarded to the current contract vendor(s) that offers the lowest acceptable pricing. The additional items shall be added to this contract by through a Purchase Order (or Change Order if Purchase Order already exists). In some cases, the City may deem it necessary to add additional items through a formal amendment to the Contract, to be approved by the City Manager.

The City may determine to obtain price quotes for the additional items from other vendors in the event that fair and reasonable pricing is not obtained from the current contract vendors, or for other reasons at the City's discretion.

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SECTION 0300
PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. One original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE BIDS. Bid Proposals are to be received on or before the due date established herein for the receipt of Bids. **Any Bid received after the deadline established for receipt of proposals will be considered late and not be accepted or will be returned to Proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of proposals, it is strongly recommended that proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

PHASE I RESPONSE FORMAT

TAB 1	Cover Letter & Minimum Qualifications Requirements
<p>1.1 Cover Letter and Table of Contents. The cover letter must indicate Prime Proposer and Prime Proposer Primary Contact for the purposes of this solicitation. (1 page cover letter)</p>	
<p>1.2 Response Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed.</p>	
<p>1.3 Minimum Qualifications Requirements. Submit verifiable information documenting compliance with the minimum qualifications requirements established in Appendix C, Minimum Requirements and Specifications, as required herein.</p>	
<p style="padding-left: 40px;">1.3.1 Request for Qualification Similar Experience. For each project that complies with the minimum requirements on Appendix C, Section C1., submit project name, total contract award amount, completion date, scope of work, project contact information (phone and email); and prime proposer's role in project. (1 page per project)</p>	

TAB 2	Project Team
<p>Prime Proposer shall submit a design-build team organizational structure that has a sufficient number of professionals and other personnel to perform the work, including:</p>	
<p>1. Organizational Chart. An organizational chart depicting the structure and lines of authority and communication. A narrative that describes the intended structure regarding project management, accountability and compliance with the terms of the RFP. (1 page)</p>	
<p>2. Key Personnel. Identify all key personnel, including the Project Manager, who will be assigned to the Project and their intended functions and responsibilities. Also indicate the percentage of time commitment of each key person on this Project. (2 pages)</p>	
<p>3. Resumes. Resumes of the team's key personnel who will be assigned to the Project that demonstrate their experience and qualifications, education and performance record. The Prime Proposer shall include the above listed information for the following proposed project team members: (1 page per resume)</p>	
<p style="padding-left: 40px;">a. Design/Build Project Manager</p>	
<p style="padding-left: 40px;">b. Construction Manager</p>	

- c. Construction Superintendent for the DBF and other major subcontractors.
 - d. Lead Designer Design Manager
 - e. Project engineer (s)
 - f. Surveyor
4. **Evidence Of Prior Working Experience.** Submit evidence that the proposed team has successfully collaborated on prior projects. For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (Limit to three projects)
5. **Other.** Provide any other information the Proposer believes will help the City understand and evaluate the team's capabilities. (1 page)

TAB 3
Design/Build Firm (Prime Proposer) Experience & Qualifications

Qualifications of Firm. Describe experience and qualifications of the Prime Respondent in providing the services detailed herein.

1. **Company Information:** Provide background information, including company history, years in business, number of employees, and any other information communicating capabilities and experience. (1 page)
2. **Company's List of Similar Experience and Qualifications:** Provide a list of the company's experience and qualifications with the services detailed herein. Provide a table that includes the following information: agency name, project name, type of project (right-of-way, design/build, etc.), percentage completed, anticipated completion date, your firm's role (i.e. design/build, lead designer, lead constructor). (1 page)
3. **Relevant Experience:** Summarize (3) of the company's most similar projects of comparable size and scope where similar services to those described in this RFP have been provided. Projects must illustrate familiarity with all of the following aspects: urban road reconstruction including: drainage, water and sewer replacement, utility coordination, dewatering impacts and mitigation to abutting properties, construction staging and maintenance of traffic. (1 page per project) For each project include:
 - a. Project name and location
 - b. Project description
 - c. Date of project completion
 - d. Awarded contract amount and final contract amount
 - e. Original contract duration and final contract duration.
 - f. Number of change orders. Indicate firm's role in the project (design/builder, lead designer, or lead constructor).
 - g. The names of the key project managers, highlighting any individuals who also worked on this project.
 - h. Reference contact information (including name, address, telephone number and e-mail address).
4. **Safety Record:** Provide the firm's Experience Modification Rate (EMR) data for the previous three (3) full calendar years on a firm-wide basis, which shall be documented by a signed letter with contact information from the firm's insurance carrier, or the insurance carrier's agency representative.
5. **Dun & Bradstreet Supplier Qualifier Report:** Design/Build Firm shall pay D&B to send the Supplier Qualifier Report (SQR) to the City through electronic means kristybada@miamibeachfl.gov. The cost of the preparation of the D&B report shall be the responsibility of the Proposer. The proposer can request the report from D&B at:

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>
6. **Insurance:** Provide a letter from Proposer's insurer on the insurer company letterhead that the insurer can provide levels of coverage to the Proposer as indicated in Appendix E – Insurance Requirements.
7. **Minority/Women-owned Business Enterprise (MWBE) or Small/Disadvantaged Business Enterprise (S/DBE).** Submit certification from either The State of Florida Office of Supplier Diversity or Miami Dade County.

TAB 4 Lead Designer Experience & Qualifications

Qualifications of Firm. Describe experience and qualifications in providing in providing the services detailed herein.

1. **Company Information:** Provide background information, including company history, years in business, number of employees, and any other information communicating capabilities and experience. (1 page)
2. **Company's List of Similar Experience and Qualifications:** Provide a list of the company's experience in providing the services detailed herein. Provide a table to include the following information: agency name, project name, type of project, percentage completed, anticipated completion date, your firm's role (i.e. lead designer) (1 page).
3. **Florida Registration:** Provide evidence of professional registration pursuant to Chapter 287.055, Florida Statutes, the Consultants Competitive Negotiations Act (CCNA).
4. **Relevant Experience:** Summarize (3) of the company's most similar design projects of comparable size and scope where similar services to those described in this RFP have been provided. Projects must illustrate familiarity with the following aspects: urban road design including horizontal and vertical alignment; pavement, closed drainage systems; water and sewer replacement, extensive utility coordination; signing and marking; signalization; street lighting and maintenance of traffic. Preference will be given to projects where impacts to adjacent were mitigated during design. (1 page per project) . For each project include:
 - a. Project name and location
 - b. Project description
 - c. Date of project completion
 - d. Awarded contract amount for the design portion.
 - e. List of permits applied for and obtained.
 - f. The names of the key project engineers, highlighting any individuals who will also work on this project
 - g. Reference contact information (including address, telephone number and e-mail address).

TAB 5 Forms

Provide Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed. The Certification, Questionnaire & Requirements Affidavit (Appendix A) must be signed by the Prime Proposer.

Note: After proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

PHASE II RESPONSE FORMAT (TECHNICAL PROPOSAL)

In order to maintain comparability, facilitate the review process, and assist the Evaluation Committee in review of responses, it is recommended that responses be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittals should be bound and tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposers should prepare narratives, specification etc. on 8.5 x 11 paper. All Plans shall be provided bound flat not in a 3-ring binder with 11"x17" paper containing a title block, drawing titles, dated and numbered. Please feel free to include other materials, such as covers, appendices, brochures, etc. at your discretion.

Due Diligence and Site Inspections: It is the responsibility of each Proposer, before submitting the Phase II proposal, to:

- Visit the site or structure to become familiar with conditions that may affect costs, progress, performance or furnishing of the Work;
- Take into account federal, state and local (City and Miami-Dade County) laws, regulations, permits, and ordinances that may affect costs, progress, performance, furnishing of the Work, or award;
- Study and carefully correlate Proposer's observations with the RFP; and

The submission of a proposal shall constitute an incontrovertible representation by proposer that proposer has complied with the above requirements and understands all terms and conditions for performance and furnishing of the Work.

The City reserves the right to require additional information to determine financial capability. Proposer shall have ten (10) calendar days respond to such a request.

TAB 1	Project Technical Proposal
<p>The Technical Proposal shall document team's understanding of the project, major design elements, materials and methods. The Technical Proposal shall be developed using narratives, tables, charts, plots, drawings and conceptual sketches as appropriate. The technical proposal shall be insufficient detail to allow the City to evaluate its compliance with the design criteria package, including major systems and requirements.</p>	
TAB 2	Subcontractor Experience & Qualifications
<p>Qualifications of Key Subcontractors. For each key construction subcontractor (whose value of work exceeds \$500,000) describe experience and qualifications as detailed below.</p> <ol style="list-style-type: none"> 1. Company Information: Provide background information, including company history, years in business, number of employees, and any other information communicating capabilities and experience. (1- page) 2. Company's List of Similar Experience and Qualifications: Provide a list of the company's experience and qualifications with the Services detailed herein. Provide a table that includes the following information: agency name, project name, type of project right-of-way, design/build, etc.), work assigned. (1 page) 3. Relevant Experience: Summarize(3) of the company's most similar projects of comparable size and scope where similar construction services have been provided. Please be specific of the actual work provided this firm that relates this this project. (1 page per project) For each project include: <ol style="list-style-type: none"> a. Project name and location b. Project description c. Date of project completion d. Amount of contract amount for the portion of the work provided by this firm. e. Reference contact information 	
TAB 3	Approach & Methodology Plan

Proposer shall, at a minimum, address the following factors:

1. The Proposer shall illustrate complete understanding of the scope of work for all components of the project. The narrative shall address methodology, sequencing, maintenance of traffic (MOT) and phasing of the various work efforts.
2. The Proposer shall describe the efforts involved in coordinating with all utilities including but not limited to Florida Power and Light (FPL), AT&T and Atlantic Broadband (ABB).
3. Proposer shall clearly detail and present its approach to all required permitting issues, including but not limited to, water distribution system, stormwater drainage system, landscaping etc., relative to the applicable agency(ies) and entity(ies), e.g. City of Miami Beach, SFWMD, FDOT, FDEP, USACOE, Miami-Dade County RER, Fl. Dept. of Health, etc.
4. Proposer shall describe their Quality Assurance / Quality Control Plan ("QA/QC Plan") for the Work, including design, construction, coordination, implementation and completion of the Project. The Proposer shall explain its QA/QC Plan and the plan for any of its subconsultants or Subcontractors, namely the policies and procedures that will be used to assure the complete and the accurate management of the Project.
5. Proposer must perform at least sixty percent (60%) of the construction work with the firm's own forces.
6. Proposer shall provide summary narrative inclusive of the proposer's project understanding, scheduling including key performance and success factors, and the proposed design and construction approach which highlights the main attributes and benefits of this approach.
7. Proposer shall describe the technical approach, and provide calculations and drawings as applicable, to sufficiently demonstrate the following:
 - a. Roadway typical plan and profile
 - b. Anticipated utility impacts and how to effectively coordinate with private utilities.
 - c. Anticipated adjacent property impacts due to grade differential and how to effectively coordinate with property owners.
 - d. Planned supplementary geotechnical investigations, or environmental/ contamination surveys/assessments by the proposer to support or validate the proposer's design approach, if any.
8. Proposer shall describe the project schedule approach utilizing the Critical Path Method
 - a. Schedule shall utilize calendar days,
 - b. Weekend and City Holidays shall not be considered work days
9. Proposer shall describe the planned environmental quality management approach by demonstrating the following:
 - a. Approach to minimize community impacts from, construction noise, dust and vibration.
 - b. Correcting any resultant settlement and / or damage to any existing structures that are a consequence of the Proposer's construction activities.
 - c. Prevention or containment of any discharges caused by the proposed work.
 - d. Pre-treatment of construction water prior to disposal to ensure compliance with permit requirements.
10. It is the objective of the City that, at a minimum, 60% of the construction portion of the project defined herein shall be performed directly by the Prime Contractor (rather than through sub-contractors). To evaluate compliance with this objective, proposers shall submit a schedule, by Construction Specification Institute (CSI) Division, denoting which sections of the scope shall be performed directly by the Prime Contractor (with its own forces) and which sections are intended to be subcontracted.
11. Describe plan on how construction staging areas, pedestrian paths, vehicular traffic patterns, etc. will be handled in order to mitigate disruption.

TAB 4 **Project Schedule**

The Proposer shall submit a Preliminary CPM Project Schedule covering the period from NTP to Final Completion with the submittal which will be the initial Project Baseline Schedule. The Preliminary Project Schedule shall include all major design, permitting, procurement and construction, testing and commissioning activities and meet the stated Contract Dates and any other suggested major milestones. Activities shall indicate their associated phasing and dependence with other activities, and highlight the main, coordination efforts and issues requiring the City's involvement and necessary reviews.

At a minimum, the Preliminary Project Schedule must address the following milestones and activities:

- Design Schedule & Submittals
- Design Phase Reviews by the City – Assume 4 weeks
- Community Involvement
- Permitting
- Utility Coordination/Relocation
- Start and completion of Construction, Testing and Commissioning
- Substantial Completion and Final Completion Dates for all Work.

TAB 5 **Lump Sum Price**

Submit a Guaranteed Maximum Price (GMP) for delivering the completed Project consistent with the Design Criteria Package. Utilize Appendix D – Cost Tender Form to submit your GMP.

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SECTION 0400
PROPOSAL EVALUATION

The Evaluation Process will be conducted in two phases.

PHASE I EVALUATION PROCESS

1. Two Step Evaluation. The evaluation of responsive proposals in Phase 1 will proceed in a two-step process. The first step (Step 1) will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step (Step 2) will consist of quantitative criteria established below to be added to the first step scores by the Procurement Department. The City reserves the right to engage the advice of its consultant, DCP or other technical experts in assisting the Evaluation Committee in the review of proposals received.

2. Phase I / Step 1 Evaluation (100 Points). An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the solicitation. If further information is desired, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of proposals will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the proposals only. In doing so, the Evaluation Committee may:

- review and score all proposals received, with or without conducting interview sessions; or
- review all proposals received and short-list one or more Proposers to be further considered during subsequent interview session(s) (using the same criteria).

Proposers will be evaluated on the following criteria (100 maximum possible points):

- Project Team (30 Points)
- Design/Build Firm Experience & Qualifications (40 Points)
- Lead Designer Experience & Qualifications (30 Points)

3. Phase I / Step 2 Evaluation (10 Points). Following the results of Step 1 Evaluation Qualitative criteria, the proposers may receive additional points to be added by the Procurement Department to those points earned in Step 1, as follows.

- Veterans and State-Certified Service-Disabled Veteran Business Enterprise (5 points)
- Prime Proposer Volume of Work (0-5 Points). Points awarded to the proposer for volume of work awarded by the City in the last three (3) years in accordance with the following table:

Less than \$250,000	5
\$250,000.01 – \$2,000,000	3
Greater than \$2,000,000	0

4. Determination of Phase I Ranking. Phase 1/Step 1 scores (by the Evaluation Committee) and Phase 1/Step 2 scores (by the Procurement Department) will be converted to rankings in accordance with the following example:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	10	7	5
	Total	92	84	85
	Rank	1	3	2
Committee Member 2	Step 1 Points	90	85	72
	Step 2 Points	10	7	5
	Total	100	92	79
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	10	7	5
	Total	90	81	72
	Rank	1	2	3
Low Aggregate Score		3	7	8
Phase I Ranking		1	2	3

If fewer than three responsive proposals are received by the City or if all responsive proposals received are determined by City Manager to be qualified for Phase II, Phase II may proceed without interruption or additional approvals following Phase I. Otherwise, the City Manager may submit a recommendation to the City Commission to short-list one or more proposers at the conclusion of the Phase I evaluation. Following City Commission approval of the City Manager's recommendation pursuant to Phase I of the RFP, the short-listed proposers will be allotted approximately 45 days to prepare a detailed technical proposal for the Project. The short-listed proposers will also be provided, via addendum, with the formal Design Criteria Package (DCP) and the Design/Building Agreement. Following Phase I short-listing and prior to receipt of proposals pursuant to Phase II, the City may issue further information and clarifications via Addenda to the short-listed proposers, including (but not limited to) any amendments to the Design Criteria Package, cost tender form, form of contract, and other informational items or requirements necessary for the short-listed proposers to submit its Phase II proposals. Additionally, the City will conduct a pre-submittal conference with short-listed proposer to facilitate project understanding and consider any project specific questions from the short-listed proposers. Phase II proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation.

PHASE II EVALUATION PROCESS

The Phase II evaluation process shall be completed by a Technical Review Committee, appointed by the City Manager, who may be different than the Evaluation Committee, who shall meet to evaluate each short-listed response and technical package in accordance with the criteria established below. In doing so, the Evaluation Committee will:

- a. Interview short-listed proposers, if deemed necessary.
- b. Receive input from a Technical Review by City Staff, the Design Criteria Professional, and other City advisors
- c. Recommend the Voluntary Alternate Proposals to accept, if any
- d. Score proposers utilizing the Evaluation Criteria

Proposers will be evaluated on the following criteria (100 maximum possible points):

- Technical Proposals (25 Points)
- Subcontractor Experience & Qualifications (5 Points)
- Approach & Methodology Plan (10 Points)
- Project Schedule (10 Points)
- Lowest GMP (50 Points)

Each proposed GMP shall be scored as follows:

Sample Objective Formula for Cost				
Vendor	Lump Sum Price	Example Maximum Allowable Points <small>(Points noted are for illustrative purposes only. Actual points are noted above.)</small>	Formula for Calculating Points <small>(lowest cost / cost of proposal being evaluated X maximum allowable points = awarded points)</small> Round to	Total Points Awarded
Vendor A	\$100.00	20	$\$100 / \$100 \times 20 = 20$	20
Vendor B	\$150.00	20	$\$100 / \$150 \times 20 = 13$	13
Vendor C	\$200.00	20	$\$100 / \$200 \times 20 = 10$	10

Final Ranking is presented to the City Manager for further due diligence and recommendation to the City Commission. Final Ranking does not constitute an award recommendation until such time as the City Manager has made his recommendation to the City Commission, which may be different than final ranking results.

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SECTION 0500**CITY OF MIAMI BEACH LICENSES, PERMITS AND FEES**

Each license, permit or fee a Contractor will have to pay the City before or during construction or the percentage method or unit method of all licenses, permits and fees **REQUIRED BY THE CITY AND PAYABLE TO THE CITY** by virtue of this construction as part of the Contract is as follows:

The City of Miami Beach will require occupational licenses for Contractors as well as sub-contractors.

Licenses, permits and fees which may be required by Miami-Dade County, the State of Florida, or other governmental entities are not included in the above list, but are listed as attached (next page) and included as an allowance in the proposal.

1. Occupational licenses from City of Miami Beach firms will be required to be submitted within fifteen (15) days of notification of intent to award.
2. Occupational licenses will be required pursuant to Chapter 205.065 Florida Statutes.

NOTE: a) If the Contractor is a State of Florida Certified Contractor the following will be required:

- 1) Copy of State Contractors Certification
- 2) Place of Business Occupational License
- 3) Liability and Property Damage Insurance Certificate made to City of Miami Beach
- 4) Workers compensation or the exemption

b) If a Dade County Licensed Contractor:

- 1) Dade Certificate of Competency in the Discipline Licensed
- 2) Municipal Contractors Occupational License
- 3) Liability and Property damage Insurance Certificate made to City of Miami Beach
- 4) Workers Compensation or the exemption

NOTE: PLEASE PROVIDE COPIES OF ALL YOUR LICENSES AND CORPORATE CERTIFICATES WITH YOUR PROPOSAL RESPONSE.

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**REQUEST FOR PROPOSALS (RFP) No. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14 STREET**

Note: The Proposer shall obtain and pay for all permits required for execution of the work; provided however, that the City will waive Public Works Department Right-of-Way permit fees.

PERMITS

- I. MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER) (formerly DERM).**
 - Class II Permit for Construction of Drainage System with Outfall.
 - Class V Dewatering Permit
 - Drainage Well Permit
 - File Notice of commencement with SFWMD and RER

- II. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)**
 - Notice of Intent to Use Generic Permit for Storm Water Discharge from Large and Small Construction Activities
 - National Pollutant Discharge Elimination System (NPDES) permit

- III. FLORIDA POWER AND LIGHT (FPL)**

- IV. CITY OF MIAMI BEACH PUBLIC WORKS DEPARTMENT**
 - ROW Permit - Fee to be waived.
 - Building Department - Plumbing, Structural, Electrical - Fees to be waived with the exception of Dade County fees
 - Notice of Commencement Permit

- V. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) Environmental Resource Permit (ERP)**

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APPENDIX A



MIAMI BEACH

Proposal Certification, Questionnaire & Requirements Affidavit

RFP NO. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II NORTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue , 3rd Floor
Miami Beach, Florida 33139

Solicitation No: 2016-091-KB	Solicitation Title: DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II NORTH OF 14 STREET	
Procurement Contact: KRISTY BADA	Tel: 305-673-7490	Email: KRISTYBADA@MIAMIBEACHFL.GOV

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:	
No of Years in Business:	No of Years in Business Locally:
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:	
FIRM PRIMARY ADDRESS (HEADQUARTERS):	
CITY:	
STATE:	ZIP CODE:
TELEPHONE NO.:	
TOLL FREE NO.:	
FAX NO.:	
FIRM LOCAL ADDRESS:	
CITY:	
STATE:	ZIP CODE:
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:	
ACCOUNT REP TELEPHONE NO.:	
ACCOUNT REP TOLL FREE NO.:	
ACCOUNT REP EMAIL:	
FEDERAL TAX IDENTIFICATION NO.:	

The City reserves the right to seek additional information from Proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the Proposer to perform in accordance with contract requirements.

1. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

YES NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

2. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Proposers must also disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

3. **References & Past Performance.** Proposer shall submit at least three (3) references for whom the Proposer has completed work similar in size and nature as the work referenced in solicitation.

SUBMITTAL REQUIREMENT: For each reference submitted, the following information is required: 1) Firm Name, 2) Contact Individual Name & Title, 3) Address, 4) Telephone, 5) Contact's Email and 6) Narrative on Scope of Services Provided.

4. **Suspension, Debarment or Contract Cancellation.** Has Proposer ever been debarred, suspended or other legal violation, or had a contract cancelled due to non-performance by any public sector agency?

YES NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

5. **Vendor Campaign Contributions.** Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their Proposals, in the event of such non-compliance.

SUBMITTAL REQUIREMENT: Submit the names of all individuals or entities (including your sub-consultants) with a controlling financial interest as defined in solicitation. For each individual or entity with a controlling financial interest indicate whether or not each individual or entity has contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach.

6. **Code of Business Ethics.** Pursuant to City Resolution No.2000-23879, each person or entity that seeks to do business with the City shall adopt a Code of Business Ethics ("Code") and submit that Code to the Department of Procurement Management with its proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. **Living Wage.** Pursuant to Section 2-408 of the Miami Beach City Code, as same may be amended from time to time, Proposers shall be required to pay all employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:
- Commencing with City fiscal year 2012-13 (October 1, 2012), the hourly living rate will be \$11.28/hr with health benefits, and \$12.92/hr without benefits.

The living wage rate and health care benefits rate may, by Resolution of the City Commission be indexed annually for inflation using the Consumer Price Index for all Urban Consumers (CPI-U) Miami/Ft. Lauderdale, issued by the U.S. Department of Labor's Bureau of Labor Statistics. Notwithstanding the preceding, no annual index shall exceed three percent (3%). The City may also, by resolution, elect not to index the living wage rate in any particular year, if it determines it would not be fiscally sound to implement same (in a particular year).

Proposers' failure to comply with this provision shall be deemed a material breach under this proposal, under which the City may, at its sole option, immediately deem said Proposer as non-responsive, and may further subject Proposer to additional penalties and fines, as provided in the City's Living Wage Ordinance, as amended. Further information on the Living Wage requirement is available at www.miamibeachfl.gov/procurement/.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees to the living wage requirement.

8. **Equal Benefits for Employees with Spouses and Employees with Domestic Partners.** When awarding competitively solicited contracts valued at over \$100,000 whose contractors maintain 51 or more full time employees on their payrolls during 20 or more calendar work weeks, the Equal Benefits for Domestic Partners Ordinance 2005-3494 requires certain contractors doing business with the City of Miami Beach, who are awarded a contract pursuant to competitive proposals, to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a Contractor who work within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?
 YES NO

B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?
 YES NO

C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Firm Provides for Employees with Spouses	Firm Provides for Employees with Domestic Partners	Firm does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

If Proposer cannot offer a benefit to domestic partners because of reasons outside your control, (e.g., there are no insurance providers in your area willing to offer domestic partner coverage) you may be eligible for Reasonable Measures compliance. To comply on this basis, you must agree to pay a cash equivalent and submit a completed Reasonable Measures Application (attached) with all necessary documentation. Your Reasonable Measures Application will be reviewed for consideration by the City Manager, or his designee. Approval is not guaranteed and the City Manager's decision is final. Further information on the Equal Benefits requirement is available at www.miamibeachfl.gov/procurement/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Bid or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of proposal submitted; Proposer has not divulged, discussed, or compared the proposal with other Proposers and has not colluded with any other Proposer or party to any other proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA)
)
 County of _____)
 _____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

On this ____ day of _____, 20__, personally appeared before me _____ who stated that (s)he is the _____ of _____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

 Notary Public for the State of Florida
 My Commission Expires: _____.

APPENDIX B



MIAMI BEACH

“No Bid” Form

RFP NO. 2016-091-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II NORTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

Note: It is important for those vendors who have received notification of this solicitation but have decided not to respond, to complete and submit the attached “Statement of No Bid.” The “Statement of No Bid” provides the City with information on how to improve the solicitation process. Failure to submit a “Statement of No Bid” may result in not being notified of future solicitations by the City.

Statement of No Bid

WE HAVE ELECTED NOT TO SUBMIT A PROPOSAL AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

- Workload does not allow us to proposal
- Insufficient time to respond
- Specifications unclear or too restrictive
- Unable to meet specifications
- Unable to meet service requirements
- Unable to meet insurance requirements
- Do not offer this product/service
- OTHER. (Please specify)

We do do not want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
PROCUREMENT DEPT.
ATTN: **Kristy Bada**
STATEMENTS OF QUALIFICATIONS #2016-091-KB
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

RFP NO. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II SOUTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

C1. Minimum Eligibility Requirements. The Minimum Eligibility Requirements for this solicitation are listed below. Proposer shall submit, with its proposal, the required submittal(s) documenting compliance with each minimum requirement. Proposers that fail to include the required submittals with its proposal or fail to comply with minimum requirements shall be deemed non-responsive and shall not have its proposal considered.

1. Design/Build Firm must be licensed as a General Contractor or Underground Utility Contractor in the State of Florida.

Submittal Requirement: Submit a copy of the required license(s).

2. Design/Build Firm shall demonstrate to have successfully completed the construction of (2) projects similar in scope and volume in the past 10 years demonstrating the experience in urban right of ways and infrastructure improvements.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1page per project)

3. Design/Build Firm or its design lead consultant shall demonstrate to have successfully completed the design of (2) similar to this project within the past 10 years demonstrating the experience in urban right of ways and infrastructure improvements.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

4. **Design/Build** Firm or its landscaping subcontractor shall demonstrate to have successfully completed the landscape construction of (2) projects similar in scope and volume in the past 10 years demonstrating the experience in urban and residential communities.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

5. The DBF or its design consultant shall demonstrate familiarity of the permit process with all environmental agencies such as Dade County, South Florida Water Management District; Corps of Engineers, etc.

Submittal Requirement: For each project, submit project name, brief description of project, date of completion, owner's representative, and owner's representative contact information. (1 page per project)

6. Design/Build Firm must submit documentation acceptable to the City that the Final Design team member is pre-qualified under Miami-Dade County, Internal Services Department, Procurement Management Services Division, for the following categories:

- 3.02 - Highway Systems – Highway Design
- 3.09 – Highway Systems – Signing, Pavement Marking, Channel
 - 3.10 – Highway Lighting
 - 3.11 – Highway Signalization
- 6.01 – W & S System – Water Distribution and Sanitary Sewage Collection

- 9.02 Soils, Foundations and material testing.
- 10.01 – Environmental Engineering – Stormwater Drainage Design
- 16.00 – General Civil Engineering
- 20.00 – Landscape Architecture

Submittal Requirement: Submit a copy of the required pre-qualifications.

7. Proposer must have sufficient bonding capacity for a Payment and Performance Bond in an amount not less than \$15 million.

Submittal Requirement: Provide a letter from a Surety firm affirming that the Proposer has sufficient bonding capacity to provide performance and payment bonds in an amount not less than \$15 million for the project. The Surety firm shall be rated by AM Best as to be no less than A- (Excellent) and within a Financial Size Category of no less than Category V (\$10 - \$25 million). The statement of bonding capacity shall be directly from the Surety firm on its official letterhead and signed by an authorized agent of the firm.

C2. Statement of Work Required.

The purpose of this RFP is to contract with a Design/Build Firm for Right of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue South of 14th Street. Proposals received pursuant to this RFP will be evaluated in a two-phased process (Phase I and Phase II). Phase I Proposers will be evaluated in accordance with the criteria established in Section 0400 for Phase I Evaluation. Following City Commission selection of the short-listed proposers pursuant to Phase I of the RFP, the short-listed proposers will be allotted approximately 45 days to prepare a detailed technical proposal for the Project. The short-listed proposers will also be provided, via addendum, with the formal Design Criteria Package (DCP) and Design/Build Agreement. Following Phase I short-listing and prior to receipt of proposals pursuant to Phase II, the City may issue further information and clarifications via Addenda to the short-listed proposers, including (but not limited to) any amendments to the Design Criteria Package, cost tender form, form of contract, and other informational items or requirements necessary for the short-listed proposers to submit its Phase II proposals. Additionally, the City will conduct a pre-submittal conference with short-listed proposers to facilitate project understanding and consider any project specific questions from the short-listed proposers. Phase II proposals will be evaluated in accordance with the criteria established in Section 0400 for Phase II Evaluation. Following City Commission approval of the City Managers recommendation pursuant to Phase II, the City will enter into contract negotiations and execution.

Scope of Work:

The Design/Build Firm (DBF) will be responsible for the design, permitting, community outreach for, construction administration and the construction of the infrastructure site work for Right of Way Infrastructure Improvement Program Neighborhood No. 11: West Avenue South of 14th Street. The work will include but not be limited to site preparation; earthwork, roadway reconstruction, water, sewer and drainage installation and/or relocation; landscaping; and streetscape improvements including all ADA features as applicable.

The scope of the work shall incorporate the following general areas of work as well as all miscellaneous construction necessary to accomplish these major goals.

1. Water main improvements consisting of the removal of the existing old water mains and installation of new water mains, all fittings and service connections with new

meters including 6,200 feet 8" DIP, 800 feet of 12" DIP and 2,300 feet of 20" DIP. Water service must be maintained at all times.

2. Gravity sewer system improvements consisting of the removal of the existing old sewer system and installation of new sewer lines, sewer manholes and service connections including 2000 feet 8" C-900, 500 feet 10" C-900, 2000 feet 12" C-900 and 500 feet 15" C-900. Sewer service must be maintained at all times.

3. Roadway Reconstruction and Streetscape Improvements consisting of the removal of encroachments and the complete reconstruction of the roadway cross section including a designed profile and cross slope - raising the roadbed and minimum road crown elevations of 3.7 NAVD, and harmonization of properties. Performing a topographical survey and a ROW survey containing finished floor (FFE) data within the project limits, all road right-of-ways within the limits of the project shall be reconstructed to newly targeted elevations as requested by Owner. Additional design considerations will be made to maintain positive drainage away from the private lots. Landscaping shall be preserved to the greatest extent possible but if relocation/removal is necessary, it should be replaced consistent with City Code.

4. Stormwater System Improvements consisting of the removal of the existing drainage system and the design and construction of an interconnected drainage system to include new piping, catch basins, manholes, and connection to existing outfall via the new pumps station recently constructed or under construction in the first phase of the West Avenue Neighborhood Improvement Project. The new stormwater piping includes the installation of 2,000 feet of 48" trunk line along West Avenue and Bay Road as depicted on a Drainage Report that will be included as part of the DCP for this project.

5. Design and construction for bike lanes, multi-use paths and ADA sidewalks as depicted on the typical sections depicted on the 2007 Basis of Design Report for West Avenue and Bay Road that will be included as part of the DCP for this project.

Proposed Budget:

The City of Miami Beach's Public Works budget for the proposed project is \$15 Million.

Project Duration: The Design/Build Firm must complete the Work by the following durations, which exclude the warranty administrative period.

- Design & Permitting Phase: 150 Days from the issuance of Notice to Proceed (NTP)
- Substantial Completion: 390 Calendar Days from the issuance of applicable permits.
- Final Completion: 60 Calendar Days from date of attaining Substantial Completion.

If the Design/Build Firm does not achieve Substantial Completion by the established Substantial Completion Contract Date, Liquidated Damages (LDs) will be assessed in the amount of \$3,900 per calendar day, which will be paid to the City by the Design/Build Firm. If the Design/Build Firm does not achieve Final Completion by the established Final Completion Contract Date, LDs will be assessed in the amount of \$1,000.00 per calendar day, which will be paid to the City by the

Design/Build Firm. LDs will be cumulative if both the Substantial Completion Contract Date and the Final Completion Contract Date are exceeded. All assessments of LDs to the Design/Build Firm may be adjustments to payments due to the Design/Build Firm.

Location of Work: That portion of Neighborhood No. 11 West Avenue Phase 2 south of 14th Street includes the following: West Ave from 14th Street to 8th Street; Monad Terrace from West Ave to Biscayne Bay; and 13th, 12th, 11th, 8th Streets from West Ave to Alton Road.

APPENDIX D



MIAMI BEACH

Special Conditions

RFP NO. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II SOUTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

1. TERM OF CONTRACT. Not Applicable.

2. OPTIONS TO RENEW. Not Applicable.

3. PRICES. Not Applicable.

4. EXAMINATION OF FACILITIES. Not Applicable.

5. INDEMNIFICATION. Provider shall indemnify and hold harmless the City and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the City or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Provider or its employees, agents, servants, partners principals or subcontractors. Provider shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Provider expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Provider shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City or its officers, employees, agents and instrumentalities as herein provided.

6. PERFORMANCE BOND. Not Applicable.

7. REQUIRED CERTIFICATIONS. Not Applicable.

8. SHIPPING TERMS. Not Applicable.

9. DELIVERY REQUIREMENTS. Not Applicable.

10. WARRANTY REQUIREMENTS. Not Applicable.

11. BACKGROUND CHECKS. Not Applicable.

12. COMPETITIVE SPECIFICATIONS. It is the goal of the City to maximize competition for the project among suppliers & contractors. Consultant shall endeavor to prepare all documents, plans & specifications that are in accordance with this goal. Under no condition shall Consultant include means & methods or product specifications that are considered "sole source" or restricted without prior written approval of the City.

13. ADDITIONAL TERMS OR CONDITIONS. This RFP, including the attached Sample Contract, contains all the terms and conditions applicable to any service being provided to the City resulting from award of contract. By virtue of submitting a proposal, consultant agrees not to require additional terms and conditions at the time services are requested, either through a separate agreement, work order, letter of engagement or purchase order.

14. CHANGE OF PROJECT MANAGER. A change in the Consultant's project manager (as well as any replacement) shall be subject to the prior written approval of the City Manager or his designee (who in this case shall be an Assistant City Manager). Replacement (including reassignment) of an approved project manager or public information officer shall not be made without submitting a resume for the

replacement staff person and receiving prior written approval of the City Manager or his designee (i.e. the City project manager).

15. SUB-CONSULTANTS. The Consultant shall not retain, add, or replace any sub-consultant without the prior written approval of the City Manager, in response to a written request from the Consultant stating the reasons for any proposed substitution. Any approval of a sub-consultant by the City Manager shall not in any way shift the responsibility for the quality and acceptability by the City of the services performed by the sub-consultant from the Consultant to the City. The quality of services and acceptability to the City of the services performed by sub-consultants shall be the sole responsibility of Consultant.

16. NEGOTIATIONS. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer (s) will take place to arrive at a mutually acceptable Agreement, including final scope of services, deliverables and cost of services.

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APPENDIX E



MIAMI BEACH

Cost Tender Form (SAMPLE ONLY)

**Actual Cost Tender Form shall be provided to short-listed firms
at the conclusion of Phase I Evaluation.**

RFP NO. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II SOUTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

Section 1 – Certification

The undersigned, as Proposer, hereby declares that the only persons interested in this proposal as principal are named herein and that no person other than herein mentioned has any interest in this proposal or in the Contract to be entered into; that this proposal is made without connection with any other person, firm, or parties making a proposal; and that it is, in all respects, made fairly and in good faith without collusion or fraud.

The Proposer further declares that it has examined the site of the Work and informed itself fully of all conditions pertaining to the place where the Work is to be done; that it has examined the Contract Documents and all addenda thereto furnished before the opening of the proposals, as acknowledged below; and that it has satisfied itself about the Work to be performed; and all other required information with the proposal; and that this proposal is submitted voluntarily and willingly.

The Proposer agrees, if this proposal is accepted, to contract with the City, a political subdivision of the State of Florida, pursuant to the terms and conditions of the Contract Documents and to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, and all labor necessary to construct and complete within the time limits specified the Work covered by the Contract Documents for the Project entitled:

REQUEST FOR PROPOSALS (RFP) No. 2016-090-KB
 DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14 STREET

The Proposer also agrees to furnish the required Performance Bond and Payment Bond or alternative form of security, if permitted by the City, each for not less than the total proposal price plus alternates, if any, provided in the RFP Price Form in Section 00408 and to furnish the required Certificate(s) of Insurance.

In the event of arithmetical errors between the division totals and the total base proposal in the RFP Price Form, the Proposer agrees that the total base proposal shall govern. In the event of a discrepancy between the numerical total base proposal and the written total base proposal, the written total base proposal shall govern. In absence of totals submitted for any division cost, the City shall interpret as no proposal for the division, which may disqualify the Proposer.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA) On this ____ day of _____, 20__
 personally

) appeared before me _____ who
 _____) stated that (s)he is the _____ of _____, a
 corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of
 directors and acknowledged said instrument to be its voluntary act and deed. Before me:

 Notary Public for the State of Florida
 My Commission Expires: _____.

Section 2 – GUARANTEED MAXIMUM PRICE - SAMPLE

REQUEST FOR PROPOSALS (RFP)

No. 2016-090-KB

**DESIGN/BUILD SERVICES FOR WEST AVENUE IMPROVEMENTS PHASE II SOUTH OF 14 STREET
FURTHER BREAKDOWN OF LINE ITEMS INDICATED MAY BE PROVIDED AT THE DISCRETION OF
THE PROPOSER**

DESCRIPTION	QUANTITY	UNITS	UNIT COST	TOTAL AMOUNT
ROADWAY PAY ITEMS				
CLEAR AND GRUBBING	1	LS		
EMBANKMENT	1	LS		
TYPE B STABILIZATION (12")	1	LS		
OPTIONAL BASE	1	LS		
GEOFABRIC (1400)	1	LS		
TYPE S-III ASPHALTIC CONC. (2" AVG. DEPTH)	1	LS		
CONCRETE CURB & GUTTER, TYPE F	1	LS		
CONCRETE SIDEWALK, 4" THICK	1	LS		
CONCRETE SIDEWALK 6" THICK DW	1	LS		
BRICK AND PAVERS	1	LS		
RETAINING WALL	1	LS		
HANDRAIL	1	LS		
SOD(BAHIA)	1	LS		
DEMUCK/BACKFILL OF NEW WATER,SEWER AND DRAINAGE SYSTEMS & INCLUDE DEMUCK/BACKFILL OF EXISTING UTILITES NEEDS TO BE REMOVED	1	LS		
DRAINAGE PAY ITEMS				
CURB INLETS	1	LS		
MANHOLES	1	LS		
YARD DRAIN (W/ PIPE CONNECTION TO STORM SYSTEM)	1	LS		
18" PIPE	1	LS		
24" PIPE	1	LS		
48" PIPE	1	LS		
TRENCH DRAIN (W/ PIPE CONNECTION TO STORM SEWER)	1	LS		
WATER PAY ITEMS				
CONNECT TO EXISTING 8" WM	1	LS		
CONNECT TO EXISTING 12" WM	1	LS		
CONNECT TO EXISTING 20" WM	1	LS		
4" DIP WM (W/FITTINGS)	1	LS		
8" DIP WM (W/FITTINGS)	1	LS		
12" DIP WM (W/FITTINGS)	1	LS		
20" DIP WM (W/FITTINGS)	1	LS		
4" GATE VALVES	1	LS		
8" GATE VALVES	1	LS		
12" GATE VALVES	1	LS		
20" GATE VALVES	1	LS		
WATER SERVICES W/ AMR METERS	1	LS		

FIRE HYDRANT	1	LS		
SEWER PAY ITEMS				
8" C-900 GRAVITY SEWER	1	LS		
10" C-900 GRAVITY SEWER	1	LS		
12" C-900 GRAVITY SEWER	1	LS		
15" C-905 GRAVITY SEWER	1	LS		
SERVICE CONNECTIONS	1	LS		
MANHOLE	1	LS		
PAVEMENT MARKINGS AND LIGHTING				
SIGNING AND MARKINGS	1	LS		
SIGNILIZED INTERSECTION 11TH AND WEST	1	LS		
SIGNILIZED INTERSECTION 8TH AND WEST	1	LS		
STREET LIGHTING	1	LS		
PEDESTRIAN LIGHTING	1	LS		
ALLOWANCE PERMITS				
ALLOWANCE PERMITS	1	LS	\$50,000.00	\$50,000.00
CONSIDERATION FOR INDEMNIFICATION OF CITY	1	LS	\$25.00	\$25.00
COST FOR COMPLIANCE TO ALL FEDERAL AND STATE REQUIREMENTS OF THE TRENCH SAFETY ACT	1	LS	\$25.00	\$25.00
MOT (6%)	1	LS		
MOBILIZATION/GENERAL CONDITIONS (12%)	1	LS		
ENGINEERING (10%)	1	LS		
BONDS AND INSURANCE (2.5%)	1	LS		
TOTAL WEST AVE II SOUTH PHASE				
OWNER CONTROLLED PROJECT				
CONTINGENCY 10% OF TOTAL WEST AVE II	10	%		
TOTAL GMP WEST AVE II SOUTH PHASE				

ANY LETTERS, ATTACHMENTS, OR ADDITIONAL INFORMATION TO BE CONSIDERED PART OF THE PROPOSAL MUST BE SUBMITTED IN DUPLICATE.

WRITTEN TOTAL: _____

PROPOSER (Print): _____

ADDRESS: _____

CITY/STATE: _____ ZIP: _____

FEDERAL I.D. #: _____

NAME/TITLE OF REPRESENTATIVE (Print): _____

SIGNED: _____

(I certify that I am authorized to execute this proposal and commit the proposing firm)

APPENDIX F



MIAMI BEACH

Insurance Requirements

RFP NO. 2016-090-KB
DESIGN/BUILD SERVICES FOR WEST AVENUE
IMPROVEMENTS PHASE II SOUTH OF 14 STREET

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

INSURANCE REQUIREMENTS

This document sets forth the minimum levels of insurance that the contractor is required to maintain throughout the term of the contract and any renewal periods.

The provider shall furnish to Department of Procurement, City of Miami Beach, 1755 Meridian Avenue, 3rd Floor, Miami Beach, Florida 33139, Certificate(s) of Insurance which indicate that insurance coverage has been obtained which meets the requirements as outlined below:

- A. Worker's Compensation Insurance for all employees of the vendor as required by Florida Statute 440.
- B. Commercial General Liability on a comprehensive basis in an amount not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage. **City of Miami Beach must be shown as an additional insured with respect to this coverage.**
- C. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the work, in an amount not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage.
- D. Professional Liability Insurance in an amount not less than \$2,000,000 with the deductible per claim, if any, not to exceed 10% of the limit of liability.
- E. Installation Floater Insurance including coverage for material & equipment to be installed during the course of this project. City of Miami Beach shall be included as a Named Insured on this policy, as its insurable interest may appear. This policy shall remain in force until acceptance of the project by the City.

A waiver of subrogation in favor of the City must be included for the policies required above. The insurance coverage required shall include those classifications, as listed in standard liability insurance manuals, which most nearly reflect the operations of the vendor.

All insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

The company must be rated no less than "B+" as to management, and no less than "Class V" as to financial strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the City Risk Management Division.

or

The company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to Do Business in Florida" issued by the State of Florida Department of Insurance and are members of the Florida Guaranty Fund.

Certificates will indicate no modification or change in insurance shall be made without thirty (30) days in advance notice to the certificate holder.

CERTIFICATE HOLDER MUST READ:

**CITY OF MIAMI BEACH
1755 MERIDIAN AVENUE
3rd FLOOR
MIAMI BEACH, FL 33139**

Compliance with the foregoing requirements shall not relieve the vendor of his liability and obligation under this section or under any other section of this agreement.

The City of Miami Beach is self-insured. Any and all claim payments made from self-insurance are subject to the limits and provisions of Florida Statute 768.28, the Florida Constitution, and any other applicable Statutes.

R5
ORDINANCES

Condensed Title:

An Ordinance amending the composition of the Committee on the Homeless to include the Miami Beach Police Department as the Supporting Department to the Committee. (Second Reading)

Key Intended Outcome Supported:

N/A

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

Item Summary/Recommendation:

The Committee on the Homeless was established in 1997 to serve in an advisory capacity to the Mayor and Commission on issues, strategies and approaches to address homelessness in our community. The Committee is comprised of nine (9) members, three appointed by the Mayor and six appointed respectively by each Commissioner. Committee members may be selected from homeless services providers as well as members of resident and business civic organizations. Currently, the Office of Housing and Community Services serves as the supporting department to the Committee.

The Committee's composition and the ordinance establishing the Committee have not been amended since 1998.

At the January 13, 2016 City Commission meeting, the Committee on the Homeless presented a variety of recommendations to address homelessness in our community. One of these recommendations was to expand the composition of the Committee to include representation from the Miami Beach Police Department so as to include their experience and knowledge as resources to the Committee as the Committee formulates its recommendations to the Mayor and Commission. The Mayor and Commission unanimously accepted this recommendation and directed the Administration to return with the required ordinance change at the February 10, 2016 meeting.

The attached ordinance proposes adding the Miami Beach Police Department as the supporting department to the Committee, in addition to the Office of Housing and Community Services, to ensure Police Department representation and participation during Committee meetings.

This item was first heard at the February 9, 2016 Commission meeting. This is the second and final hearing on this matter.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
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	2		
	3		
	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Maria L. Ruiz, Housing & Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR 	KGB 	JLM 

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: March 9, 2016

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 11, ENTITLED "COMMITTEE ON THE HOMELESS," BY AMENDING AND UPDATING THE PROVISIONS REGARDING THE COMPOSITION, KNOWLEDGE, AND EXPERIENCE OF BOARD MEMBERS, AND CITY DEPARTMENTAL SUPPORT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

SECOND READING

ADMINISTRATION RECOMMENDATION

Approve the Ordinance.

BACKGROUND

The Committee on the Homeless was established in 1997 to serve in an advisory capacity to the Mayor and Commission on issues, strategies and approaches to address homelessness in our community. The Committee is comprised of nine (9) members, three appointed by the Mayor and six appointed respectively by each Commissioner. Committee members may be selected from homeless services providers as well as members of resident and business civic organizations. Currently, the Office of Housing and Community Services serves as the supporting department to the Committee.

The Committee's composition and the ordinance establishing the Committee have not been amended since 1998.

ANALYSIS

At the January 13, 2016 City Commission meeting, the Committee on the Homeless presented a variety of recommendations to address homelessness in our community. One of these recommendations was to expand the composition of the Committee to include representation from the Miami Beach Police Department so as to include their experience and knowledge as resources to the Committee as the Committee formulates its recommendations to the Mayor and Commission.

The Mayor and Commission unanimously accepted this recommendation and directed the Administration to return with the required ordinance change at the February 10, 2016 meeting, and as sponsored by Commissioner John Aleman.

The attached ordinance proposes adding the Miami Beach Police Department as the supporting department to the Committee, in addition to the Office of Housing and Community Services, to ensure Police Department representation and participation during Committee meetings.

The item was unanimously approved at its First Reading at the February 9, 2016 Commission meeting.

CONCLUSION

The Administration recommends amending the ordinance to include the Miami Beach Police Department as a supporting department to the Committee on the Homeless as a means of ensuring that the Department's experience and knowledge are available to support the Committee's work.

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JLM/KGB/MLR

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 11, ENTITLED "COMMITTEE ON THE HOMELESS," BY AMENDING AND UPDATING THE PROVISIONS REGARDING THE COMPOSITION, KNOWLEDGE, AND EXPERIENCE OF BOARD MEMBERS, AND CITY DEPARTMENTAL SUPPORT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Committee on the Homeless was established in 1997 and provides important advisory recommendations to the Miami Beach City Commission on homeless strategies; and

WHEREAS, the City Code provisions concerning the Committee on the Homeless have not been amended since 1998 and are outdated, in part, and should be amended.

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

SECTION 1. That Section 2-161, of Division 11, Article III, of Chapter 2 of the City Code is hereby amended as follows:

**Chapter 2
ADMINISTRATION**

* * *

Article III. Agencies, Boards and Committees

* * *

DIVISION 11. COMMITTEE ON THE HOMELESS

Sec. 2-161. Established; purpose, powers and duties; composition.

- (a) *Established.* There is hereby established the committee on the homeless, whose purposes, power and duties, composition, membership qualification, and general governing regulations are as set forth in this section.

- (b) *Purpose.* The mayor and city commission wish to create a committee to facilitate, implement, and empower the curative philosophy known as continuum of care.
- (c) *Powers and duties.* The committee shall have the power and duty to examine the issues of the homeless in the city and to recommend to the city commission a comprehensive strategy on the homeless.
- (d) *Composition.* The committee shall consist of nine members, three to be appointed by the mayor, and each commissioner to appoint one member. ~~The chairperson of the committee on the homeless or his designee shall serve as a nonvoting, ex officio member of the community relations board.~~
- (e) *Knowledge and experience.* Each member of the committee shall be selected from membership in an organization such as, but not limited to, the following:

(1) *Service providers:*

- a. Douglas Gardens Community Mental Health Center.
- b. The Salvation Army.
- c. Better Way of Miami.
- d. Miami-Dade County Homeless Trust.

(2) *Civic representation:*

- a. ~~North Beach (North Beach Development Corporation).~~ Neighborhood, business, or homeowner association in an area of the City impacted by homeless issues.
- b. ~~Forty first Street (Middle Beach Partnership).~~ A not-for-profit 501(c)(3) organization that promotes the health and welfare of homeless individuals.
- c. ~~Lincoln Road (Marketing Council).~~ Member of the general public with personal or professional experience with homeless issues.
- d. ~~Washington Avenue (Miami Beach Development Corporation and/or Washington Avenue Task Force).~~
- e. ~~Ocean Drive (Ocean Drive Improvement Association).~~
- f. ~~Collins Avenue (Hotel Association).~~
- g. ~~South Pointe (South Pointe Advisory Board to the Redevelopment Agency).~~
- h. ~~Member of the general public with personal experience with homeless issues.~~
- i. ~~CDBG Project Coordinator (ESG Emergency Shelter Grant Provider).~~

~~(3) City officials:~~

a. ~~Representatives from the police department and the city attorney's office as ex-officio members.~~

(f) *Supporting department.* The supporting department of the committee is the office of ~~the city manager~~ Housing and Community Services with the Police Department as a co-liaison to the committee.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2016.

PASSED AND ADOPTED this ____ day of _____, 2016.

Philip Levine, Mayor

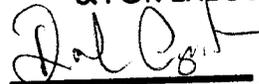
ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor John Elizabeth Alemán)

Underline denotes new language
~~Strikethrough~~ denotes removed language

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-2-16
Date

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Condensed Title:

Ordinance amendment to the land development regulations to consolidate and standardize the notification procedures for single family home determination of architectural significance.

Key Intended Outcome Supported:

Streamline the Delivery of Services Through All Departments. Improve Building Development Related Processes From Single Family Residences To The Large Development Projects.

Supporting Data (Surveys, Environmental Scan, etc The City's efforts to meet residents' expectations in delivering services dropped from 67% in 2012 to 58% in 2014.

Item Summary/Recommendation:

SECOND READING – PUBLIC HEARING

The subject ordinance requires that public notice for a single family home determination of architectural significance be in accordance with the section 118-8, subsections (b) Mail Notice, and (c) Posting, except that no public hearing shall be required.

On October 7, 2015, the Land Use and Development Committee recommended approval of the broader ordinance amendment for the consolidation and standardization of notification procedures.

On December 9, 2015, the City Commission adopted ordinances 2015-3976 and 3977, which consolidated all notice requirements in one section of the Code. The amendments set forth here are necessary to incorporate the remaining items into the consolidated notice requirements.

On February 10, 2016, the City Commission approved the attached ordinance at First Reading and scheduled a Second Reading Public Hearing for March 9, 2016.

The Administration recommends that the City Commission approve the attached ordinance

Advisory Board Recommendation:

On October 27, 2015, the Planning Board (vote 7-0) transmitted the attached proposal to the City Commission with a favorable recommendation (Planning Board File No. 2297).

Financial Information:

Source of Funds:		Amount	Account
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	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
		

T:\AGENDA\2016\March\Planning\SFR Notification Procedures - SECOND Reading SUM.docx

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: March 9, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **Consolidation Of Notification Procedures For Single Family Home Determination Of Architectural Significance**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, BY STRIKING THE REMAINING NOTICE PROVISIONS CONTAINED WITHIN CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS”, AT SECTION 142-108, ENTITLED “PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS” IN ORDER TO ENSURE CONSOLIDATION OF ALL NOTICE PROVISIONS IN NEW SECTION 118-8 ENTITLED “NOTIFICATION PROCEDURES;” BY AMENDING SECTION 142-108 TO CROSS-REFERENCE WITH SECTION 118-8; AND BY AMENDING SECTION 118-8 TO INCLUDE NOTICE REQUIREMENTS FOR ADMINISTRATIVE DECISIONS REQUIRING REVIEW; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance.

BACKGROUND

On June 10, 2015, at the request of Commissioner Deede Weithorn, the City Commission referred an ordinance regarding the consolidation and standardization of notification procedures to Land Use and Development Committee and the Planning Board (Item C4F).

On October 7, 2015, the Land Use and Development Committee recommended approval of the broader ordinance amendment for the general consolidation and standardization of notification procedures.

On December 9, 2015, the City Commission adopted ordinances 2015-3976 and 3977, which amended the Land Development Code in order to consolidate all notice requirements in one section of the Code and to ensure that all land use board noticing requirements were uniform.

As part of the code amendments, staff realized certain provisions were not included or updated, and due to advertising requirements for second reading, public hearing, on the ordinances, were unable to timely make the modifications to the two ordinances. The amendments set forth below are necessary to incorporate the remaining items into the consolidated notice requirements. The sponsor of the proposed ordinance is Michael Grieco.

ANALYSIS

As previously indicated, the City of Miami Beach is in the process of updating the City's procedures and on-line capabilities through the use of Energov and NOVUS Agenda. These systems will allow for an online collaboration in processing board applications and creating agendas for all City Commission and quasi-judicial board meetings. As part of this initiative, City departments are in the process of configuring the workflows which include the type of notice needed for the type of application being heard – whether there is a public hearing notice requirement, whether mailed notice or posting is required, and the time tables for producing said notice.

The proposed ordinance modifies the existing language in the code regarding the notification procedures for a single family home determination of architectural significance. The required notice is now in accordance with section 118-8, subsections (b) Mail Notice, and (c) Posting. Section 118-8 is the recently adopted City Code section which consolidated the notice requirements into one section.

In order to standardize the time frames for public notice, the timeframe has been extended from 10 days to 30 days for the public notice and final rendering of a determination of architectural significance of a single family home. The increase from 10 days to 30 days is the only substantive change to the notice requirements.

PLANNING BOARD REVIEW

On October 27, 2015, the Planning Board (vote 7-0) transmitted the attached ordinance to the City Commission with a favorable recommendation (Planning Board File No. 2297).

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.

SUMMARY

The subject ordinance was approved at First Reading on February 10, 2016.

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance.

**CONSOLIDATION OF NOTIFICATION PROCEDURES FOR SINGLE FAMILY HOME
DETERMINATION OF ARCHITECTURAL SIGNIFICANCE**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRIKING THE REMAINING NOTICE PROVISIONS CONTAINED WITHIN CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS”, AT SECTION 142-108, ENTITLED “PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS” IN ORDER TO ENSURE CONSOLIDATION OF ALL NOTICE PROVISIONS IN NEW SECTION 118-8 ENTITLED “NOTIFICATION PROCEDURES;” BY AMENDING SECTION 142-108 TO CROSS-REFERENCE WITH SECTION 118-8; AND BY AMENDING SECTION 118-8 TO INCLUDE NOTICE REQUIREMENTS FOR ADMINISTRATIVE DECISIONS REQUIRING REVIEW; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is in the process of updating the City’s procedures and on-line capabilities through the use of Energov and NOVUS Agenda, which systems, will allow for an online collaboration in processing board applications and creating agendas for all City Commission and quasi-judicial board meetings; and

WHEREAS, as part of this initiative, City departments are in the process of configuring the workflows which include the type of notice need for the type of application being heard – whether there is a public hearing notice requirement, a mailed notice or property posting requirement, and the time tables for issuing said types of notice; and,

WHEREAS, until recently, the notice provisions for each board were located throughout the code, and were not easy to find as the notice provision was often subsumed within a larger ordinance, making it very difficult for the general public to understand the type of notice they can expect relating to a land use application; and

WHEREAS, on December 9, 2015, the City Commission adopted Ordinances 2015-3976 and 2015-3977, which allowed the City to amended the Land Development Code in order to consolidate all notice requirements in one section of the Code, at Section 118-8, and to modify the notice provisions to ensure that all land use board noticing requirements were uniform in application; and

WHEREAS, the ordinance consolidation at Section 118-8 also facilitated the implementation of the Energov and NOVUS Agenda software systems and ensured that staff does not err in providing proper notice of the various board actions; and

WHEREAS, as part of the code amendments, staff realized certain provisions were not included or updated, and due to advertising requirements for second reading, public hearing, on Ordinances 2015-3976 and 2015-3977, the administration was unable to timely make the modifications to the two original ordinances; and

WHEREAS, in order to accomplish the above stated objectives, the amendments set forth below are necessary so as to incorporate the remaining items into the consolidated notice provision of Section 118-8, as codified through the adoption of Ordinances 2015-3976 and 2015-3977.

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 2 "RS-1, RS-2, RS-3, RS-4 Single Family Residential Districts" at Section 142-108, "Provisions for the demolition of single-family homes located outside of historic districts," is hereby amended, as follows:

* * *

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

* * *

All requests for a determination as to the architectural significance of any single-family home constructed prior to 1942 shall be in writing, signed by the property owner, stating specifically the reasons asserted for the requested determination and shall include a copy of the building card, current color photos of the home, and any microfilm on record, and public notice shall be required in accordance with section 118-8, subsections (b) Mail Notice, and (c) Posting. ~~and two sets of mailing labels, with the names and addresses of all property owners of land located within 375 feet of the exterior boundary of the subject property, and an original certified letter stating that the ownership list and mailing labels are a complete and accurate representation of the real property and property owners within 375 feet of the subject property; such letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page and state the source for this information. Within five days of the receipt of a request, the planning department shall post a notice on the subject site and notice shall be given by mail to the owners of record of land lying within 375 feet of the property; the mail notification requirement shall be the responsibility of the applicant and must be completed within three days of the receipt of the notice.~~

Within ten days of posting the notice, interested persons may submit information to the planning director to take into consideration in evaluating the request. The director shall file the decision with the city clerk.

* * *

SECTION 2. Chapter 118, "Administrative and Review Procedures", Article I "In General", Section 118-8 "Notice Procedures for Quasi-Judicial, Public Hearing Land Use Board Actions" hereby amended as follows:

* * *

118-8 Notice Procedures for Quasi-Judicial, Public Hearing Quasi-Judicial Land Use Board Actions, and for Administrative Decisions Requiring Notice.

Quasi-judicial, public hearing, applications for land use board actions (Board of Adjustment, Design Review Board, Historic Preservation Board, and Planning Board) that require notice, and administrative decisions that require notice shall be noticed in accordance with the following provisions, unless otherwise more specifically provided for in these Land Development Regulations, and shall pay a fee pursuant to Section 118-7, and Appendix A:

- (a) *Advertisement.* At least 30 days prior to the quasi-judicial, public hearing date, a description of the request, and the date, start time of the meeting and location of the hearing shall be noticed in a newspaper of general circulation. Applicant shall be required to pay all associated costs relating to the advertisement.
- (b) *Mail Notice.* At least 30 days prior to the quasi-judicial, public hearing date, or in the case of an administrative decision requiring a mail notice, 30 days prior to the final rendered decision, a description of the request, and the date, start time of the meeting, and location of the hearing shall be given by mail to the owners of record of land lying within 375 feet of the property subject to the application. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department. Additionally, courtesy notice shall also be given to any Florida nonprofit community organization which has requested of the director in writing to be notified of board hearings. Applicant shall be required to pay all associated costs relating to the mailed notice.
- (c) *Posting.* At least 30 days prior to the quasi-judicial, public hearing date, or in the case of an administrative decision, 30 days prior to the final rendered decision, a description of the request, and the date, time and place of such hearing shall be posted on the property. Such posting shall be a minimum dimension of 11 inches by 17 inches, and located in a visible location at the front of the property, and shall not be posted on a fence or wall that would be obstructed by the operation of a gate. Applicant shall be required to pay all associated costs relating to the posting.

* * *

SECTION 3. CODIFICATION.

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

SECTION 4. REPEALER.

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

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS March 9, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **March 9, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Housing & Community Services Department at 305.673.7260.*

10:05 a.m.
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Codification Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures," By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review, Providing For Repeal, Severability, Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7590.*

10:10 a.m.
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repeal, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)(a), Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector, And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)(b), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By Amending Subsection (l) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)(b), Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser; By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Parklet Program, Which Program Shall Terminate On February 28, 2017; And Providing For Repeal, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 or the Transportation Department at 305.673.7514.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

5:01 p.m.
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation, Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repeal, Severability, Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m.
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Division 4, "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," Division 7, "CC Civic And Convention Center District," Division 8, "GC Golf Course District," Division 9, "GU Government Use District," Division 10, "HD Hospital District," Division 11, "I - Light Industrial District," Division 12, "MR Marina Recreation District," Division 13, "MX Mixed Use Entertainment District," Division 16, "WD-1 Waterway District," Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delete All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," And Regulations, Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repeal, Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are 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

Condensed Title:

An Ordinance amending Chapter 122 of the Land Development Regulations of the City Code in order to authorize the City Commission to exempt, by resolution, temporary uses in public rights-of-way from the City's concurrency requirements, and to require the City Commission to set forth the geographic areas, criteria, and duration for any such exemption.

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 modify the permissible exemptions to concurrency review and mitigation. This would allow the City Commission to the ability to waive concurrency fees for temporary uses, such as sidewalk cafés and parklets that are located on Washington Avenue between 6th Street and Lincoln Road, by Resolution.

On December 9, 2015, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program.

On January 13, 2016, the City Commission approved the proposed ordinance with modifications at first reading and referred it to the Planning Board for consideration and recommendation.

The Administration recommends that the proposed Ordinance be adopted.

Advisory Board Recommendation:

On February 23, 2016, the Planning Board transmitted the proposed ordinance to the City Commission with a favorable recommendation (vote 6 to 0).

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

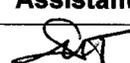
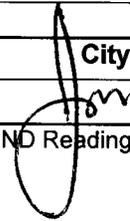
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least five years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least five 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: March 9, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 122, "CONCURRENCY MANAGEMENT," BY AMENDING SECTION 122-5, "EXEMPTIONS FROM CONCURRENCY," TO AUTHORIZE THE CITY COMMISSION TO EXEMPT, BY RESOLUTION, TEMPORARY USES IN PUBLIC RIGHTS-OF-WAY FROM THE CITY'S CONCURRENCY REQUIREMENTS, AND TO REQUIRE THE CITY COMMISSION TO SET FORTH THE GEOGRAPHIC AREAS, CRITERIA, AND DURATION FOR ANY SUCH EXEMPTION; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance.

BACKGROUND

On April 29, 2015, the Washington Avenue Blue Ribbon Panel presented its final report and recommendations to the Mayor and City Commission. Following the presentation, the Mayor and City Commission held a discussion regarding the potential expansion of sidewalk cafés into the existing parking lane to create an opportunity for outdoor cafés in "parklets." The Mayor and City Commission directed staff to establish a program and guidelines for the design and approval of parklets on a temporary basis.

At the December 9, 2015 City Commission meeting, the Mayor and City Commission approved a Washington Avenue Pilot Parklet Program, to be administered by the Public Works Department. In addition, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program.

On January 13, 2016, the City Commission approved the proposed Ordinance amendment at First Reading with a modification that the concurrency exemption only be permitted on Washington Avenue between 6th Street and Lincoln Road. Additionally, the matter was referred to the Planning Board. Commissioner Malakoff is sponsoring the proposed Ordinance.

ANALYSIS

The concurrency fee is a one-time fee and is not assessed yearly, but runs with the use as long as it continues. The concurrency fee is based on the number of trips to the establishment

generated pursuant to the trip generation rates in the Institute of Traffic Engineers (ITE) Trip Generation Manual. The concurrency fee is based on the costs to the City to mitigate traffic to the area and is divided into three geographical areas: South Beach, below Dade Boulevard; Middle Beach, below 63rd Street to Dade Boulevard; and North Beach, below the City Line to 63rd Street.

Currently, Section 122-5 of the Land Development Regulations of the City Code contains nine specific exemptions from obtaining a preliminary concurrency determination or a final concurrency reservation certificate. The proposed Ordinance amendment affects the ninth exemption that currently states the following:

(9) Temporary uses in public rights-of-way, as determined by the City Commission by resolution, specifying geographic areas, criteria, and duration of exemption, where such uses front on or are north of 63rd Street.

The ninth exemption currently allows for the City Commission to waive concurrency fees for temporary uses, such as sidewalk cafés and parklets, by resolution, provided they are located north of 63rd Street.

The proposed Ordinance would modify the ninth exemption as follows:

(9) Temporary uses in public rights-of-way, as determined by the City Commission by resolution, specifying geographic areas, criteria, and duration of exemption., where such uses front on or are north of 63rd Street, or on Washington Avenue from 6th Street to Lincoln Road.

If adopted, the proposed modification would allow the City Commission to authorize similar exemptions for projects located along Washington Avenue between 6th Street and Lincoln Road. Upon adopting the Ordinance, the City Commission could authorize an exemption to concurrency review for sidewalk cafés located in parklets along Washington Avenue, through a Resolution.

The proposed amendment would positively impact the Washington Avenue corridor by incentivizing and encouraging economic growth. The further activation of storefronts and sidewalks will create more activity on the street, which cuts down on petty crime and provides a more walkable area that promotes dining and shopping.

PLANNING BOARD REVIEW

On February 23, 2016, the Planning Board transmitted the proposed ordinance to the City Commission with a favorable recommendation.

FINANCIAL 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 five years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least five years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

Should the City Commission authorize a specific exemption for sidewalk cafés located within parklets along Washington Avenue, the current concurrency fees are as follows: \$451 is charged per restaurant or sidewalk café seat for transportation concurrency mitigation in addition to an administration fee that ranges from \$275 to \$600 per restaurant depending on its scale.

RECOMMENDATION

The Administration recommends that the proposed Ordinance be adopted.

JLM/SMT/TRM/RAM

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CONCURRENCY EXEMPTION

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 122, "CONCURRENCY MANAGEMENT," BY AMENDING SECTION 122-5, "EXEMPTIONS FROM CONCURRENCY," TO AUTHORIZE THE CITY COMMISSION TO EXEMPT, BY RESOLUTION, TEMPORARY USES IN PUBLIC RIGHTS-OF-WAY FROM THE CITY'S CONCURRENCY REQUIREMENTS, AND TO REQUIRE THE CITY COMMISSION TO SET FORTH THE GEOGRAPHIC AREAS, CRITERIA, AND DURATION FOR ANY SUCH EXEMPTION; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") Land Development Regulations, at Chapter 122, establish the City's procedure for concurrency management; and

WHEREAS, Section 122-5 of the City Code creates exemptions from the City's concurrency requirements for certain developments and uses; and

WHEREAS, such exempt developments and uses are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate from the City; and

WHEREAS, a parklet is a small "park," plaza, or creative public space that is physically installed in an on-street parking space; and

WHEREAS, pursuant to the recommendations of the Mayor's Blue Ribbon Panel for Washington Avenue, the Mayor and City Commission seek to encourage the establishment of parklets along Washington Avenue in order to stimulate economic development and further activate the Washington Avenue corridor; and

WHEREAS, on December 9, 2015, the Mayor and City Commission approved the creation of the Washington Avenue Pilot Parklet Program, in order to allow businesses located along Washington Avenue to install parklets in public rights-of-way on a temporary basis, subject to certain requirements and criteria; and

WHEREAS, currently, Section 122-5 authorizes the City Commission to create, by resolution, an exemption from the City's concurrency requirements for temporary uses in public rights-of-way that are located on or are north of 63rd Street; and

WHEREAS, the Mayor and City Commission desire to expand such exemption, so that the Mayor and City Commission may, by resolution, create an exemption from the City's concurrency requirements for temporary uses in public rights-of-way that are located anywhere in the City, including, without limitation, for the Washington Avenue Pilot Parklet Program; and

WHEREAS, this proposed amendment does not decrease the quality of life for the residents.

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

SECTION 1. Chapter 122, "Concurrency Management," Section 122-5, "Exemptions from concurrency," of the Land Development Regulations, is hereby amended to read as follows:

**CHAPTER 122
CONCURRENCY MANAGEMENT**

* * *

Sec. 122-5. - Exemptions from concurrency.

The following types of development are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate:

- (1) Any development undertaken by the city that does not require a rezoning, does not increase in intensity, does not have an associated change of use or that increases the city's ability to provide essential services and facilities related to health and safety concerns (fire, police, etc.).
- (2) An application requesting modification(s) of a previously approved development order where the concurrency management division has determined that the impacts on the prescribed levels of service imposed by the requested modification(s) will be no greater than the impacts imposed by the previously approved development order or the previously existing use.
- (3) An application for the renovation of an historic structure, provided that the use of the historic structure is not intensified.
- (4) An application to develop a parcel of land for single family purposes if no change in the zoning map is required to accommodate the development.
- (5) An application for addition, renovation or reconstruction of a residential dwelling that does not increase the number of dwelling units existing or approved for the property.
- (6) An application for the construction of, an addition to or renovation of a guest house, garage apartment or other similar accessory units on parcels zoned to permit such uses.
- (7) An application for a development order for property which is subject to a valid development order approved as a development of regional impact prior to January 1, 2000, pursuant to F.S. Ch. 380.
- (8) A valid, unexpired final development order approved prior to the adoption of this chapter.
- (9) Temporary uses in public rights-of-way, as determined by the City Commission by resolution, specifying geographic areas, criteria, and duration of exemption, where such uses front on or are north of 63rd Street, or on Washington Avenue from 6th Street to Lincoln Road.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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
& FOR EXECUTION

Paul C. ...

City Attorney

3 - 1 - 16

Date

FAB

First Reading: January 13, 2016

Second Reading: March 9, 2016

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

Underscore denotes new language
~~Strike through~~ denotes deleted language

(Sponsored by Commissioner Joy Malakoff)

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS March 9, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convection Center Drive, Miami Beach, Florida, on **March 9, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support, And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Housing & Community Services Department at 305.673.7260.*

10:05 a.m.
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-B Entitled "Notification Procedures," By Amending Section 142-108 To Cross-Reference With Section 118-B; And By Amending Section 118-B To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses," By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)(a), Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5) And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector, And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)(b), Entitled "Enhancement Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)(b), Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Program, Which Program Shall Terminate On February 28, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 or the Transportation Department at 305.673.7514.*

10:30 a.m.
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5:01 p.m.
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5:02 p.m.
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Division 4, "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," Division 7, "CC Civic And Convention Center District," Division 8, "GC Golf Course District," Division 9, "GU Government Use District," Division 10, "HD Hospital District," Division 11, "I-1 Light Industrial District," Division 12, "MR Marine Recreation District," Division 13, "MX Mixed Use Entertainment District," Division 16, "WD-1 Waterway District," Division 17, "WD-2 Waterway District," Division 18, "PS Performance Standard District," Division 20 "TC North Beach Town Center Districts," To Delete All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," To Delete Division 4, And Section 143-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seating And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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 Convection Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convection 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.

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Rafael E. Granado, City Clerk
City of Miami Beach

Condensed Title:

Ordinance amendments to the land development regulations related to the commercial use of single family residences and short term rental of apartments and townhomes, including increased fines for unauthorized uses.

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 ordinances will help ensure to the City’s residents the quiet enjoyment of their single and multifamily residences, by substantially increases the fines for unauthorized and non-permitted uses in residential neighborhoods.

On February 10, 2016, the City Commission approved the attached ordinances at First Reading and scheduled a Second Reading Public Hearing for March 9, 2016.

The Administration recommends that the City Commission approve the attached ordinances.

Advisory Board Recommendation:

On February 23, 2016, the Planning Board (vote 6-0) transmitted the attached ordinances to the City Commission with a favorable recommendation (Planning Board File Nos. 2315 and 2316).

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 50px; height: 50px; display: flex; align-items: center; justify-content: center;"> OBPI </div>	1		
	2		
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	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: March 9, 2016

SUBJECT: **Commercial Use of Single Family Homes Prohibited
Accessory Uses in Single Family Homes and Short Term Rental of
Apartments or Townhomes**



SECOND READING – PUBLIC HEARING

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING SECTION 142-905, ENTITLED "PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS," BY AMENDING SUBSECTION (b)(5)a. WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-905(b)(5), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (b)(5)b, ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION (b)(5); BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY AMENDING SUBSECTION (d) WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-1111(a), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (d)(5), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION 142-1111(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS,"

OF CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” BY AMENDING DIVISION 2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” BY AMENDING SECTION 142-109, ENTITLED “COMMERCIAL USE OF SINGLE-FAMILY HOMES PROHIBITED,” BY AMENDING SUBSECTION (c)(1)b., REQUIRING AN OWNER OR RESIDENT TO SUBMIT AN AFFIDAVIT TO THE CITY MANAGER IDENTIFYING THE LIMITED COMMERCIAL USE AT THE RESIDENTIAL PROPERTY; BY AMENDING SUBSECTION (d) THAT REQUIRES NOTIFICATION TO BE REMITTED TO THE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, AND ESTABLISHING A REBUTTABLE PRESUMPTION STANDARD FOR ADVERTISING AND ADVERTISEMENT EVIDENCE, AND INCREASING THOSE MONETARY FINES FOR VIOLATIONS OF SECTION 142-109; BY CREATING SUBSECTION (f), ENTITLED “ENHANCED PENALTIES,” WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SECTION 142-109; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinances.

BACKGROUND

On February 10, 2016, at the request of Mayor Levine, the City Commission approved the proposed ordinances on First Reading and transmitted them to the Planning Board.

ANALYSIS

The proposed ordinance amendment to Section 142-109 of the Miami Beach Code, will modify several portions of the ordinance, including a substantial increase in the monetary fines.

The proposed ordinance amendments are an important public policy component that will ensure to the City's residents the quiet enjoyment of their single and multifamily residences, and to make certain that the character and value of the residential neighborhoods and residences are protected and properly preserved. The City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, in conjunction with regulating the flow of traffic and impacts of transients rentals and occupancy, which these ordinance amendments directly advances these important governmental interests. These amendments will prohibit the unscrupulous conduct of those persons seeking to financial exploit the rental of single and multi-family residences, thereby creating adverse living conditions for the City residents that result in excessive number of guests, vehicle and noise that tragically impact these quiet residential communities.

PLANNING BOARD REVIEW

On February 23, 2016, the Planning Board (vote 6-0) transmitted the attached ordinances to the City Commission with a favorable recommendation (Planning Board File Nos. 2315 and 2316). Due to the proposed substantial increase in fines, the Planning Board also recommended that all single family homes be notified of the proposed changes.

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.

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance.

JLM/SMT/TRM/MAB

T:\AGENDA\2016\March\Planning\Commercial Use Prohibited in SFR Districts and Short Term Rentals - SECOND Reading MEM.docx

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING SECTION 142-905, ENTITLED "PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS," BY AMENDING SUBSECTION (b)(5)a. WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-905(b)(5), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (b)(5)b, ENTITLED "ENHANCEMENT PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION (b)(5); BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY AMENDING SUBSECTION (d) WHICH INCREASES THE MONETARY FINES FOR VIOLATIONS OF SUBSECTION 142-1111(a), AND REQUIRING NOTIFICATION TO BE REMITTED TO THE MIAMI-DADE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, BY ESTABLISHING A REBUTTABLE PRESUMPTION FOR ADVERTISING AND ADVERTISEMENT EVIDENCE; AND CREATING SUBSECTION (d)(5), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SUBSECTION 142-1111(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the rental of single-family and multi-family residential properties for periods of less than six months and one day are prohibited by the Land Development Regulations ("LDRs"); and

WHEREAS, single and multi-family residences used on a transient basis, creates excessive numbers of guests, vehicles and noise, and cause inappropriate adverse impacts on the surrounding residences and residential neighborhood; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, as well as in regulating traffic flow, and these amendments directly advances these interests by serving a narrowly tailored interest of the City; and

WHEREAS, the Mayor and City Commission finds that a substantial modification of this ordinance will prohibit this conduct and these amendments are consistent with and further the public health, safety and welfare of the City and its residents; and

WHEREAS, these amendments surrounding prohibited transient rentals in single-family districts and transient rental of apartment units or townhomes, are hereby adopted to accomplish the above objectives.

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

SECTION 1. That Division 2, entitled "Accessory Uses," of Article IV, entitled "Supplementary District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 2. ACCESSORY USES

* * *

Sec. 142-905. Permitted accessory uses in single-family districts.

- (a) Generally. Permitted accessory uses in single-family districts are those uses which are customarily associated with single-family houses such as, but not limited to, decks, swimming pools, spas, ornamental features, tennis courts. However, in no instance shall landing or storage areas for a helicopter, or other aircraft, be permitted as an accessory use. The planning and zoning director may allow other accessory uses if the director finds after consultation with the chairman of the planning board that they will not adversely affect neighboring properties, based upon the criteria listed in section 142-901. Appeal of the director's decision is to the board of adjustment pursuant to chapter 118, article VIII.
- (b) Permitted accessory uses. The following are permitted accessory uses in single-family districts:
 - (1) Day care facilities for the care of children are permitted if the following mandatory criteria are met:
 - a. A family day care facility shall be allowed to provide care for one of the following groups of children:
 - 1. A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this subsection.
 - 2. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool

children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this subsection.

3. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven under this subsection.
 - b. Signs on the property advertising the day care facility are prohibited.
 - c. The family day care facility complies with all applicable requirements and regulations of the state department of children and family services and the city's police, fire and building services departments. All of the South Florida Building Code, city property maintenance standards and fire prevention and safety code violations shall be corrected prior to the issuance of a city occupational license.
 - d. Play area shall only be located in the rear yard and equipment shall be limited to three pieces of equipment.
 - e. Day care is prohibited on Sundays.
 - f. The building shall maintain the external appearance of a single-family home.
 - g. Site plan shall be approved by the planning and zoning director. The plan shall include landscaping and a permitted wall or fencing enclosing the rear yard.
 - h. Family day care facilities shall not be located within 400 feet of another such facility; except that this restriction shall not apply to state-licensed family day care homes as defined in F.S. § 402.302(5).
- (2) The planning and zoning director may approve a second set of cooking facilities if the residence contains at least 3,600 square feet of floor area and the arrangement of such facilities or conditions at the property shall not result in the creation of an apartment unit. No more than one electric meter shall be placed on the property and that portion of the residence having the second set of cooking facilities shall not be rented. Appeal of the director's decision shall be to the board of adjustment.
- (3) Guest/servants quarters.
- (4) Home based business office, as provided in ~~§~~Section 142-1411.
- (5) Leases of single-family homes to a family (as defined in section 114-1) for not less than six months and one day, including extensions for lesser periods of leases permitted under this subsection to original leaseholders.
 - a.—The advertisement, as defined in ~~§~~Section 142-109(b), of single-family homes for a period of less than six months and one day shall not be permitted for single-family districts, and shall be a violation of this ~~§~~Section 142-905(b)(5).

b-a. Enforcement.

1. Violations of subsection 142-905(b)(5)a- shall be subject to the following fines. The special master shall not waive or reduce fines set by this subsection.
 - A. If the violation is the first violation: ~~\$1,500.00~~ \$20,000.00

- B. If the violation is the second violation within the preceding 42 18 months:
~~\$3,000.00~~ \$40,000.00
- C. If the violation is the third violation within the preceding 42 18 months:
~~\$5,000.00~~ \$60,000.00
- D. If the violation is the fourth violation within the preceding 42 18 months:
~~\$7,500.00~~ \$80,000.00
- E. If the violation is the fifth or greater violation within the preceding 42 18 months: ~~\$10,000.00~~ \$100,000.00

Fines for repeat violations by the same offender shall increase regardless of locations. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for transient rental or occupancy at the single-family residential premises.

- 2. In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
 - 3. Any code compliance officer may issue notices for violations of this section 142-905(b)(5). Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section 142-905(b)(5). In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records.
 - 4. The advertising or advertisement for the transient rental or occupancy, short-term rental or rental for period(s) of less than six months and one day of the residential property for the purpose of allowing such ~~transient~~ transient rental or occupancy, short-term rental or rental for period(s) of less than six months and one day at the residential premises is direct evidence that there is a violation of Subsection 142-905(b)(5), which is admissible in any proceeding to enforce Section 142-905(b)(5). The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-905(b)(5).
- b. Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-905(b)(5)a. above, for violations of Subsection 142-905(b)(5):
- (1) Enhanced Penalties for violations of Subsection 142-905(b)(5):
 - (a) The transient rental or occupancy must be immediately terminated, upon confirmation that a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.

- (b) If the offense is a second offense within the ~~preceding~~ preceding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$25,000.00.
- (c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 2. That Division 3, entitled "Supplementary Use Regulations," of Article IV, entitled "Supplementary District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 3. SUPPLEMENTARY USE REGULATIONS

* * *

Sec. 142-1111. Short-term rental of apartment units or townhomes.

(a) Limitations and prohibitions.

- (1) Unless a specific exemption applies below, the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, R0-3 or TH for periods of less than six months and one day.
- (2) Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

"Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

- (3) None of the districts identified below shall be utilized as a hotel.

(b) Previously existing short-term rentals in specified districts. For a period of six months after June 19, 2010, owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below.

(1) Eligibility: Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts. Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below:

(A) For apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same City of Miami Beach Resort Tax ("resort tax") account. In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:

- (i) Have been registered with the city for the payment of resort tax and made resort tax payments as of March 10, 2010; and
- (ii) Have had resort tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and
- (iii) Have been registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

For properties containing more than one apartment building, eligibility may apply to an individual building satisfying subsections (b)(1)(A)(i)—(iii) above.

(B) For apartment and townhouse buildings of three or less units, or for three or less apartment units in one or more buildings under the same state license. In order to demonstrate current, consistent and predominant short-term renting, the property must:

- (i) Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

(2) Time periods for the districts identified in subsection (b)(1) to apply for short-term rental approvals.

(A) Owners demonstrating compliance with subsection (b)(1) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(f), within a time period of six months from June 19, 2010, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(B) Within three months of June 19, 2010, eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.

- (D) Applications under this section may be accepted until 60 days after April 11, 2012, upon determination to the planning director that a government licensing error prevented timely filing of the application.
- (3) Eligibility within the Collins Waterfront Local Historic District. Owners of property located in the Collins Waterfront Local Historic District shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the requirements and provisions set forth below:
- (A) Only those properties located south of West 24th Terrace shall be eligible for short-term rentals.
- (B) Only buildings classified as "contributing" in the city's historic properties database shall be eligible for short-term rentals. The building and property shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations.
- (C) The property must have registered with the State of Florida as a transient or condominium pursuant to Chapter 509, Florida Statutes, as of the effective date of this ordinance.
- (D) The property must have registered with the city for the payment of resort tax and made resort tax payments as of as of the effective date of this ordinance.
- (E) Short-term rental use shall be based on a single use for the property. No building or property seeking to have short-term rentals will be permitted to have mixed residential uses.
- (F) Any property seeking to have short-term rental will need to demonstrate that there is on-site management, 24 hours per day, seven days a week.
- (G) The short-term rental use requires at least a seven-night reservation.
- (4) Time period to apply for short-term rental approvals for those properties located in the Collins Waterfront Architectural District.
- (A) Owners demonstrating compliance with subsection (b)(3), above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(e) within a time period of three months from the effective date of this ordinance, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.
- (B) Within three months of the effective date of this ordinance, eligible owners shall have obtained all the necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.
- (C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by the effective date of this ordinance, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent the building or fire departments from undertaking enforcement action prior to such date.
- (5) In the event a building approved for short-term rentals in accordance with subsections (b)(3) and (4), above, is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.

(c) Regulations. For those properties eligible for short-term rental use as per (b) shall be permitted, provided that the following mandatory requirements are followed:

(1) Approvals required: applications. Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.

The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.

(2) Time period. All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.

(3) Contact person. All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (b). Each agreement, license, or lease, or scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.

(4) Entire unit. Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.

(5) Rules and procedures. The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.

(6) Signs. No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.

(7) Effect of violations on licensure. Approvals shall be issued for a one-year period, but shall not be issued or renewed, if violations on three or more separate days at the unit, or at another unit in any building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.

(8) Resort taxes. Owners are subject to resort taxes for rentals under this section, as required by city law.

- (9) Association rules. Where a condominium or other property owners' association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (c)(1) above, are not prohibited by the association's governing documents, shall be submitted to the city as part of the application.
- (10) Variances. No variances may be granted from the requirements of this section.

(d) Enforcement.

- (1) Violations of ~~section~~ Subsection 142-1111(a),(b), or shall be subject to the following fines. The special master ~~may~~ shall not waive or reduce fines set forth herein ~~by this section~~.
- A. If the violation is the first violation: ~~\$500.00~~ \$20,000.00.
- B. If the violation is the second violation within the preceding ~~42~~ 18 months: ~~\$1,500.00~~ \$40,000.00.
- C. If the violation is the third violation within the preceding ~~42~~ 18 months: ~~\$5,000.00~~ \$60,000.00.
- D. If the violation is the fourth violation within the preceding ~~42~~ 18 months: ~~\$7,500.00~~ \$80,000.00.
- E. ~~If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use allowing short-term rental~~ If the violation is the fifth or greater violation within the preceding 18 months: \$100,000.00, and the suspension or revocation of the certificate of use.

Fines for repeat violations by the same offender shall increase regardless of locations. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for the transient rental or occupancy at the premises.

- (2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- (3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a), and alternative enforcement of subsection 142-1111(b) and (c) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (c)(3) above.
- (4) The advertising or advertisement for the transient rental, occupancy or short-term rental of the apartment or townhouse residential property for the purpose of allowing a rental for a period of less than six months and one day at the apartment or townhouse residential premises is direct evidence that there is a violation of Subsection 142-

1111(a), which is admissible in any proceeding to enforce Subsection 142-1111(a). The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-1111(a).

(5) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-1111(d) above, for violations of Subsection 142-1111(a):

(1) Enhanced Penalties for Subsection 142-1111(a):

(a) The transient rental or occupancy must be immediately terminated, upon confirmation that a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.

(b) If the offense is a second offense within the ~~proceeding~~ preceding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$25,000.00.

(c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. CODIFICATION.

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

SECTION 6. 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 & LANGUAGE
& FOR EXECUTION



City Attorney **AB** 3/1/16
Date

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double underline denotes additions after First Reading

~~Double strikethrough~~ denotes deletions after First Reading

(Sponsored by Mayor Philip Levine)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING SECTION 142-109, ENTITLED "COMMERCIAL USE OF SINGLE-FAMILY HOMES PROHIBITED," BY AMENDING SUBSECTION (c)(1)b., REQUIRING AN OWNER OR RESIDENT TO SUBMIT AN AFFIDAVIT TO THE CITY MANAGER IDENTIFYING THE LIMITED COMMERCIAL USE AT THE RESIDENTIAL PROPERTY; BY AMENDING SUBSECTION (d) THAT REQUIRES NOTIFICATION TO BE REMITTED TO THE TAX COLLECTOR AND PROPERTY APPRAISER BY THE CODE COMPLIANCE DIRECTOR, AND ESTABLISHING A REBUTTABLE PRESUMPTION STANDARD FOR ADVERTISING AND ADVERTISEMENT EVIDENCE, AND INCREASING THOSE MONETARY FINES FOR VIOLATIONS OF SECTION 142-109; BY CREATING SUBSECTION (f), ENTITLED "ENHANCED PENALTIES," WHICH ESTABLISHES ENHANCED PENALTIES FOR VIOLATIONS OF SECTION 142-109; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDRs") restrict single-family and multi-family residential properties to residential and compatible uses; and

WHEREAS, the City's "LDRs" restrict certain residential properties to residential and compatible accessory uses, and commercial uses on such properties are prohibited, except that the LDRs allow film and print permits, garage sales and home based businesses at such properties; and

WHEREAS, the Code Compliance Department has reported numerous instances of residential properties being advertised as party houses, and where the house is used for a commercial enterprise for parties instead of as a single family residential use; and

WHEREAS, residential properties used for commercial gatherings, creates excessive numbers of guests, vehicles and noise, causing inappropriate adverse impacts on the surrounding residences and residential neighborhood; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, regulating traffic flow, and the amendment directly advances these interests which is narrowly tailored to serve those interests; and

WHEREAS, the advertisement of commercial events and transient occupancy of single and multi-family residences are more appropriately held in the zoning districts that are designed for such numbers of persons, with the impacts resulting therefrom more appropriately mitigated; and

WHEREAS, while residents are entitled to enjoy the use of their single residences consistent with the applicable regulations in the residential zoning districts, in order to ensure and protect the enjoyment, character and value of the residential neighborhoods and residences, the provisions herein are hereby adopted; and

WHEREAS, the City Commission finds that such regulations are consistent with, and further the public health, safety and welfare of the City.

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

SECTION 1. That Division 2, entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," of Article II, entitled "District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

Article II. District Regulations

* * *

Division 2. RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts

* * *

Sec. 142-109. Commercial use of single-family homes prohibited.

- (a) Intent and purpose. The land development regulations restrict residential properties to residential and compatible accessory uses. Commercial uses on residential properties are prohibited, with limited exceptions. While residents are entitled to enjoy the use of their property consistent with the applicable regulations, in order to ensure and protect the enjoyment, character and value of residential neighborhoods and buildings, the provisions herein are established.
- (b) Definitions.
 - (1) Use of residential property or use of the property in this section shall mean occupancy of residential property for the purpose of holding commercial parties, events, assemblies or gatherings on the premises.
 - (2) Advertising or advertisement shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various traditional media, including, but not limited to, newspaper, magazines, flyers, handbills, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.
- (c) Regulations: Determination of commercial use.
 - (1) Accessory use of residential property shall be deemed commercial and not permitted, except as otherwise provided for in the Code, if:

- a. Compensation to owner. The owner, lessee or resident receives payment or other consideration, e.g., goods, property or services, in excess of \$100.00 per party or event for the commercial use of the property, including payment by any means, direct or indirect, including security deposits; or
- b. Goods, property or services offered or sold. Goods, property or services are offered for sale or sold on or at the property, during use of the property; however, this subsection shall not apply, if:
 - 1. All of the goods, property or services offered are donated to or for charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
 - 2. All of the proceeds from sales are directly payable and paid to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws. An organization or candidate may reimburse donors for goods or property donated; or
 - 3. The sale is of the property itself or personal property of the owner or resident (excluding property owned by a business), and if publicly advertised, comply with subsection (3) below;
 - 4. Notwithstanding the restrictions in subsections (1)b.1—3., limited commercial use of the property by the owner or resident for the sale of goods, property or services shall be allowed under the following criteria. The event:
 - i. Is by private invitation only, not publicly advertised;
 - ii. Creates no adverse impacts to the neighborhood;
 - iii. The activity and its impacts are contained on the property;
 - iv. Parking is limited to that available on-site, plus 11 vehicles legally self-parked near the property, with no busing or valet service; and
 - v. Frequency is no greater than one (1) event per month; or
 - 5. The owner or resident must provide the City Manager an affidavit that identifies the limited commercial use of the residential property at least seventy-two (72) hours before the applicable limited commercial use is scheduled to commence pursuant to Subsection 142-109(c)(1)b., and the affidavit must include the applicable information set forth within subsections (c)b.1. through (c)b.4 setting forth detailed information supporting the exempted limited commercial use provided therein. The submission of a false affidavit is a misdemeanor of the second degree, ~~punishing~~ punishable as provided in Sections 775.082 or 775.083 of the Florida Statutes; or
- c. Admittance fees. Use of the property by attendees requires an admittance or membership fee or a donation, excluding donations directly payable and paid by attendees to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
- d. Any advertising that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or

advertisement that promotes the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

- (2) Signs or advertising. Signs or other forms of advertising in connection with goods, property or services offered in connection with commercial use of the property, including the actual goods, property (except real property and structures thereon) or services, shall not be visible from the public right-of-way. This section shall not be construed to prohibit the display of real estate for sale or lease signs for the property.
 - (3) Real estate open houses. The following events are permitted: Open houses (open to the public) organized for the purpose of promoting the sale or lease of the residence where the open house is located, to potential buyers or renters, or events organized by the listing agent limited to licensed real estate brokers and/or agents, subject to the following:
 - a. No sale or display of goods, property or services by sponsoring businesses unrelated to the property; and
 - b. No charging admittance fees.
 - c. Events described in this subsection must end by 8:00 p.m.
- (d) Enforcement.

- (1) Violations of this section shall be subject to the following fines. The special master shall not waive or reduce fines set by this section.
 - a. If the violation is the first violation~~\$2,500.00~~ \$25,000.00
 - b. If the violation is the second violation within the preceding 18 months~~\$7,500.00~~ \$50,000.00
 - c. If the violation is the third violation within the preceding 18 months~~\$12,500.00~~ \$75,000.00
 - d. If the violation is the fourth or greater violation within the preceding 18 months~~\$20,000.00~~ \$100,000.00

Fines for repeat violations shall increase regardless of location. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for the purpose of holding a commercial party, event, assembly or gathering at the premises.

- (2) The advertising or advertisement for the commercial use of a residential property for the purpose of holding commercial parties, events, assemblies or gathering on the residential premises is direct evidence that there is a violation of Subsection 142-109(c), which is admissible in any proceeding to enforce Section 142-109. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-109.

- (2)(3) In addition to or in lieu of the foregoing, the city ~~may~~ must close down the commercial use of the property ~~and/or pursuant to subsection 142-109(f), or may~~ seek an injunction against activities or uses prohibited under this section.

- (3)(4) Any city police officer or code compliance officer may issue notices for violations of this section, with alternative enforcement as provided in section 1-14 and ~~chapter 30~~ of this Code. Violations shall be issued to the homeowner, and/or to any realtor, real estate agent, real estate broker, event planner, promoter, caterer, or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurred, a copy of the violation shall be provided to such owner.
- (4)(5) Charitable, religious or political organizations or candidates for public office shall receive one courtesy notice in lieu of the first notice of violation only, after which fines will accrue starting with the first violation as prescribed. No courtesy notice in lieu of first notice of violation shall be available if a courtesy notice in lieu of first notice of violation has already been granted in the preceding 18-month period, regardless of location.
- (5)(6) The city recognizes peoples' rights of assembly, free expression, religious freedom, and other rights provided by the state and federal constitutions. It is the intent of the city commission that no decision under this section shall constitute an illegal violation of such rights, and this section shall not be construed as such a violation.
- (6)(7) The city manager or designee may adopt administrative rules and procedures to assist in the uniform enforcement of this section.
- (e) No variances shall be granted from this section. This section does not authorize commercial activities in residential neighborhoods that are otherwise prohibited or regulated by applicable law, unless expressly provided for herein.
- (f) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-109(d) above, for violations of Section 142-109:
- (1) Enhanced Penalties for this Section:
- (a) The commercial use must be immediately terminated, upon confirming a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.
- (b) If the offense is a second offense within the ~~preceding~~ preceding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$50,000.00.
- (c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

ATTEST:

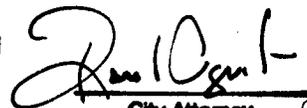
RAFAEL GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR

Underline denotes additions
~~Strikethrough~~ denotes deletions
Double underline denotes additions after First Reading
~~Double strikethrough~~ denotes deletions after First Reading

(Sponsored by Mayor Philip Levine)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
AB
3/1/16

Date

MIAMI BEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS
March 9, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **March 9, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committees On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Housing & Community Services Department at 305.673.7260.*

10:05 a.m.
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures," By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-90b, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(15), Which Increases The Monetary Fines For Violations Of Subsection 142-90b(b)(15), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(15), Entitled "Enhancement Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(15); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(15); By Amending "Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Section 142-111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)(b), Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser; By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-362, Entitled "Application," And Section 82-363, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fees; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Parking Program, Which Program Shall Terminate On February 28, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 or the Transportation Department at 305.673.7514.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The General Fund, Enterprises Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

5:01 p.m.
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m.
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Division 4, "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," Division 7, "CCC Civic And Convention Center District," Division 8, "GC Golf Course District," Division 9, "GU Government Use District," Division 10, "HD Hospital District," Division 11, "L-1 Light Industrial District," Division 12, "MR Marine Recreation District," Division 13, "MXE Mixed Use Entertainment District," Division 16, "WD-1 Waterway District," Division 17, "WD-2 Waterway District," Division 18, "PS Performance Standard District," Division 20, "TC North Beach Town Center Districts," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," To Delete Division 4, And Section 143.1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer, Severability, Codification, Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are 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 305.604.2488 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

Condensed Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY", BY AMENDING DIVISION 5, "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, "PERMIT," BY AMENDING SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO ABATE SIDEWALK CAFÉ PERMIT FEES, INCLUDING ANNUAL PERMIT APPLICATION FEES AND SQUARE FOOTAGE FEES, FOR BUSINESSES PARTICIPATING IN THE CITY'S WASHINGTON AVENUE PILOT PARKLET PROGRAM; WHICH PROGRAM SHALL TERMINATE ON MARCH 31, 2017; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Key Intended Outcome Supported:

Enhance Pedestrian Safety Universally.
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

At the December 9, 2015 City Commission meeting, the Mayor and City Commission approved a Washington Avenue Pilot Parklet Program on a temporary basis, to be administered by the Public Works Department, consisting of the following elements:

- One parklet (one on-street parking space) is currently proposed for installation per City block on both the east and west side of Washington Avenue between 6th Street and Lincoln Road.
- Issuance of a parklet permit for a term of one (1) year. Said permit shall terminate on March 31, 2017.
- Parklet permits may be issued conjunction with sidewalk café permits or may be used for open space.
- Parklet permits will be limited to street-fronting property owners or tenants operation of a sidewalk café parklet may only occur in front of their own business.
- Permit applicants must gather letters of support, petitions and other documentation from surrounding businesses or residents in order to prove community outreach and involvement as part of the parklet application process.
- Parklet Permit Fees include:
 - A non-refundable application fee of \$100.
 - \$1,200 annually per parking space used for the Parklet.
- Parklet permittee responsibilities include:
 - All costs related to design, materials and installation.
 - All costs related to removal.
 - The on-going maintenance of the parklet including replacing, painting or fixing elements damaged due to vandalism. All parklet designs shall contain at least one (1) ADA compliant accessible entrance.
 - Insurance requirements for the installation and maintenance of a parklet depending on location and use.
 - Maintenance of any movable furniture. In addition, all movable elements of the parklet must be safely stored indoors after business hours. Landscaping elements are encouraged in parklet design. All landscaping maintenance is the responsibility of the parklet permittee.
 - General maintenance including furniture and non-approved graffiti removal. In addition, permittees must maintain the area under the parklet free of debris in order to allow proper drainage, and pressure clean the parklet as necessary.

In addition, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program. The proposed Ordinance amendment abates sidewalk café permit fees for the Washington Avenue Pilot Parklet Program.

Advisory Board Recommendation: Favorable recommendation by the Land Use and Development Committee.

Financial Information:

Source of Funds:	Amount	Account
OBPI	Total	

Financial Impact Summary: Sidewalk cafés on Washington Avenue between 5th and 17th Street generate \$64,160.00 annually in sidewalk café permit fees. If the program is successful in attracting additional sidewalk cafés to Washington Avenue, the program will generate food and beverage resort tax revenue.

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

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

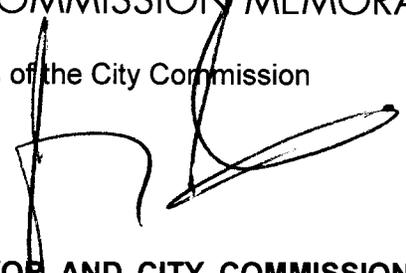


MIAMI BEACH

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: March 9, 2016

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, "PERMIT," BY AMENDING SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-382, ENTITLED "PERMIT FEE;" BY AMENDING SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO ABATE SIDEWALK CAFÉ PERMIT FEES, INCLUDING ANNUAL PERMIT APPLICATION FEES AND SQUARE FOOTAGE FEES, FOR BUSINESSES PARTICIPATING IN THE CITY'S WASHINGTON AVENUE PILOT PARKLET PROGRAM, WHICH PROGRAM SHALL TERMINATE ON MARCH 31, 2017; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that this Ordinance be adopted on Second Reading.

FINANCIAL IMPACT

Charter section 5.02 requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions." Staff has determined that there will not be a fiscal impact on the City's budget by enacting the proposed ordinance as the anticipated revenue loss is anticipated to be minimal. Currently, sidewalk cafés on Washington Avenue between 5th and 17th Street generate \$64,160.00 annually in sidewalk café permit fees. If the program is successful in attracting additional patrons to sidewalk cafés on Washington Avenue, the program will generate food and beverage resort tax revenue.

BACKGROUND

On April 29, 2015, the Washington Avenue Blue Ribbon Panel presented its final report and recommendations to the Mayor and City Commission. Following the presentation, the Mayor and City Commission held a discussion regarding the potential expansion of sidewalk cafés into the existing parking lane to create an opportunity for outdoor cafés in "parklets." The Mayor and City Commission directed staff to establish a program and guidelines for the design and approval of parklets on a temporary basis.

At the December 9, 2015 City Commission meeting, the Mayor and City Commission approved

a Washington Avenue Pilot Parklet Program, to be administered by the Public Works Department, consisting of the following elements:

- One parklet (one on-street parking space) is currently proposed for installation per City block on both the east and west side of Washington Avenue between 6th Street and Lincoln Road.
- Issuance of a parklet permit for a term of one (1) year.
- Parklet permits may be issued conjunction with sidewalk café permits or may be used for open space.
- Parklet permits will be limited to street-fronting property owners or tenants operation of a sidewalk café parklet may only occur in front of their own business.
- Permit applicants must gather letters of support, petitions and other documentation from surrounding businesses or residents in order to prove community outreach and involvement as part of the parklet application process.
- Parklet Permit Fees include:
 - A non-refundable application fee of \$100.
 - \$1,200 annually per parking space used for the Parklet.
- Parklet permittee responsibilities include:
 - All costs related to design, materials and installation.
 - All costs related to removal.
 - The on-going maintenance of the parklet including replacing, painting or fixing elements damaged due to vandalism. All parklet designs shall contain at least one (1) ADA compliant accessible entrance.
 - Insurance requirements for the installation and maintenance of a parklet depending on location and use.
 - Maintenance of any movable furniture. In addition, all movable elements of the parklet must be safely stored indoors after business hours. Landscaping elements are encouraged in parklet design. All landscaping maintenance is the responsibility of the parklet permittee.
 - General maintenance including furniture and non-approved graffiti removal. In addition, permittees must maintain the area under the parklet free of debris in order to allow proper drainage, and pressure clean the parklet as necessary.

In addition, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program. The attached proposed Ordinance abates sidewalk café permit fees for the Washington Avenue Pilot Parklet Program. Also on the March 9, 2015 Commission meeting agenda for second reading is a proposed ordinance authorizing the City Commission to waive concurrency requirements for the Washington Avenue Pilot Parklet Program.

Attached is a draft of the Pilot Parklet Permit Program that outlines the requirements of the Pilot Program, including the responsibilities of the permittee (Attachment A). Also attached is a Washington Avenue roadway exhibit that illustrates a typical placement of a parklet (Attachment B).

DURATION OF THE PILOT PROGRAM

The duration of the Washington Avenue Pilot Parklet Program is for one (1) year and shall terminate on March 31, 2017. The Pilot Program will be evaluated and brought back to Commission after nine (9) months for reevaluation.

March 9, 2016

Page 3 of 3

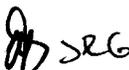
RECOMMENDATION

The Administration recommends adopting this Ordinance.

Attachments:

A: Washington Avenue Pilot Parklet Permit Program (Draft)

B: Washington Avenue Roadway Exhibit


KBB/JRG/XRF

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, "PERMIT," BY AMENDING SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO ABATE SIDEWALK CAFE PERMIT FEES, INCLUDING ANNUAL PERMIT APPLICATION FEES AND SQUARE FOOTAGE FEES, FOR BUSINESSES PARTICIPATING IN THE CITY'S WASHINGTON AVENUE PILOT PARKLET PROGRAM, WHICH PROGRAM SHALL TERMINATE ON MARCH 31, 2017; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, a parklet is a small "park," plaza, or creative public space that is physically installed or constructed in an on-street parking space; and

WHEREAS, pursuant to the recommendations of the Mayor's Blue Ribbon Panel for Washington Avenue, the Mayor and City Commission seek to encourage the establishment of parklets along Washington Avenue in order to stimulate economic development and further activate the Washington Avenue corridor; and

WHEREAS, on December 9, 2015, the Mayor and City Commission approved the creation of the Washington Avenue Pilot Parklet Program, in order to allow businesses located along Washington Avenue to install parklets for sidewalk cafe use in public rights-of-way on a temporary basis, subject to certain requirements and criteria; and

WHEREAS, Chapter 82 of the Miami Beach City Code authorizes the City to charge restaurants with sidewalk cafes an annual permit fee of \$150.00, plus \$20.00 per square foot for the sidewalk cafe permit area; and

WHEREAS, the Mayor and City Commission desire to abate sidewalk cafe permit application fees and sidewalk cafe permit fees for the Washington Avenue Pilot Parklet Program, in order to encourage businesses to participate in the program; and

WHEREAS, concurrently with the duration of the Washington Avenue Pilot Parklet Program, the fee abatement authorized by this Ordinance shall have a duration of one year, and shall terminate on March 31, 2017.

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

SECTION 1. That Section 82-382 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

Article IV. Uses In Public Rights-Of-Way

* * *

Division 5. Sidewalk Cafes

* * *

Subdivision II. Permit

* * *

Sec. 82-382. Application.

* * *

(b) Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:

* * *

(9) The annual application shall be accompanied by a non-refundable base application fee as set forth in Appendix A. However, the non-refundable base application fee shall not be required for sidewalk cafe permit applications submitted to the City in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on ~~February 28~~ March 31, 2017.

* * *

SECTION 2. That Section 82-383 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

Sec. 82-383. Permit fee; penalties for late payments; review of fee; exception.

(a) The annual permit fee for operation of a sidewalk café shall be as set forth in appendix A, and shall be based on a per square foot calculation of permitted sidewalk area (including the area between the tables and chairs).

(1) Notwithstanding any other paragraphs or provisions of this article, no square footage fee as required by this section shall be required for the operation of sidewalk cafes north of 63rd Street through and including September 30, 2017. The abatement of sidewalk café square footage fees for businesses north of 63rd Street shall be the subject of a budget analysis and review by the City Administration by September 30, 2017. However a permit must be obtained and the annual base application fee required by subsection 82-382(b)(9) shall be paid for the operation of sidewalk cafes north of 63rd Street.

(2) No square footage fee as required by this section shall be required for the operation of sidewalk cafés in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on ~~February 28~~ March 31, 2017.

* * *

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. CODIFICATION.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2016.

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

Rafael E. Granado
City Clerk

Philip Levine
Mayor

(Sponsored by Commissioner Joy Malakoff)

Underline denotes additions
~~Strike through~~ denotes deletions
Double underline denotes additions made after First Reading
~~Double strike through~~ denotes deletions made after First Reading

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Julio Cruz 3-1-16
City Attorney Date
NK



City of Miami Beach
Washington Avenue
Pilot Parklet Permit Program (Draft)



City of Miami Beach
Department of Public Works
1700 Convention Center Drive
Miami Beach, Florida 33139
www.miamibeachfl.gov
305-673-7000

Program overview

The City of Miami Beach's Pilot Parklet Program aims to facilitate the conversion of on-street parking spaces into publicly-accessible open space on a temporary basis for all to enjoy. The Parklet Pilot Program provides a path for merchants to take individual actions in the development and beautification of the City's public realm. The first formal public parklets were initially conceived and installed in San Francisco in 2010. Since that time the program has become very successful and is being emulated in cities around the world.

Parklets are intended as aesthetic enhancements to the streetscape, providing an economical solution to the need for increased public open space. They provide amenities like seating, planting, bike parking, and art. They reflect the City's commitment to encouraging walking and biking, creating pedestrian-friendly streets, and strengthening our communities by providing an economical solution to the need for increased public open space.

Typically the materials consist of semi-permanent decks that expand the pedestrian realm beyond the sidewalk, allowing business owners to increase outdoor seating, without requiring permanent street redesign and construction. They may include amenities such as seating, planters, bike parking, art and other associated improvements, generally located in front of and developed and operated by the adjacent business.

Program goals

Reimagine the potential of city streets.

Public rights-of-ways make up approximately 25 percent of the City's land area. Parklets promote a low-cost, easily implementable approach to public space improvement through projects that energize and reinvent the public realm. They help address the desire and need for increased public open space and wider sidewalks.

Encourage non-motorized transportation

Parklets encourage walking by providing pedestrian amenities like street furniture, landscaping and public art. Parklets often provide bicycle parking and thus increase the visibility of bicycling in Miami Beach.

Encourage pedestrian activity.

Parklets provide pocket spaces for pedestrians to sit and relax, while also improving walkability.

Support local businesses.

Parklets attract attention to businesses and provide additional seating that can be used by cafe customers and others. A parklet also beautifies the street and creates a neighborhood destination.

Parklet Location Criteria

Speed Limit

Parklets for this pilot program will be permitted on both sides of Washington Avenue from 5th Street to Lincoln Road.

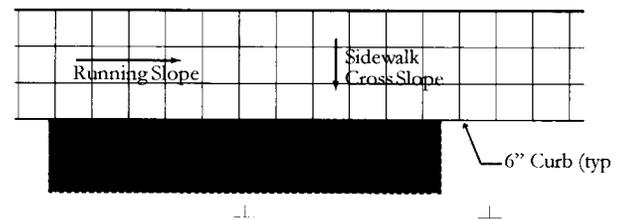
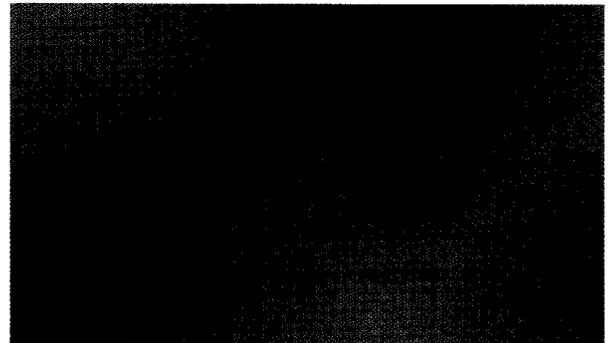
Parking Spaces.

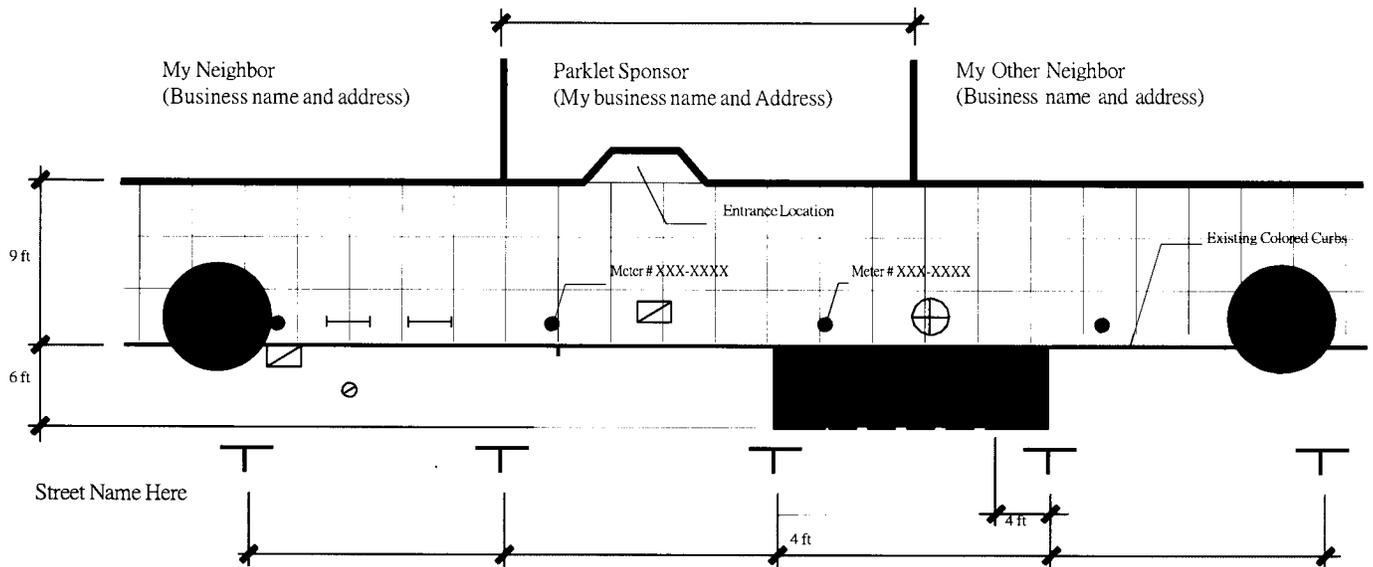
Parklets can be sited along the curb line on streets where on-street parking spaces exist. They can be considered in any location where there are space(s) for on-street parallel, angled, or perpendicular parking, including spaces with metered or unmetered parking.

Street Slope.

Parklets are generally permitted on streets with a running slope (grade) of five percent or less. When installed on streets with running slopes of three percent or greater, parklets will need to include a wheelchair rest area.

Parklets may be permitted on streets over five percent if they can provide safe access and turnaround area for wheelchair users.





Legend

- Existing Parking Meter
- Existing Bike Rack
- ◻ Existing Utility (in sidewalk and in street)
- ⊥ Existing Parking Space Marking
- 4 ft Required Parklet setback (not to be included in parklet size)
- ⊕ Existing Street Light
- Existing Street Tree
- ↑ North Arrow

Reflective Elements at Corners.

Reflective elements are required at the outside corners of all parklets. Soft-hit posts are a standard solution deployed at the outside edges; however the City will consider additional reflective elements incorporated in the parklet design.

Wheel Stops.

For parklets in parallel parking spaces, a three-foot wheel stop must be installed one foot from the curb at the edge of the front and back parking spaces. When parklets are installed adjacent to parallel parking spaces, wheel stops should be setback four feet from the parklet structure. For angled parking spaces and adjacent to driveways, City staff will work with you to determine the appropriate location for wheel stops. Wheel stops shall be made of recycled rubber/plastic.

Site Conditions.

Your initial site plan should accurately reflect the existing site conditions and include streetscape features like adjacent bike racks, utility covers, street poles, existing signs, street trees, tree wells, etc.

Sight Triangle.

Parklets must not interfere with sight triangles. A sight triangle is a triangular shaped portion of land established for unobstructed visibility of motorists entering or leaving a street or driveway intersection in which nothing, whether stationary or moveable (i.e., vehicles, vehicular maneuvering area, signs, landscaping or objects of any kind) is permitted to be located between a height of two and one-half (2½) and eight (8) feet above the elevation of the adjoining edge of pavement. An exception to the prohibition is a tree with clear trunk between two and one-half (2½) and eight (8) feet.

Parking Meter Location Numbers.

One (1) on-street parking space will be allowed for a parklet per City block. If your parklet is located in an area with single-meter parking, you will need to show the location of the parking meter (if applicable) to be removed and the zone number. If no single meter, the zone is posted and the number can be found on the parking meter (if applicable).

The Platform

The platform provides the structural base for the parklet. The City strongly recommends consulting a design or construction professional to ensure that the platform will be sturdy and safe.

Bolting.

Bolting into the street or penetrating the surface of the road in any way is strongly discouraged and may not be allowed without a restoration plan and an excavation bond posted by the applicant and their contractor. Parklets may be bolted to the existing curb, with specific restoration requirements.

Platform Surface.

The top of the parklet platform must be flush with the sidewalk with a maximum gap of one-half inch. In the case of a sloping street, staff will work with the designer to address issues of access.

Access.

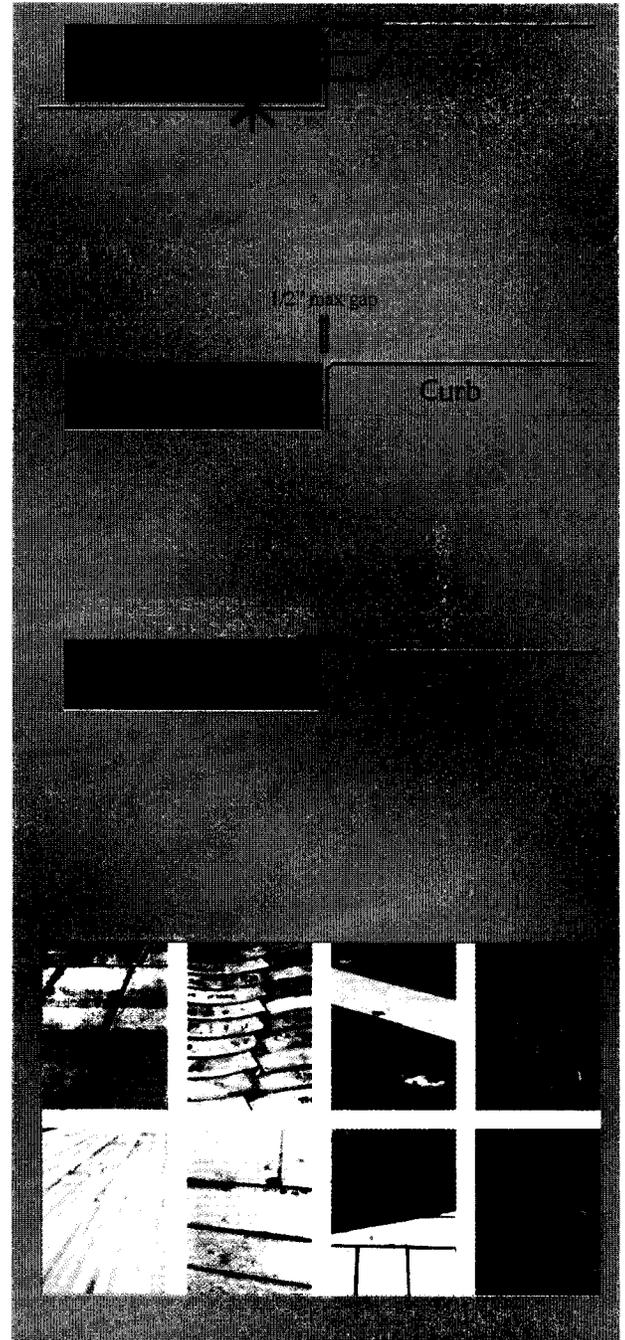
If the platform base is not solid, the space underneath the platform surface must be accessible for maintenance through access panels, removable pavers, etc.

Concrete.

If using a concrete base for the parklet floor, the concrete cannot be poured directly on the road surface. A plastic slip-sheet can be used to prevent the concrete from binding to the road bed below. To facilitate easy removal of the parklet, the concrete floor should not include structural rebar and must weigh less than 200 pounds per square foot.

Surface materials.

Loose particles, such as sand or loose stone, are not permitted on the parklet.



Drainage.

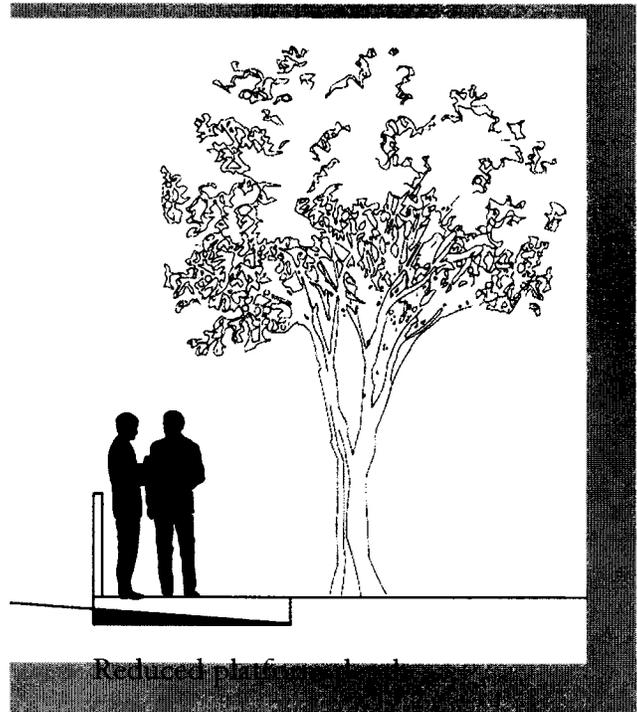
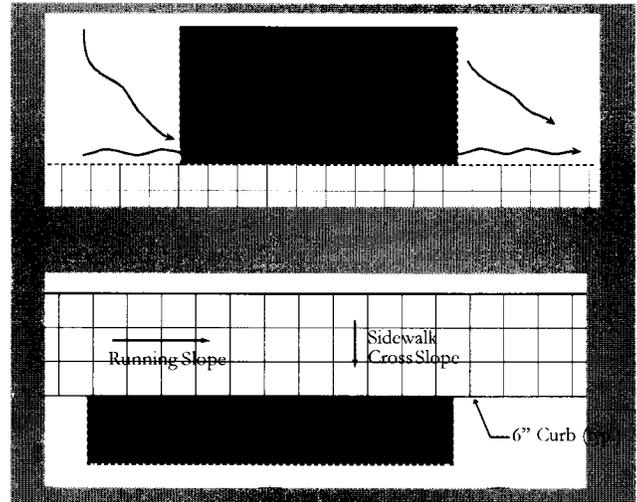
The parklet cannot impede the flow of curbside drainage. Designers are strongly encouraged to cover openings at either end of the parklet with screens to prevent blockage from debris.

Platform Cross Slope.

Parklet platform rest areas cannot exceed two percent cross slopes. Your final construction drawings will need to show spot elevations for both the sidewalk and the platform areas.

Street Crown and Curb Height.

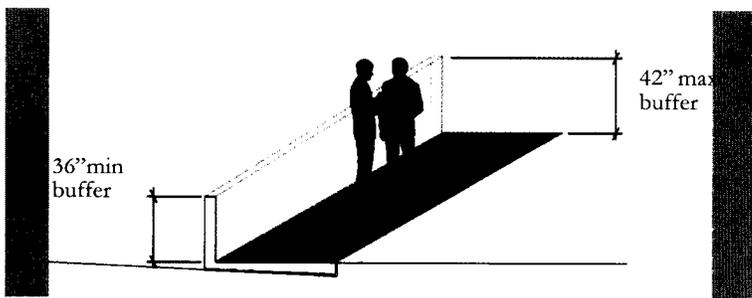
Most Miami Beach streets are crowned (parabolic in cross-section) and typically edged with a six-inch-high curb. This is to ensure that stormwater flows towards the curb and gutter during a rainstorm. The curb is intended to prevent water from jumping the curb and flooding adjacent buildings. This means that the elevation of the street rises the further you move from the curb, effectively reducing the amount of space to build the parklet platform. Whereas along the curb there may be 6 inches of clearance for your platform structure, clearance can be reduced to as little as 2 inches further into the street. Furthermore, both curb heights and street crown heights vary with each street segment. Applicants and designers are strongly advised to take field measurements before beginning the design to make sure their proposed platform solution will fit within the allotted space and satisfy all slope and accessibility requirements.



The Parklet

Buffer the edges.

Depending on the location, the parklet should have an edge to buffer the street. This can take the form of planters, railing, cabling, or some other appropriate buffer. The height and scale of the buffer required will vary depending on local context. For example, on some low-traffic streets, a continuous edge may not be required. (If cable railing is used, spacing between cables cannot exceed six inches).



Maintain a Visual Connection to the Street

Your parklet design should maintain a visual connection to the street. Continuous opaque walls above forty-two inches that block views into the parklet from the surrounding streetscape are prohibited. You are allowed to include columns and other vertical elements.

Umbrellas

For a parklet, if umbrellas are proposed, they shall not exceed 6 feet by 6 feet with a vertical clearance of 80 inches.



Responsibilities of Permittee

The permittee will be responsible for the following:

- A no-refundable application fee of \$100.
- All costs related to design, materials and installation.
- In case of removal, the sponsor is responsible for all removal costs.

- The on-going maintenance of the parklet including replacing, painting or fixing elements damaged due to vandalism. All parklet designs shall contain at least one (1) ADA compliant accessible entrance.
- Insurance requirements for the installation and maintenance of a parklet depending on location and use.
- Maintenance of any movable furniture. In addition, all movable elements of the parklet must be safely stored indoors after business hours. Landscaping elements are encouraged in parklet design. All landscaping maintenance is the responsibility of the parklet permittee.
- General maintenance including furniture and non-approved graffiti removal. In addition, permittees must maintain the area under the parklet free of debris in order to allow proper drainage, and pressure clean the parklet as necessary.

Only street-fronting property owners or tenants may apply for a parklet. Parklets are public spaces; therefore, applicants must gather letters of support, petitions and other documentation from surrounding businesses or residents in order to prove community outreach and involvement as part of the parklet application process. Sidewalk café parklets should also comply with applicable requirements related to the City's sidewalk café ordinance, as specified in the proposed permit application program.

Parklets shall not have any additional signage other than the parklet public space designation approved by the City of Miami Beach. Parklets must be located at least one parallel parking space away from the corner, unless curb configuration, such as a large bump-out, allows for safe placement of a parklet closer to the corner (evaluated on a case by case basis). In addition, parklets must have a three-foot wheel stop at both ends, and bollards or large non-movable planters, in order to provide adequate protection for parklet users.

Businesses that operate a sidewalk café parklet should only provide service in front of their own business. Crossing over property frontages will not be permitted as it could have the potential to present a controversy between neighboring businesses.

It is recommended that the Public Works Department administers the Parklet Pilot Program as the application and approval process is very similar to that of sidewalk cafés. The pilot nature of the program will allow City staff to evaluate and adjust the program as needed.

Fees

The Pilot Program is based on an issuance of a parklet permit for a term ending on March 31, 2017. If a parklet permit is granted, the parklet permittee is responsible for:

1. A non-refundable application fee of \$100.
2. \$1,200 annually per parking space used for the parklet.

1. Submit Application

a. **Application form.** All Applicants must complete the attached application form.

Applications maybe denied for the following reasons;

- (1) Incomplete applications will not be accepted.
- (2) Inactivity for a period of three (3) months since the last action was taken.
- (3) Failing to meet any required deadlines.

b. **Site Plan.** All Applicants shall provide a plan with their application form that clearly includes and indicates all of the following information:

- (1) The footprint of the proposed Parklet, including sufficient detailed information to illustrate the design elements on either end of the proposed Parklet.
- (2) Indicate all property lines, right-of-way lines, sidewalk width, Parklet length and width, existing parking stalls, and all surface obstructions within 15 feet of the occupied area (e.g., fire hydrants, streetlights, parking meters, street trees, utility access covers).
- (3) The number(s) on all parking meters that are to be removed must also be included in all drawings. These numbers are generally posted on the meter.
- (4) Provide as much detail as possible to aid in the City's review of the application.

c. **Parklet Programming.** Indicate what type of elements you are proposing on the Parklet (e.g. tables and chairs, benches, landscaping, bike parking, etc.)

d. **Support.** A letter from fronting property owners is required. Each Applicant must adequately and robustly involve the surrounding community in the development of the proposal by involving neighbors and tenants of the subject property, and any existing merchant or neighborhood groups. The Applicant must provide reliable and verifiable documentation of support in the form of a letter, a petition, email, etc.

e. **Indemnity and hold harmless statement.** Each applicant shall provide a signed agreement to defend, indemnify, save, and hold harmless the City and all its officer, agents, or employees from any liability for damages resulting from any and all operations under the permit in a form approved by the City Attorney.

2. Departmental review

An interdepartmental committee (Public Works, Planning, Transportation, Parking) will review applications, on a first-come-first-served basis, to ensure that Applicants conceptually meet program criteria.

3. Permit Application

For those Applicants with an accepted conceptual application; the next step is to submit a construction permit application and fully detailed site plan, including but not limited to items such as cross sections, elevations, structural details, safety treatments, existing utilities and maintenance of traffic plans. City staff will work with the Applicant in a collaborative fashion during this period to ensure that the Parklet design is appropriate and that the final drawings produced meet requirements.

4. Construction Permit Approval

a. Within 10 days from submittal of a Final Plan, if it is determined by the Director/Department that the application satisfies all policy requirements and the Applicant has paid all necessary fees, the Department of Public Works will grant final approval and issue a permit.

5. Construct Parklet

Upon permit issuance and as a condition of permit approval, Applicants are required to inform the Department of

Public Works no less than ten (10) days before beginning any site work. Installation of the Parklet must be completed within 2 weeks of permit issuance.

6. Other Permits

In conjunction with the Parklet permit, the Applicant is required to obtain any other applicable permits that may be required by other agencies.

7. Parklet Removal

Permittee, at Permittee's sole cost, shall be responsible for removal of the Parklet and restoring the ROW to its original condition upon the occurrence of one (1) or more of the following:

- (1) the cessation of use,
- (2) failure to comply with permit conditions or other legal requirements, or
- (3) The Parklet poses a dangerous condition or threat to life or property.

The City may remove the Parklet for any of the following reasons:

- a. Failure to maintain,
- b. Violation of this Pilot Program Policy,
- c. Violation of the Permit,
- d. Modifications unapproved by the City,
- e. When the Parklet encroachment causes a dangerous condition or threat of danger to life or property as determined by the Director of Public Works. This includes but is not limited to:
 - The Parklet is encroaching into a travel lane or bike lane
 - The Parklet has lost structural integrity
 - A gap develops between the Parklet and sidewalk
 - The Parklet creates a visibility issues
- f. As a condition of permit issuance, the Parklet Permittee shall agree in writing to authorize the City to remove the Parklet at the Permittee's sole cost in the event that any of the occurrence of any of the circumstances for removal herein.

If any of the above violations occur, the applicant will be sent notice of the violations and except in the case of dangerous or threatening conditions, will be given a maximum of five (5) working days to remedy the condition or remove the Parklet. If in the event that the Permittee fails to timely or adequately maintain or repair the encroachment or remove the encroachment within the five (5) working days, the permit will be terminated. Once the permit is terminated, the Parklet must be removed at the sole cost of the Permittee within three (3) calendar days. When the encroachment causes a dangerous condition or threat of danger to life or property, the permit will be terminated without the five (5) day notice and removed immediately at Permittee's cost.

The City, at its sole discretion, may remove the Parklet and restore the public right-of-way to its previous condition upon a finding that it is in the public interest for the City to fund or partially fund removal of the Parklet.

Transfer of Permits

If the Permittee sells its business interests, one of the following must be done:

1. Remove the Parklet; or
2. With the City's approval, Purchaser and Permittee must come into the Department and execute a new permit in the purchaser's name with their signature and comply with all other requirements for the issuance of a permit, such as insurance.

Pilot Program Changes

The City reserves the right to amend the Parklet Pilot Program and all terms contained within it up until the point that a final permit is issued. Applicants may withdraw their application if they do not agree with any of the Policy changes.



City of Miami Beach

Department of Public Works

1700 Convention Center Drive

Miami Beach, Florida 33139

www.miamibeachfl.gov

305-673-7000

Parklet Permit Application

All Parklet applications will be reviewed on a first come – first serve basis.

Date Submitted: _____ New: _____ Revised: _____ Application

Applicant (Print)

Name: _____

Address: _____

City, State, Zip: _____

Telephone# (M-F, 8am-5pm): _____ Alt. # (emergency number): _____

Federal Tax ID Number (FEIN): _____

City Business Tax Receipt #: _____ Expiration Date: _____

Parklet Operator, if other than applicant:

Name: _____

Address: _____

City, State, _____ Zip: _____

_____ Telephone# (M-F, 8am-5pm)

_____ Alt. # (emergency number) _____

Business Entity (Person) Parklet Operation will serve if other than applicant

Name: _____

Address: _____

City, State, Zip: _____

Contact Number: _____

Engineer / Architect:

Name: _____

Address: _____

City, State, _____ Zip: _____

Contact Names, number(s) & email _____

Comments: _____

Parking Information

Number of Parking Spaces to be occupied: Parallel _____ Angled / Perpendicular _____

Meter number(s) on Parking Meters to be removed:

Additional Information

1. Name of Insurance Company (attach Insurance Certificate) _____

Commercial General Liability Insurance with a policy limit of \$1,000,000 per occurrence and a \$2,000,000 General Aggregate. The policy must include coverage for the liability assumed by the applicant under the indemnity provision of the permit, coverage for Premises/Operations, Products/Completed Operations, Broad from Contractual Liability and Independent Contractors.

2. Zoning District of the Parklet area _____

3. Location/address of the Parklet area _____

4. Distance from closest fire hydrant or fire connection to building _____ ft.

(cannot be closer than 10' to nearest hydrant or fire connection to a building)

Acknowledgement and agreement to Terms and Conditions

By my signature, I, (Applicant Name) _____, acknowledge that I have received a copy of the Parklet Pilot Program Manual and agree to abide by the terms and conditions set forth in the Manual, along with any terms and conditions included during the permitting process and any other applicable federal, state, county, and local laws as amended during the term of the approved Permit. Failure to abide by such terms and conditions, or misuse of the Parklet Permit, may result in the suspension and/or revocation of the Parklet Permit as specified in the Ordinance.

Signature of Applicant

Printed Name

Date

Checklist of items to include with Parklet Permit Application

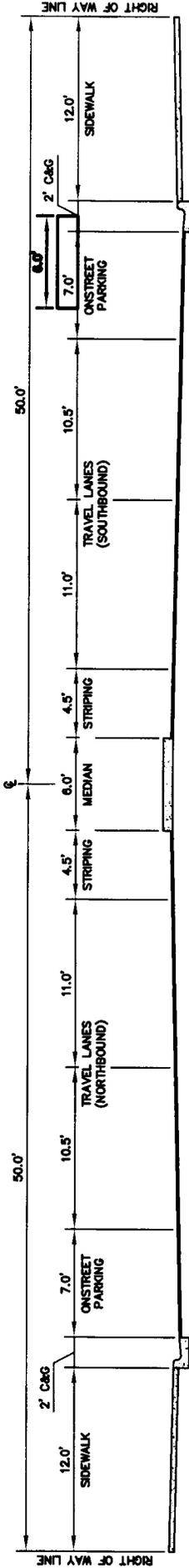
- 1. Completed and signed Parklet permit application.
- 2. A copy of a current Business Tax Receipt from the City of Miami Beach.
- 3. Current liability insurance Certificate and documentation of Parklet insurance requirements.
- 4. A Parklet operations plan, including a sketch or drawing of the Parklet operations area, bicycle lanes, fire hydrant and fire connection locations, and
 - a. Location Map
 - b. Plan showing dimensions, features, traffic device placement and location of Parklet
 - c. Elevations
 - d. Construction details and structural design, signed and sealed by an engineer.
 - e. Photos of proposed Parklet area from 4 different viewpoints
 - f. A bond to secure restoration of the right-of-way.
 - g. And any other requirements as determined by the Interdepartmental Committee

- 5. Fees
 - A non-refundable application fee of \$100.00
 - \$1,200 annually per parking space used for the parklet.

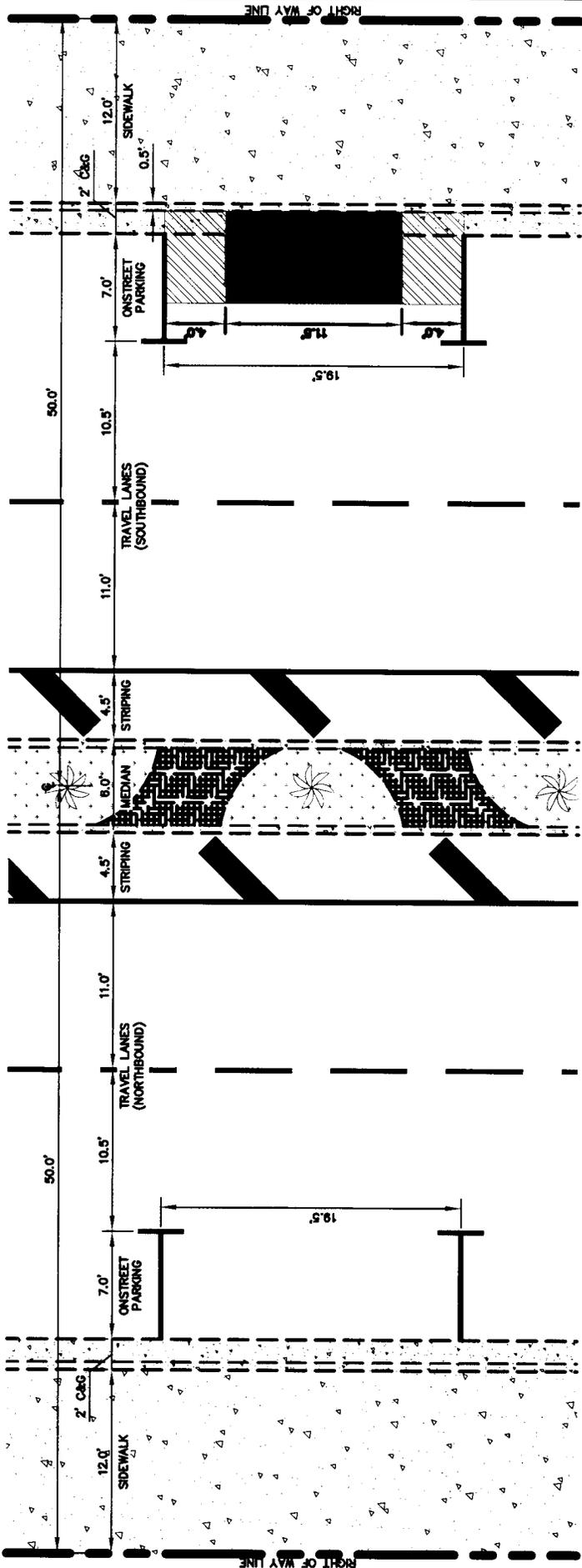
If the application has insufficient space for you to complete any item, you may attach additional sheets that are labeled with the applicant's name and applicable section of the application.

Note:

The Parklet Permit application must include all required attachments before acceptance.



TYPICAL SECTION
 (100' RIGHT OF WAY ALONG WASHINGTON AVENUE
 BETWEEN 12TH STREET AND 13TH STREET)



PLAN VIEW
 (100' RIGHT OF WAY ALONG WASHINGTON AVENUE
 BETWEEN 12TH STREET AND 13TH STREET)

MIAMI BEACH
PUBLIC WORKS DEPARTMENT
 1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139

APPROVED _____

REVISED _____

TITLE:

Washington Avenue Roadway Exhibit

C:\Users\PLANMADK\Documents\Washington Ave - Parklet.dwg

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS March 9, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **March 9, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration"; By Amending Article III, Entitled "Agencies, Boards And Committees"; By Amending Division 11, Entitled "Committee On The Homeless"; By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support, And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Housing & Community Services Department at 305.673.7280.*

10:05 a.m.
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures," By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repeal; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repeal, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)(a), Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)(b), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited"; By Amending Subsection (c)(1)(b), Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repeal, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Program, Which Program Shall Terminate On February 28, 2017; And Providing For Repeal, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 or the Transportation Department at 305.673.7514.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

5:01 p.m.
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation, Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repeal; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m.
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Division 4, "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," Division 7, "CCC Civic And Convention Center District," Division 8, "GC Golf Course District," Division 9, "GU Government Use District," Division 10, "HD Hospital District," Division 11, "L Light Industrial District," Division 12, "MR Marine Recreation District," Division 13, "MXE Mixed Use Entertainment District," Division 16, "WD-1 Waterway District," Division 17, "WD-2 Waterway District," Division 18, "PS Performance Standard District," Division 20, "TC North Beach Town Center Districts," To Delete All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," And Regulations, Article II, "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repeal; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are 8:30 a.m. and 1:00 p.m. or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are 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

Condensed Title:

Ordinances proposing to amend chapter 6 and chapter 142 pertaining to alcoholic beverages.

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 ordinances would consolidate and relocate existing requirements for alcoholic beverages in chapter 6 and zoning districts and alcoholic beverages in chapter 142 of the City Code.

On July 29, 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 February 10, 2016, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the attached ordinances at First Reading; and 3) scheduled a Second Reading Public Hearing for March 9, 2016.

The Administration recommends that the City Commission adopt the ordinances.

Advisory Board Recommendation:

On December 15, 2015, the Planning Board transmitted the proposed ordinance amendments to the City Commission with an unfavorable recommendation (Vote 7-0)

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></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
		

T:\AGENDA\2016\March\Planning\Alcohol Regs SECOND Reading - SUM.docx

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: March 9, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **Ordinance Amendments to Chapter 6 and Chapter 142 – Alcoholic Beverages**

Chapter 6: Alcoholic Beverages

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, CHAPTER 6 "ALCOHOLIC BEVERAGES" OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING ARTICLE I, "GENERAL PROVISIONS", TO CONSOLIDATE ALL PROVISIONS RELATING TO ALCOHOL REGULATION IN ONE CHAPTER OF THE CITY CODE BY RELOCATING CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS FROM CHAPTER 142 AND PLACING THOSE PROVISIONS IN CHAPTER 6; PROVIDING FOR HOURS OF OPERATION; LOCATION AND USE RESTRICTIONS; PATRON AGE RESTRICTIONS; MINIMUM SEATS AND HOTEL ROOMS REQUIREMENTS; BY AMENDING ARTICLE II, "CONDUCT," BY MODIFYING AND CREATING DEFINITIONS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

Chapter 142: Zoning Districts and Alcoholic Beverages

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS;" ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS" DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT" DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT" DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT" DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT" DIVISION 8, "GC GOLF COURSE DISTRICT" DIVISION 9, "GU GOVERNMENT USE DISTRICT" DIVISION 10, "HD HOSPITAL DISTRICT" DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT" DIVISION 12, "MR MARINE RECREATION DISTRICT;" DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT;" DIVISION 16, "WD-1 WATERWAY DISTRICT" DIVISION 17, "WD-2 WATERWAY DISTRICT" DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," DIVISION 20 "TC NORTH BEACH TOWN CENTER DISTRICTS," TO DELINEATE ALL ALCOHOLIC BEVERAGE ESTABLISHMENTS AS RELATED MAIN PERMITTED, CONDITIONAL, AND PROHIBITED USES BY ZONING DISTRICT; MODIFYING CHAPTER 142,

ARTICLE V, "SPECIALIZED USE REGULATIONS," TO DELETE DIVISION 4, AND SECTION 143-1301, ENTITLED "PERMITTED DISTRICTS; STRIKING ALCOHOL REGULATIONS RELATING TO HOURS OF OPERATION, MINIMUM SEAT AND HOTEL ROOMS FROM CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS;" AND MODIFYING CHAPTER 142, ARTICLE V "SPECIAL USE REGULATIONS," AT DIVISION 4 "ALCOHOLIC BEVERAGES," BY STRIKING SECTIONS 142-1302 AND 142-1303; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinances.

BACKGROUND

The following is a summary of the legislative tracking of the proposed ordinances:

July 9, 2014

The Land Use and Development Committee (LUDC) discussed potential amendments to the City Code pertaining to alcoholic beverage establishments, allowable accessory uses and Neighborhood Impact Establishments (NIE). The Committee recommended that the City Commission refer a discussion item to the Land Use Committee pertaining to the following:

1. Alcoholic Beverage Establishments (Chapter 6);
2. Requirements for determining the size and square footage of "Accessory Uses" in relation to the main permitted use; and
3. The clarification of threshold standards for Neighborhood Impact Establishments.

(NOTE: This part of the legislation was to address the current conflict between the requirements of the life-safety code as it pertains to the establishment of an occupational load and the zoning standards for an NIE.)

July 23, 2014

The Mayor and the City Commission referred to the LUDC (Item C4K) a discussion item regarding proposed amendments to the City Code pertaining to alcoholic beverage establishments, allowable accessory uses and Neighborhood Impact Establishments (NIE).

October 1, 2014

The Land Use Committee discussed the proposal and directed the Administration to draft an Ordinance and return to the Committee on November 5, 2014. (Note: the draft ordinances requested were not ready in time for the November 5, 2014 LUDC meeting, so the item was moved to the December 10, 2014 LUDC meeting).

December 10, 2014

The LUDC discussed three proposed draft ordinance amendments (Chapter 6, Chapter 114 and Chapter 142). Commissioner Malakoff agreed to be the sponsor of the proposed legislation. The proposed ordinance amendments, while primarily a clean-up and consolidation proposal, did include some substantive changes (see substantive changes in the Analysis section below), as well as a number of text changes in order to accommodate the proposed consolidations. After extensive discussion by the Committee and the public, the LUDC recommended that the City Commission refer the subject Ordinances (Chapters 6, 114 & 142), including the amendments discussed, to the Planning Board.

January 14, 2015

The City Commission referred the proposed amendments to Chapters 6, 114 & 142 of the City Code to the Planning Board (Item C4H).

February 24, 2015

The Planning Board had a lengthy discussion regarding the proposed ordinances, recommended further revisions and continued the items to the March 24th, 2015 meeting.

March 24, 2015

The Planning Board discussed the updated ordinances and continued the items to the May 26th, 2015 meeting. The Board requested that Planning Staff meet with affected stakeholders prior to May 26, 2015.

April 17, 2015

Planning staff met with representatives of business interests affected by the proposed legislation, including a number of Land Use Attorneys.

May 11, 2015

Planning staff met with residents of the Palm View and WAVNA neighborhoods regarding the proposed legislation

May 26, 2015

The Planning Board discussed the item and continued the proposed ordinances to the July 28th, 2015 meeting.

July 8, 2015

The City Commission removed the subject ordinances from the Planning Board agenda and re-referred the matter to the Land Use and Development Committee for further discussion.

July 29, 2015

The Land Use Committee discussed the item and considered two (2) revised versions of the legislation:

“Option A”: Clarifies and adds definitions in Chapter 114, consolidates the code language pertaining to alcoholic beverage establishments into Chapter 6, clarifies language used in Chapters 6 and 142 in regards to accessory uses and Neighborhood Impact Establishment thresholds, updates the code to align it with current state statutes and adds new neighborhood compatibility requirements.

“Option B”: New language pertaining to hours of operation for alcoholic beverage establishment South of Fifth Street.

After discussing the item, the Land Use Committee recommended that Option “B” be removed from consideration and that Option “A”, as slightly modified, be referred to the Planning Board.

September 2, 2015

The City Commission discussed the recommendation of the Land Use Committee to refer the subject ordinances to the Planning Board. The Commission continued the item to October 14, 2015, in order to better evaluate the recommendation of the Land Use Committee.

October 14, 2015

The City Commission referred the subject ordinances to the Planning Board (Item C4A), with additional language pertaining to 'ambient DJ's'. The current sponsor of the proposed Ordinances is Commissioner Joy Malakoff.

November 24, 2015

The Planning Board discussed the proposed ordinances and continued the item to the December 15, 2015 meeting. The Board also recommended further revisions to the legislation, pursuant to the public discussion.

December 15, 2015

The Planning Board discussed the proposed Ordinance, as revised, and transmitted the legislation to the City Commission with an 'Unfavorable' recommendation. The Planning Board also recommended that if the City Commission was to consider approving the Ordinances, that such approval be limited to those portions of the legislation that are 'clarifications' and 'consolidations' only.

ANALYSIS

The subject legislation has been pending since January of 2015 when it was first referred to the Planning Board. The original Ordinances were reviewed and discussed on multiple occasions by the Land Use Committee and the Planning Board. The Planning Board has recommended that the City Commission only consider for approval the non-substantive clarification and consolidation portions of the proposed legislation.

In light of the size and complexity of the original proposed Ordinance, incorporating additional new text and modified regulations proved challenging, particularly from a review standpoint. In light of this, on January 13, 2016, the City Commission directed the Administration to remove all of the substantive portions of the legislation and bring back a revised version for First Reading that is limited to the consolidation items, as recommended by the Planning Board. The First Reading versions of the revised ordinances reflect this direction. The proposed revisions to Chapter 114 were deleted, as this revision consisted of solely new language.

The changes proposed herein consolidate all alcoholic beverage regulations into Chapter 6, instead of having alcoholic beverage regulations scattered throughout the zoning code. Also, the applicable alcoholic beverage establishment uses in Chapter 142 have been relocated into the use sections for the individual zoning districts, instead of having a separate list in a different section of the Code.

PLANNING BOARD REVIEW

On December 15, 2015, the Planning Board reviewed a comprehensive set of proposed revisions to the City's alcoholic beverage regulations, which are now contained in two separate draft Ordinances, and transmitted the legislation to the City Commission with an 'Unfavorable' recommendation. The Planning Board also recommended that the City Commission only consider for approval the non-substantive clarification and consolidation portions of the proposed legislation.

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:

The subject ordinances were approved at First Reading on February 10, 2016.

CONCLUSION

The Administration recommends that the City Commission adopt the ordinances.

JLM/SMT/TRM

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CHAPTER 6 – ALCOHOLIC BEVERAGES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, CHAPTER 6 “ALCOHOLIC BEVERAGES” OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING ARTICLE I, “GENERAL PROVISIONS”, TO CONSOLIDATE ALL PROVISIONS RELATING TO ALCOHOL REGULATION IN ONE CHAPTER OF THE CITY CODE BY RELOCATING CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS FROM CHAPTER 142 AND PLACING THOSE PROVISIONS IN CHAPTER 6; PROVIDING FOR HOURS OF OPERATION; LOCATION AND USE RESTRICTIONS; PATRON AGE RESTRICTIONS; MINIMUM SEATS AND HOTEL ROOMS REQUIREMENTS; BY AMENDING ARTICLE II, “CONDUCT,” BY MODIFYING AND CREATING DEFINITIONS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

WHEREAS, Alcoholic Beverages are addressed in Chapters 6, entitled “Alcoholic Beverages;” and

WHEREAS, to ensure that all regulations relating to alcoholic beverages are clear and concise and in one location of the code that is logical and convenient to user; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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

SECTION 1. Chapter 6, “Alcoholic Beverages,” is amended, as follows:

ARTICLE I. - IN GENERAL

Section 6-2. Licenses.

- (a) No vendor shall sell or distribute any alcoholic beverages without securing a license from the Florida Division Of Alcoholic Beverages And Tobacco Of The Department Of Business And Professional Regulation of the state (“State License”). A service charge as specified in Appendix A shall be paid by an applicant requesting the review of an application to the state for an ~~alcoholic beverage~~ State License. The purpose of this charge is to defray the cost to the City for the ~~verification of a correct occupational license, parking impact fees, and proximity to places of worship and/or schools~~ review of the regulations enumerated in herein Chapter 6, and an area and establishment inspection and any other zoning inspection and/or review that may be applicable to the review of such an application.
- (b) ~~Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191 et seq.~~

Sec. 6-3. Hours of Sale/Violations.

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a State License, and shall be according to the following schedule, except as may be otherwise provided pursuant to subsection (6):

(1) Retail stores for package sales only – ~~off premises consumption, either as permitted main or accessory uses.~~ Vendors having a license from the state Division of alcoholic beverages and tobacco for the sale of liquor and other alcoholic beverages for consumption off the premises shall only offer for sale alcoholic beverages within may make sales of alcohol only for off premises consumption between the hours of 8:00 a.m. and midnight, ~~on any day of the week.~~

(2) Retail stores, including grocery, ~~and convenience stores, and gasoline service/filling stations, either as permitted main or accessory uses,~~ which primarily offer for sale products other than alcoholic beverages may make sales of beer and wine only for off premises consumption –sealed containers between the hours of 8:00 a.m. and midnight, ~~on any day of the week.~~

(3) All alcoholic beverage establishments with state licensure licensed as alcoholic beverage establishments (midnight to 5:00 a.m.) –on premise consumption only, ~~either as permitted main or accessory uses,~~ shall only offer for sale the on-premises consumption of alcoholic beverages within may make sales of alcohol between the hours of 8:00 a.m. and 5:00 a.m. ~~on any day of the week.~~

a. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ but not operating as dance halls or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m.

b. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ and also operating as dance halls, or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m., and dancing and entertainment shall not be conducted between the hours of 5:00 a.m. and 10:00 a.m.

c. Other alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ not containing restaurants with full kitchen facilities, shall close at 5:00 a.m. and keep remain closed, the place of business and not allow any No patron or other persons, other than those employed by the vendor may, to remain on the premises therein between the hours of 5:00 a.m. and 8:00 a.m.

d. *Sidewalk cafes.* Notwithstanding the provisions of subsections (3)(a) through (c), alcoholic beverages shall not be offered for sale or consumption at sidewalk cafes, as defined in section 82-366 of this Code and as otherwise permitted by the City in accordance with chapter 82, article IV, division 5, subdivision II of this Code (as may be amended from time to time), between the hours of 1:30 a.m. and 8:00 a.m., and shall not be consumed at sidewalk cafes

between the hours of 2:00 a.m. and 8:00 a.m. No variances may be granted from the provisions of this section 6-3(3)(d) as to the hours of sale or consumption of alcoholic beverages at sidewalk cafes.

(4) *Off-premises package sales by alcoholic beverage establishments.* Off-premises package sales associated with alcoholic beverage establishments other than retail stores shall be permitted between the hours of 8:00 a.m. and midnight. for all establishments licensed as alcoholic beverage establishments.

(5) Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191, et seq. Private clubs, either as a permitted main or accessory use, shall be considered pursuant to subsection 6-2(a). Hours of operation and the consumption of alcoholic beverages will be considered between the hours of 8:00 a.m. and 5:00 a.m., Monday through Sunday, provided that service is made only to members and guests of members as provided under the ~~pursuant to~~ Florida Statutes. However, any private club permitted to remain open after 2:00 a.m. shall ~~purchase an extra-hours license and must~~ provide for security in its premises by hiring private security guards or off-duty police officers between the hours of 2:00 a.m. and 5:00 a.m. each day. Private clubs securing a State License from the state Division of alcoholic beverages and tobacco by complying with the requirements of Florida Statute, § 561.20 for racquetball, tennis or golf course facilities may admit members at any time for use of such facilities, but may not serve alcoholic beverages after 2:00 a.m. each day unless such private club is the holder of an extra-hours license Business Tax Receipt and complies with the above requirements.

(6) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages (i) until 7:00 a.m. on January 1 (New Year's Day) or, if January 1 is on a Sunday, until 7:00 a.m. on Monday if the day that is observed as a national holiday for New Year's Day is on Monday, and (ii) until 7:00 a.m. during certain major event days or weekends as may be designated by the City Commission or as may be designated by the City Manager following approval by the City Commission, under the following conditions:

- a. The police department and the code compliance Division of the City must be notified by a letter, received no later than 15 business days prior to either (a) January 1 or (b) the day on which alcohol sales are to be extended, stating that the alcoholic beverage establishment intends to serve alcoholic beverages for on-premises consumption until 7:00 a.m.;
- b. If deemed reasonably necessary by the police chief, or the police chief's designee, off-duty police officers must be provided at the alcoholic beverage establishment until 7:00 a.m.;
- c. There are no pending City Code violations against the alcoholic beverage establishment;
- d. No delinquent or past due monies are owed to the City;
- e. Outdoor entertainment or open-air entertainment is not allowed;
- f. No violation of the City's noise ordinance shall be permitted;
- g. No violation of the approved fire code occupancy load shall be permitted;
- h. All required City permits and licenses are current;
- i. The State of Florida alcoholic beverage License is current; and

j. Any other conditions required by the City Manager in order to protect the public health, safety, or welfare.

(7) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages until 6:00 a.m. on the first day of daylight savings time in the spring.

(8) The City Manager may suspend the provisions of subsection (6) at any time to protect the public health, safety, or welfare.

Section 6-4. Location and use restrictions.

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcoholic beverages for consumption:

* * *

(2) *Places of worship.* No alcoholic beverage shall be sold or offered for consumption in a ~~commercial use, except in restaurants for consumption on the premises,~~ alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.

* * *

(5) *Filling station.* No liquor as defined by Florida Statute § 568.01 shall be sold or offered for consumption on or off the premises of any filling station.

* * *

(b) *Determination of minimum distance separation.*

(1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcoholic beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcoholic beverages for consumption on or off the premises other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.

(2) When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning ~~and zoning~~ director that the minimum distance separation has been met.

(c) *Variances.* Variances to the provisions of this section may be granted pursuant to the procedure in section 118-351, et seq.

Sec. 6-5. Patron age restrictions.

(a) It shall be unlawful for persons under the age of 21 to patronize, visit, loiter, be admitted or allowed access, in any alcoholic beverage establishment, as defined in section 114-1 of this Code, except as hereinafter provided. This restriction shall not apply to:

- (1) Persons employed by or at the alcoholic beverage establishments;
- (2) Persons accompanied by either of their parents (natural, adoptive, or stepparent) or legal guardian (appointed by a court);
- (3) Alcoholic beverage establishments also licensed and operating as restaurants, containing a full kitchen of appropriate size to serve the occupancy load of the establishment, serving full meals at all times. In the case of hotels and other similar multiuse establishments, this restriction applies only to those areas of the establishment operating primarily as an alcoholic beverage establishment, and not also operating as a restaurant ~~as described above~~; and
- (4) Alcoholic beverage establishments also licensed and operating as motion picture theaters, subject to compliance with subsection 6-4(a)(4).

* * *

Section 6-6. Minimum seats and hotel room requirements:

Vendors shall be permitted to sell alcoholic beverages within zoning districts if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, hall for hire or golf clubhouse pursuant to the following standards:

(1) Permitted main uses:

a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.

b. Outdoor cafes, when visible from or facing a public street and associated with (a) above, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.

c. Outdoor cafes, when not visible from or on a public street, alley, or way, and associated with (a) above, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.

d. Golf clubhouse located on a golf course shall be permitted to sell alcoholic beverages only for consumption on the premises.

(2) Accessory uses. Hotels, apartment-hotels, or apartments, when permitted under Chapter 142, shall be permitted to have accessory uses on site, which sell alcoholic beverages pursuant to the following minimum standards:

- a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 40 seats shall be provided.
- b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.
- c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
- d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.
- e. Hotels, when requesting a "S" Class State License shall be required to demonstrate that they comply with all applicable Florida Statutes.

Section 6-7. Exemptions.

- (a) Notwithstanding any other provision of this division, the sale of beer for off-premises consumption by a vendor licensed for such sale from that location by the division of alcoholic beverages and tobacco of the department of business and professional regulation of the state shall be exempt from the regulations in section 6-4, and 6-6. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-premises consumption shall be conducted in accordance with the provisions of section 6-6.
- (b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the civic and convention center district (CCC) or government use (GU) district.

ARTICLE II. CONDUCT

Section. 6-36. Definitions.

The following words, terms and phrases, when used in this article Chapter, shall have the meanings ascribed to them in this section or if not defined in this Chapter, the meaning ascribed to them in Chapters 114 and 142, except where the context clearly indicates a different meaning:

Alcoholic beverage sales—On premises means the sale of beverages in open containers for consumption on the premises only.

Alcoholic beverage sales—Package means the sale of beverages in sealed containers for consumption off the premises.

* * *

Full kitchen facilities means having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchen facilities must contain grease trap interceptors, and meet all applicable City, county and state codes.

* * *

School means a facility providing a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and comparable private schools.

Section 6-37. Violations and penalties.

Upon a finding by the appropriate administrative official or agency that a violation of this article has occurred, the City shall initiate proceedings to revoke the Business Tax Receipt, Certificate of Use, ~~occupational license~~ or Certificate of Occupancy, whichever is appropriate. Additionally, this article may be enforced and violations may be punished as follows:

* * *

SECTION 2. CODIFICATION.

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

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: February 10, 2016

Second Reading: March 9, 2016

Verified by: _____
Thomas Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Real City 1-29-16
City Attorney Date

for

Underscore denotes new language
~~Strikethrough~~ denotes removed language

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CHAPTER 142 – ZONING DISTRICTS AND ALCOHOLIC BEVERAGES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 “ZONING DISTRICTS AND REGULATIONS;” ARTICLE II, “DISTRICT REGULATIONS”, DIVISION 3, “RESIDENTIAL MULTIFAMILY DISTRICTS” DIVISION 4, “CD-1 COMMERCIAL, LOW INTENSITY DISTRICT” DIVISION 5, “CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT” DIVISION 6, “CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT” DIVISION 7, “CCC CIVIC AND CONVENTION CENTER DISTRICT” DIVISION 8, “GC GOLF COURSE DISTRICT” DIVISION 9, “GU GOVERNMENT USE DISTRICT” DIVISION 10, “HD HOSPITAL DISTRICT” DIVISION 11, “I-1 LIGHT INDUSTRIAL DISTRICT” DIVISION 12, “MR MARINE RECREATION DISTRICT;” DIVISION 13, “MXE MIXED USE ENTERTAINMENT DISTRICT;” DIVISION 16, “WD-1 WATERWAY DISTRICT” DIVISION 17, “WD-2 WATERWAY DISTRICT” DIVISION 18, “PS PERFORMANCE STANDARD DISTRICT;” DIVISION 20 “TC NORTH BEACH TOWN CENTER DISTRICTS,” TO DELINEATE ALL ALCOHOLIC BEVERAGE ESTABLISHMENTS AS RELATED MAIN PERMITTED, CONDITIONAL, AND PROHIBITED USES BY ZONING DISTRICT; MODIFYING CHAPTER 142, ARTICLE V, “SPECIALIZED USE REGULATIONS,” TO DELETE DIVISION 4, AND SECTION 143-1301, ENTITLED “PERMITTED DISTRICTS; STRIKING ALCOHOL REGULATIONS RELATING TO HOURS OF OPERATION, MINIMUM SEAT AND HOTEL ROOMS FROM CHAPTER 142 “ZONING DISTRICTS AND REGULATIONS”, ARTICLE II “DISTRICT REGULATIONS;” AND MODIFYING CHAPTER 142, ARTICLE V “SPECIAL USE REGULATIONS,” AT DIVISION 4 “ALCOHOLIC BEVERAGES,” BY STRIKING SECTIONS 142-1302 AND 142-1303; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; EXCEPTIONS; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” includes specialized use regulations that address alcoholic beverages; and

WHEREAS, Chapter 6 of the City Code entitled “Alcoholic Beverages”, which regulates the hours of operation of and size of such establishments; and

WHEREAS, Chapter 142 shall be amended to ensure that each districts lists whether alcoholic beverage establishments are permitted, not permitted or conditional uses; and

WHEREAS, to ensure that all regulations relating to alcoholic beverages are clear, concise and in one location of the code that is logical and convenient to the user; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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" is amended, as follows:

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

* * *

Sec. 142-214. - Accessory uses.

The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in article IV, division 2 of this chapter and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~ RM-2 properties within the Palm View, or West Avenue corridors may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a legal conforming use as of May 28, 2013, shall have the right to apply for and receive special event permits that contain entertainment uses.

* * *

Subdivision V. - RM-3 Residential Multifamily, High Intensity

Sec. 142-244. - Accessory uses.

The accessory uses in the RM-3 residential multifamily, high intensity district are as follows:

* * *

(2) ~~Uses that serve a Alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~

(3) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6. provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

(4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

* * *

Sec. 142-245. - Prohibited uses.

The prohibited use in the RM-3 residential multifamily, high intensity district is accessory outdoor bar counter, except as provided in Section 142-244; and For properties located within the West Avenue Corridor, hotels and apartment-hotels, except to the extent preempted by Florida Statutes § Section 509.032(7), and unless a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

* * *

DIVISION 4. - CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

Sec. 142-272. - Main permitted uses.

The main permitted uses in the CD-1 commercial, low intensity district are commercial uses; apartments; bed and breakfast inn (pursuant to Section 142-1401); religious institutions with an occupancy of 199 persons or less, and ~~uses that serve alcoholic beverages~~ establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

Sec. 142-302. - Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; religious institutions with an occupancy of 199 persons or less and ~~uses that serve alcoholic beverages~~ establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages (alcoholic beverages) pursuant to the regulations set forth in Chapter 6.

* * *

Sec. 142-304. - Accessory uses.

The accessory uses in the CD-2 commercial, medium intensity district are as required in article IV, division 2 of this chapter; and accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6. provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, , the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

* * *

Sec. 142-305. - Prohibited uses.

The prohibited uses in the CD-2 commercial, medium intensity district are accessory outdoor bar counters, except as provided in ~~this division~~ Article IV, Division 2 of this chapter and in Chapter 6. Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, also include

alcoholic beverage establishments (not also operating as a full restaurant with a full kitchen, serving full meals); dance halls; entertainment establishments; outdoor entertainment establishment; neighborhood impact establishment; and open air entertainment establishment.

* * *

DIVISION 6. - CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

Sec. 142-332. - Main permitted uses.

The main permitted uses in the CD-3 commercial, high intensity district are commercial uses; apartments; apartment/hotels; hotels, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, and religious institutions with occupancy of 199 persons or less. ~~Oceanfront properties in the architectural district shall not be permitted to have new retail and/or office areas totaling more than 250 square feet unless the building is rehabilitated according to the South Florida Building Code, the city property maintenance standards, and fire prevention and safety codes and if it is a historic structure the U.S. Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures.~~ Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is located in a mezzanine, or at least 75 feet back from the storefront; also apartments, apartment/hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335. Dance halls (as defined in section 114-1 of this Code) not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishments are prohibited on properties having a lot line adjoining Lincoln Road, from the Atlantic Ocean to Biscayne Bay, unless the dance hall is located within a hotel with a minimum of 100 hotel units.

* * *

Sec. 142-334. - Accessory uses.

The accessory uses in the CD-3 commercial, high intensity district are as follows:

- (1) Those uses permitted in Article IV, Division 2 of this chapter.
- (2) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, , the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
- ~~(3) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) setback 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.~~

* * *

Sec. 142-335. - Prohibited uses.

The prohibited uses in the CD-3 commercial, high intensity district are pawnshops; secondhand dealers of precious metals/precious metals dealers; and accessory outdoor bar counter, except as provided in ~~this division~~ Article IV, Division 2 of this Chapter and in Chapter 6.

* * *

DIVISION 7. CCC CIVIC AND CONVENTION CENTER DISTRICT

* * *

Sec. 142-362. - Main permitted uses.

The main permitted uses in the CCC civic and convention center district are parking lots, garages, performing arts and cultural facilities; hotel; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, merchandise mart; commercial or office development; landscape open space; parks. Any use not listed above shall only be approved after the City Commission holds a public hearing. See section 142-367 for public notice requirements.

* * *

DIVISION 8. - GC GOLF COURSE DISTRICT

* * *

Sec. 142-394. - Accessory uses.

The accessory uses in the GC golf course district are as required in article IV, division 2 of this chapter and the sale or distribution of alcoholic beverages pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 10. - HD HOSPITAL DISTRICT

* * *

Sec. 142-452. - Permitted uses.

In the HD, Hospital District, no land, water or structure may be used, in whole or in part, except for one or more of the following permitted uses. ~~Permitted uses that sell, serve or otherwise distribute alcoholic beverages in this district shall comply with the standards and regulations found in article V, division 4 of this chapter~~ The sale of alcohol within the HD shall be regulated pursuant to the requirements of Chapter 6.

* * *

DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 142-482. - Main permitted uses.

The main permitted uses in the I-1, Urban Light Industrial District, are those uses that are consistent with the district purpose including the following:

* * *

- 13) Commercial uses that provide support services to the light industrial uses and to the adjacent RM-3 residents, including but not limited to retail sales, photocopying, coffee shop, ~~standard~~ restaurant, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, video rental, bank;

* * *

DIVISION 12. - MR MARINE RECREATION DISTRICT

* * *

Sec. 142-514. - Accessory uses.

The accessory uses in the MR, Marine Recreation District, are as required in article IV, division 2 of this chapter. Accessory uses in this district shall be any use that is customarily associated with a main permitted use; including but not limited to alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 13. - MXE MIXED USE ENTERTAINMENT DISTRICT

* * *

Sec. 142-543. - Accessory uses.

The accessory uses in the MXE, Mixed Use Entertainment District, are as follows.

- (1) Those uses permitted in Article IV, Division 2 of this chapter. See also Article IV, Division 2, of this article. Note:
- (2) Uses that serve alcoholic beverages are also subject to the regulations of article V, division 4 of this chapter. set forth in Chapter 6.
- (3) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
- ~~(2) Accessory outdoor bar counter located in the cabaret overlay district.~~
- (4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the restriction on the hours of operation, set forth in subsection (1) of this section, provided the accessory outdoor bar counter is located in the rear yard and set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

* * *

Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

In the MXE, Mixed Use Entertainment District, permitted uses in existing buildings at the time of adoption of this section with two stories or less fronting on Ocean Drive or Ocean Terrace and any building fronting on Collins Avenue from Sixth Street to 16th Street shall comply with the following:

* * *

- (2) ~~Such~~ The buildings may contain offices (medical and dental offices are prohibited), retail, eating or drinking uses food service establishments, alcoholic beverage establishments and residential uses or any combination thereof. Medical and dental office shall be prohibited uses in the MXE districts. Commercial uses located above the ground floor shall only have access from the interior of the building; no exterior access shall be permitted, unless a variance from this requirement is granted.

* * *

DIVISION 16. - WD-1 WATERWAY DISTRICT

* * *

Sec. 142-634. - Accessory uses.

The accessory uses in the WD-1, Waterway District, are as required by Article IV, Division 2 of this Chapter and as delineated in Chapter 6, as it relates to alcoholic beverage establishments.

* * *

DIVISION 17. - WD-2 WATERWAY DISTRICT

* * *

Sec. 142-664. - Accessory uses.

The accessory uses in the WD-2, Waterway District, are as required in Article IV, Division 2 of this Chapter and as delineated in Chapter 6, as it relates to alcoholic beverage.

* * *

DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS

* * *

Sec. 142-736. Main permitted uses, Conditional Uses, accessory uses, and prohibited uses.

- (a) Land uses in the TC-1, Town Center Core District shall be regulated as follows:

- (1) The main permitted uses in the TC-1 District are commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6; apartments; apartments/hotels; hotels. The ground story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). The provisions of chapter 6 subsection 6-4(a)(1) concerning distance separation for consumption of alcoholic beverages on-premises in restaurants shall not apply to this district.

* * *

- (3) The accessory uses in the TC-1 District are those uses permitted in Article IV, Division 2 of this Chapter; alcoholic beverage establishments and accessory outdoor

bar counters pursuant to the regulations set forth in Chapter 6; and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

* * *

(c) Land uses in the TC-3 Town Center Residential Office District shall be regulated as follows:

* * *

(2) The Conditional Uses in the TC-3 District are hotel, adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).

a. In areas designated TC-3(c) on the zoning map, the following uses may be permitted as Conditional Uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in Chapter 6. with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the Conditional Use process. In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in Chapter 6 ~~or~~ and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.

(3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, Division 2 of this Chapter, except that hotels may have accessory uses based upon the criteria below:

* * *

b. Hotels in the TC-3(c) district may include accessory restaurants or ~~bars~~ alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6 when approved as part of the Conditional Use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and ~~bars that serve alcohol~~ alcoholic beverage establishments on the entire site shall not exceed 1.5 persons₁ per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar

may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the Conditional Use process.

* * *

ARTICLE V. - SPECIALIZED USE REGULATIONS

DIVISION 4. ALCOHOLIC BEVERAGES

Sec. 142-1301. Permitted districts.

~~Vendors may be permitted to sell or distribute alcoholic beverages, either for consumption on or off the premises only in the following zoning districts:~~

- ~~(1) RM-2 multiple family, medium intensity.~~
- ~~(2) RM-3 multiple family, high intensity.~~
- ~~(3) CD-1 commercial, low intensity.~~
- ~~(4) CD-2 commercial, medium intensity.~~
- ~~(5) CD-3 commercial, high intensity.~~
- ~~(6) CCC convention center district.~~
- ~~(7) HD hospital district.~~
- ~~(8) I-1 industrial, light.~~
- ~~(9) MR marine recreational.~~
- ~~(10) MXE mixed use entertainment.~~
- ~~(11) WD-1 waterway district.~~
- ~~(12) WD-2 waterway district.~~
- ~~(13) R-PS2 residential medium density.~~
- ~~(14) R-PS3 residential medium-high density.~~
- ~~(15) R-PS4 residential high density.~~
- ~~(16) C-PS1 commercial limited mixed use.~~
- ~~(17) C-PS2 commercial general mixed use.~~
- ~~(18) C-PS3 commercial intensive mixed use.~~
- ~~(19) C-PS4 commercial intensive phased bayside.~~
- ~~(20) RM-PS1 residential limited mixed-use development.~~
- ~~(21) TC-1 North Beach Town Center core.~~
- ~~(22) TC-2 North Beach Town Center mixed-use.~~
- ~~(23) TC-3 North Beach Town Center residential/office.~~

Sec. 142-1302. Permitted main and accessory uses.

~~Vendors shall be permitted to sell alcoholic beverages within the zoning districts listed in section 142-1301 if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, or golf clubhouse pursuant to the following standards:~~

- ~~(1) *Permitted main uses.*
 - ~~a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.~~~~

~~b. Outdoor cafes, when visible from or facing a public street, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.~~

~~c. Outdoor cafes, when not visible from or on a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~

~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(2) Accessory uses. Hotels, apartment hotels, or apartments, or any mixed use having a minimum of 100 apartment units or a minimum of 100 hotel units or which are located in the MXE district shall be permitted to have accessory uses which sell alcoholic beverages pursuant to the following minimum standards:~~

~~a. Bars, alcoholic beverage establishments, restaurants, or private clubs which have a minimum of 40 seats shall be permitted to sell alcoholic beverages for consumption on or off the premises.~~

~~b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.~~

~~c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~

~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(3) [Accessory uses which sell alcoholic beverages.] Accessory uses which sell alcoholic beverages in the TC-1, TC-2 and TC-3 districts shall be governed by the district use regulations in section 142-746.~~

Sec. 142-1303. Exemption.

~~(a) Notwithstanding any other provision of this Division, the sale of beer for off-premises consumption by a vendor licensed for such sale from that location by the Division of alcoholic beverages and tobacco of the department of business and professional regulation of the state shall be exempt from the regulations in section 6-4, and sections 142-1301 and 142-1302. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-~~

~~premises consumption shall be conducted in accordance with the provisions of sections and 142-1302.~~

~~(b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the civic and convention center district or government use district.~~

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS March 9, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **March 9, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support, And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Housing & Community Services Department at 305.673.7260.*

10:05 a.m.
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-8 Entitled "Notification Procedures," By Amending Section 142-108 To Cross-Reference With Section 118-8; And By Amending Section 118-8 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," By Amending Section 122-5, "Exemptions From Concurrency," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5)a, Which Increases The Monetary Fines For Violations Of Subsection 142-905(b)(5), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)b, Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)b, Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser; By Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights-Of-Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision 1, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Program, Which Program Shall Terminate On February 28, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 or the Transportation Department at 305.673.7514.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

5:01 p.m.
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation, Location And Use Restrictions, Patron Age Restrictions, Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m.
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Division 4, "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," Division 7, "CCC Civic And Convention Center District," Division 8, "GC Golf Course District," Division 9, "GU Government Use District," Division 10, "HD Hospital District," Division 11, "L1 Light Industrial District," Division 12, "MR Marine Recreation District," Division 13, "MXE Mixed Use Entertainment District," Division 16, "WD-1 Waterway District," Division 17, "WD-2 Waterway District," Division 18, "PS Performance Standard District," Division 20, "TC North Beach Town Center District," To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," To Delete Division 4, And Section 143-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are 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

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARINGS

ORDINANCES AMENDING CHAPTER 6 - ALCOHOLIC BEVERAGES; AND CHAPTER 142 - ZONING DISTRICTS AND ALCOHOLIC BEVERAGES

March 9, 2016

NOTICE IS HEREBY given that Second Readings/Public Hearings 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 **March 9, 2016** at the times listed, or as soon thereafter as the matter can be heard, to consider the following ordinances:

5:01 p.m.

Chapter 6 - Alcoholic Beverages

An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repeal; Severability; Codification; Exceptions; And An Effective Date.

5:02 p.m.

Chapter 142 - Zoning Districts And Alcoholic Beverages

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations;" Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District;" Division 20 "TC North Beach Town Center Districts;" To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations" Division 2, "Accessory Uses;" Article V, "Specialized Use Regulations;" To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations;" Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations;" At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repeal; Severability; Codification; Exceptions; 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. These items are 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

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Condensed Title:

An Ordinance amending Section 138-140 of the Land Development Regulations of the City Code in order to mandate that all vacant storefront windows and doors be wrapped in non-commercial paper designs.

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:

FIRST READING
 The subject ordinance would modify the existing optional program for vacant storefronts and mandate that all vacant storefront windows and doors be wrapped in non-commercial paper designs. The ordinance also establishes penalties and enforcement standards.

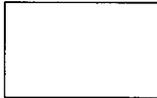
On October 14, 2015, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4B) to the Land Use and Development Committee and the Planning Board. On January 20, 2016, the Land Use and Development Committee recommended that the ordinance be approved with amendments.

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for April 13, 2016.

Advisory Board Recommendation:

On January 26, 2016, the Planning Board transmitted the proposed ordinance with modifications to the City Commission with a favorable recommendation (vote 7 to 0).

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		

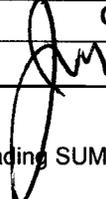
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least five years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least five 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: March 9, 2016

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 138 OF THE MIAMI BEACH CITY CODE, ENTITLED "SIGNS," ARTICLE IV ENTITLED "TEMPORARY SIGNS," AT SECTION 138-140 ENTITLED "VACANT STOREFRONT COVERS AND SIGNS" TO MANDATE THAT ALL VACANT STOREFRONT WINDOWS AND DOORS BE WRAPPED IN NON-COMMERCIAL PAPER DESIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for April 13, 2016.

BACKGROUND

On October 14, 2015, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4B) to the Land Use and Development Committee and the Planning Board.

On January 20, 2016, the Land Use and Development Committee recommended that the ordinance be approved with amendments.

ANALYSIS

Section 138-140 of the Land Development Regulations establishes regulations for ground floor storefronts that face the public right-of-way and are vacant. Currently the regulations provide property owners the option of screening such windows with an opaque film while the storefront is vacant. It further encourages the screening of such properties by allowing for the City to provide a screening material at no charge to the property owner.

Several property owners have not taken advantage of the program when their storefronts have become vacant, leaving storefronts with a blighted appearance visible to the public. As a result, the proposed Ordinance amendment modifies Section 138-140 by making vacant storefront screening mandatory, and establishes penalties for not complying.

The Ordinance proposes the following changes to Section 138-140:

- For vacant storefronts that face a public right-of-way, that are vacant for more than 15-days, all glass surfaces visible to the public shall be kept clean, and the interior of a vacant store shall be screened from public view through the two existing options.
- If the applicant is providing signage in their screening, the design and material of any signage shall require the review and approval of the Planning Department, in accordance with applicable design review and historic preservation criteria.
- If the applicant is electing to use a City-provided storefront cover, it will now be provided with a charge.
- Penalties and enforcement procedures for the requirements are established.
- Civil fines are established that range from \$250 for the first violation; \$2,000 for the second violation; \$3,000 for the third violation; and 5,000 for the fourth and subsequent violations within a 12-month period.

PLANNING BOARD REVIEW

On January 26, 2016, the Planning Board transmitted the proposed ordinance to the City Commission with a favorable recommendation with the modifications below identified with bold text:

(e) Temporary signs permitted. Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain signs that comply with the regulations of this chapter, as follows:

*(1) Artistic or super graphics in accordance with section 138-204, which **may shall** cover 100 percent of the window; and*

*(f) City-provided storefront cover. The city ~~may also~~ **shall** produce and provide preapproved storefront covers **which shall cover 100 percent of the window**, for a ~~charge with or without charge~~, to encourage the coverage of vacant storefronts ~~not complying with subsection (d) above~~. Covers provided by the city shall also satisfy the requirements of this section.*

UPDATE

The recommendations of the Planning Board are intended to ensure that 100 percent of a window be covered. However, there may be a potential security issue with 100% coverage, particularly if the Police or Fire Departments need to be able to look inside a building. As such, the Administration recommends that the language in the original ordinance, as referred by the Land Use Committee, be maintained.

FINANCIAL 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 five years) of proposed legislative actions,” this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least five years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

RECOMMENDATION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for April 13, 2016.

JLM/SMT/TRM/RAM

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ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 138 OF THE MIAMI BEACH CITY CODE, ENTITLED "SIGNS," ARTICLE IV ENTITLED "TEMPORARY SIGNS," AT SECTION 138-140 ENTITLED "VACANT STOREFRONT COVERS AND SIGNS" TO MANDATE THAT ALL VACANT STOREFRONT WINDOWS AND DOORS BE WRAPPED IN NON-COMMERCIAL PAPER DESIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on May 9, 2012, the City Commission enacted Ordinance No. 2012-3767, creating Section 138-140 of the City Code, as the Commission was concerned with the possible appearance of blight due to vacant storefront displays, and the Commission declared that it was in the interest of the public health, safety and welfare, and the interest of the citizens of Miami Beach, to establish policies, regulations, and standards relating to vacant storefront windows and doors; and

WHEREAS, the City Commission found that vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic, and social fabric that the City has cultivated and encouraged in its commercial zoning districts; and

WHEREAS, to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material, the City Commission created temporary sign criteria for wrapping and obscuring vacant storefronts from the community; and

WHEREAS, the City Commission believes it is in the best interest of the community to mandate the wrapping of vacant storefronts, rather than to leave this decision to the storefront owner; and

WHEREAS, the City Commission also believes it is in the best interest of the City to create an enforcement mechanism and penalties for violations of this requirement; and

WHEREAS, the City Commission desires to amend Chapter 138, Article IV, at Section 138-140 to accomplish the above objectives.

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

SECTION 1. That Chapter 138, entitled "Signs," Article IV entitled "Temporary Signs" at

Section 138-140, entitled "Vacant storefront covers and signs," of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 138
SIGNS**

* * *

ARTICLE IV. TEMPORARY SIGNS

* * *

Sec. 138-140. Vacant storefront covers and signs.

(a) *Purpose.* Vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic and social fabric that the city has cultivated and encouraged in its commercial zoning districts. The purpose of this section is to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material.

(b) *Definition.* For purposes of this section, a vacant storefront is any ground floor business establishment that is unoccupied.

(c) *Applicability.* The requirements of this section apply only to the ground floor windows and doors of vacant storefronts that face a public right-of-way. If a commercial property is vacant for more than 15 days, all glass surfaces visible to the public shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways, until the property is occupied:

- (1) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (e); or
- (2) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (f).

(d) *Storefront window cover ~~permitted~~ required for vacant storefronts.* Exterior Windows windows and doors on vacant commercial property may shall be completely screened with an opaque material obscuring the interior. The materials used to satisfy this requirement shall be subject to review and approval by the planning department design review staff, in accordance with applicable design review and historic preservation criteria, and shall consist of 60-pound weight paper, or similar opaque material. Windows covered in accordance with this section shall may remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs

first. If the owner of vacant commercial property elects not to utilize one of the signs identified in subsection (e), the owner shall utilize the window covers identified in subsection (f).

(e) *Temporary signs permitted.* Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain signs that comply with the regulations of this chapter, as follows:

- (1) Artistic or super graphics in accordance with section 138-204, which may cover 100 percent of the window; and
- (2) Other types of signage allowed by this chapter, including real estate signs in accordance with section 138-136, and construction signs in accordance with section 138-133; signage under this provision may be incorporated into artistic or super graphics as referenced in (1) above; however, the text of such signage shall be limited to no more than 25 percent of the total window area of the vacant storefront.
- (3) The design and material of all proposed signs under this subsection (e) shall require review by the planning department design review staff, in accordance with applicable design review and historic preservation criteria.

(f) *City-provided storefront cover.* ~~The city may also shall produce and provide preapproved storefront covers, for a charge with or without charge, to encourage the coverage of vacant storefronts not complying with subsection (d) above. Covers provided by the city shall also satisfy the requirements of this section.~~

(g) *Penalties and enforcement.* Each day of noncompliance shall constitute a separate offense. The code compliance department is empowered and authorized to require compliance with this section within 30 days of written notice to violators.

- (1) The following civil fines shall be imposed for a violation of this section:
 - a. First violation within a 12-month period: \$ 250.00;
 - b. Second violation within a 12-month period: 2,000.00;
 - c. Third violation within a 12-month period: \$ 3,000.00;
 - d. Fourth or subsequent violation within a 12-month period: \$ 5,000.00.
- (2) Enforcement. The code compliance department shall enforce this section. The notice of violation shall inform the violator of the nature of the violation,

amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing.

(3) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.

a. A violator who has been served with a notice of violation must elect to either

i. pay the civil fine in the manner indicated on the notice of violation; or

ii. request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.

b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

c. The failure to pay the civil fine, or to timely request an administrative hearing before a special master, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. Three (3) months after the recording of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien, for the amount of the lien plus accrued interest.

e. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.

f. The special master shall not have discretion to alter the penalties prescribed in this section.

g. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

* * *

SECTION 2. CODIFICATION.

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

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Paul Quinn 2-25-16
City Attorney Date

JAB

First Reading: March 9, 2016
Second Reading: April 13, 2016

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

Underscore denotes new language
~~Strike-Thru~~ denotes new language

[Sponsored by Commissioner Michael Grieco]

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Condensed Title:

An ordinance amending Chapter 142 of the Land Development Regulations of the City Code in order to modify the requirements for minimum hotel room size and maximum hotel room occupancy for historic hotels

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:

FIRST READING
 The subject ordinance would permit contributing hotels located within a designated historic 'site' to have a minimum unit size of 200 square feet.

On October 7, 2015, the Land Use Committee recommended that the City Commission transmit the proposed ordinance to the Planning Board. On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the item to the Planning Board (Item C4B).

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for April 13, 2016.

Advisory Board Recommendation:

On January 26, 2016, the Planning Board transmitted the proposed ordinance to the City Commission with a favorable recommendation (vote 7 to 0).

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;"> OBPI </div>	1		
	2		
	3		
	Total		

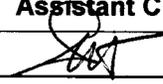
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least five years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least five 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: March 9, 2016

FIRST READING

SUBJECT: **AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," BY AMENDING SECTION 142-155 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE RM-1 DISTRICT; BY AMENDING SECTION 142-217 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE RM-2 DISTRICT; BY AMENDING SECTION 142-246 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE RM-3 DISTRICT; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", SECTION 142-306, "DEVELOPMENT REGULATIONS" TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE CD-2 DISTRICT; AND BY AMENDING SECTION 142-337, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS" TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE CD-3 DISTRICT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for April 13, 2016.

BACKGROUND

On September 2, 2015, at the request of Commissioner Grieco, the City Commission referred the item to the Land Use and Development Committee (Item C4J). On September 9, 2015, the Land Use Committee continued the item to October 7, 2015. On October 7, 2015, the Land Use Committee recommended that the City Commission transmit the proposed ordinance to the Planning Board.

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred

the item to the Planning Board (Item C4B).

ANALYSIS

In 2013 and 2014, the City Commission amended the RM-1, RM-2, RM-3, CD-2 and CD-3 sections of the City Code to allow for the renovation of contributing hotels in historic districts without the need for room size variances, as long as a minimum unit size of 200 square feet is met. This code change, however, did not include buildings designated as 'individual historic sites'.

When an existing building within an historic site (not located in an historic district) is significantly renovated as a hotel, the Code requires that the minimum hotel unit size be met (315/335 sq ft). However, the existing room configuration in these historic buildings is often under this minimum required room size. Variances have been consistently granted for these projects, as it is considered a true hardship, since the floor plates of historic hotel buildings often cannot be easily reconfigured. Additionally, the existing pattern of windows in historic buildings typically matches the room configuration, and the exterior of the historic building cannot be altered by removing or rearranging window placement.

The attached draft Ordinance extends the allowable provision for smaller hotel unit sizes to contributing buildings, located within an individually designated historic site.

PLANNING BOARD REVIEW

On January 26, 2016, the Planning Board transmitted the proposed ordinance to the City Commission with a favorable recommendation.

FINANCIAL 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 five years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least five years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

UPDATE

On February 10, 2016, the City Commission updated the ordinance referral (item R9T) by including a provision for a maximum occupancy per hotel room of 4 persons. This revised text has been incorporated into the attached ordinance.

RECOMMENDATION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached ordinance at First Reading and set a Second Reading Public Hearing for April 13, 2016.

JLM/SMT/TRM/RAM

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Minimum Unit Sizes for Historic Hotels

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," BY AMENDING SECTION 142-155 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE RM-1 DISTRICT; BY AMENDING SECTION 142-217 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE RM-2 DISTRICT; BY AMENDING SECTION 142-246 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE RM-3 DISTRICT; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", SECTION 142-306, "DEVELOPMENT REGULATIONS" TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE CD-2 DISTRICT; AND BY AMENDING SECTION 142-337, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS" TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE AND MAXIMUM HOTEL ROOM OCCUPANCY FOR HISTORIC HOTELS WITHIN THE CD-3 DISTRICT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach endeavors to recall and promote its unique social and architectural history, as well as further the dynamic character and attraction of hotels within historic sites; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize the retention, preservation and restoration of contributing hotel structures located within historic sites; and

WHEREAS, the City of Miami Beach desires to amend existing minimum unit size requirements for existing contributing hotels within historic sites; 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. City Code Chapter 142, Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

Sec. 142-155. - Development regulations and area requirements

* * *

(b)The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)
5,600	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within <u>an individual historic site</u> , a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. 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 feet minimum unit size is maintained, <u>and</u> <u>provided the maximum</u>

		occupancy per hotel room does not exceed four (4) persons.
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SECTION 2. City Code Chapter 142, Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", is hereby amended as follows:

Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within <u>an individual historic site</u>, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, <u>and provided the maximum occupancy per</u></p>

		hotel room does not exceed four (4) persons.
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SECTION 3. City Code Chapter 142, Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision v, "RM-3 Residential Multifamily High Intensity", is hereby amended as follows:

Sec. 142-246. - Development regulations and area requirements.

* * *

(b)The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within <u>an individual historic site</u>, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is</p>

		maintained, and provided the maximum occupancy per hotel room does not exceed four (4) persons.
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SECTION 4. That Chapter 142, Article II, entitled "District Regulations", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-306. Development regulations.

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

Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)
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 <u>an individual historic site</u> , a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards 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	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

accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed four (4) persons.	
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SECTION 5. That Chapter 142, Article II, entitled "District Regulations", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-337. Development regulations and area requirements.

* * *

(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)
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 <u>an individual historic site</u> , a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided	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

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 feet minimum unit size is maintained, <u>and provided the maximum occupancy per hotel room does not exceed four (4) persons.</u>	
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SECTION 6. CODIFICATION.

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

SECTION 7. REPEALER.

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

SECTION 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney



2-25-16

Date

First Reading: March 9, 2016
Second Reading: April 13, 2016

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

Underscore denotes new language
~~Strike-Thru~~ denotes new language

(Sponsored by Commissioner Michael Grieco)

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Condensed Title:

An ordinance to waive sidewalk café fees for Washington Avenue from 6th Street to Lincoln Road.

Key Intended Outcome Supported:

Enhance Pedestrian Safety Universally.
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

At the December 9, 2015 City Commission meeting, the Mayor and City Commission approved a Washington Avenue Pilot Parklet Program on a temporary basis., to be administered by the Public Works Department.

In addition, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program. Separate ordinances are pending before the Commission to waive sidewalk café fees and concurrency fees for the temporary parklet program.

The proposed ordinance amendment would waive sidewalk café permit fees for 5 years, for businesses on Washington Avenue from 6th Street to Lincoln Road.

The Administration recommends that the subject ordinance be approved and second reading scheduled for April 13, 2016.

Advisory Board Recommendation:

Financial Information:

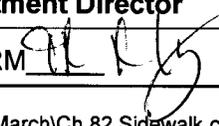
Source of Funds:	Amount	Account
OBPI	Total	

Financial Impact Summary: Sidewalk cafés on Washington Avenue between 5th and 17th Street generate \$64,160.00 annually in sidewalk café permit fees. If the program is successful in attracting additional sidewalk cafés to Washington Avenue, the program will generate food and beverage resort tax revenue.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
TRM 	KGB _____	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: March 9, 2016

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, "PERMIT," BY AMENDING SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO ABATE SIDEWALK CAFE PERMIT FEES, INCLUDING ANNUAL PERMIT APPLICATION FEES AND SQUARE FOOTAGE FEES, FOR BUSINESSES ON WASHINGTON AVENUE FROM 6TH STREET TO LINCOLN ROAD TERMINATING ON MAY 31, 2021; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the ordinance be approved at First Reading and that a Second Reading adoption be scheduled for April 13, 2016.

FINANCIAL IMPACT

Charter section 5.02 requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions." Staff has determined that there will not be a fiscal impact on the City's budget by enacting the proposed ordinance as the anticipated revenue loss is anticipated to be minimal. Currently, sidewalk cafés on Washington Avenue between 5th and 17th Street generate \$64,160.00 annually in sidewalk café permit fees. If the proposed fee waiver is successful in attracting additional sidewalk cafés to Washington Avenue, additional food and beverage resort tax revenue will be generated.

BACKGROUND

On April 29, 2015, the Washington Avenue Blue Ribbon Panel presented its final report and recommendations to the Mayor and City Commission. Following the presentation, the Mayor and City Commission held a discussion regarding the potential expansion of sidewalk cafés into the existing parking lane to create an opportunity for outdoor cafés in "parklets." The Mayor and City Commission directed staff to establish a program and guidelines for the design and approval of parklets on a temporary basis.

At the December 9, 2015 City Commission meeting, the Mayor and City Commission approved a Washington Avenue Pilot Parklet Program, to be administered by the Public Works Department. In addition, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program. This legislation is pending 2nd reading approval.

The proposed Ordinance amendment would waive sidewalk café permit fees for businesses on Washington Avenue from 6th Street to Lincoln Road. The duration of this fee waiver would be 5 years.

RECOMMENDATION

The Administration recommends that the ordinance be approved at First Reading and that a Second Reading adoption be scheduled for April 13, 2016.

JLM/KGB/JRG/TRM

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, "PERMIT," BY AMENDING SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO ABATE SIDEWALK CAFE PERMIT FEES, INCLUDING ANNUAL PERMIT APPLICATION FEES AND SQUARE FOOTAGE FEES, FOR BUSINESSES ON WASHINGTON AVENUE FROM 6TH STREET TO LINCOLN ROAD TERMINATING ON MAY 31, 2021; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the recommendations of the Mayor's Blue Ribbon Panel for Washington Avenue, the Mayor and City Commission seek to encourage sidewalk café uses along Washington Avenue in order to stimulate economic development and further activate the Washington Avenue corridor; and

WHEREAS, on December 9, 2015, the Mayor and City Commission approved the creation of the Washington Avenue Pilot Parklet Program, in order to allow businesses located along Washington Avenue to install parklets for sidewalk cafe use in public rights-of-way on a temporary basis, subject to certain requirements and criteria; and

WHEREAS, Chapter 82 of the Miami Beach City Code authorizes the City to charge restaurants with sidewalk cafes an annual permit fee of \$150.00, plus \$20.00 per square foot for the sidewalk cafe permit area; and

WHEREAS, the Mayor and City Commission desire to waive sidewalk cafe permit application fees and sidewalk cafe permit fees for those properties on Washington Avenue from 6th Street to Lincoln Road, in order to encourage businesses to participate in the program; and

WHEREAS, the fee waiver authorized by this Ordinance shall have a duration of five years, and shall terminate on May 31, 2021.

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

SECTION 1. That Section 82-382 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

Article IV. Uses In Public Rights-Of-Way

* * *

Division 5. Sidewalk Cafes

* * *

Subdivision II. Permit

* * *

Sec. 82-382. Application.

* * *

(b) Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:

* * *

(9) The annual application shall be accompanied by a non-refundable base application fee as set forth in Appendix A. However, the non-refundable base application fee shall not be required for sidewalk cafe permit applications submitted to the City in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on February 28, 2017¹. Additionally, through May 31, 2021, the non-refundable base application fee shall not be required for sidewalk cafe permit applications submitted to the City for businesses on Washington Avenue from 6th Street to Lincoln Road.

* * *

SECTION 2. That Section 82-383 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

Sec. 82-383. Permit fee; penalties for late payments; review of fee; exception.

(a) The annual permit fee for operation of a sidewalk café shall be as set forth in appendix A, and shall be based on a per square foot calculation of permitted sidewalk area (including the area between the tables and chairs).

(1) Notwithstanding any other paragraphs or provisions of this article, no square footage fee as required by this section shall be required for the operation of sidewalk cafes north of 63rd Street through and including September 30, 2017. The abatement of sidewalk café square footage fees for businesses north of 63rd Street shall be the subject of a budget analysis and review by the City Administration by September 30, 2017. However a permit must be obtained and the annual base application fee required by subsection 82-382(b)(9) shall be paid for the operation of sidewalk cafes north of 63rd Street.

¹ If approved at second reading on March 9th, 2016 the above sentence will already be enacted into the ordinance and therefore, reflected herein for ease of understanding.

(2) No square footage fee as required by this section shall be required for the operation of sidewalk cafés in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on February 28, 2017². Additionally, no square footage fee as required by this section shall be required for the operation of sidewalk cafés on Washington Avenue from 6th Street to Lincoln Road, until May 31, 2021.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. CODIFICATION.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2016.

PASSED and ADOPTED this _____ day of _____, 2016.

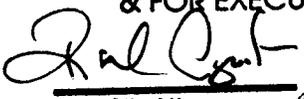
ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

Underline denotes added language
~~Strike through~~ denotes deleted language

(Sponsored by Commissioner Michael Grieco)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney
3-1-16

Date

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² If approved at second reading on March 9th, 2016 the above sentence will already be enacted into the ordinance and therefore, reflected herein for ease of understanding.

R7

RESOLUTIONS

R7

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2015/16.

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term.

Supporting Data:

In the 2014 Community Survey, both residents and businesses reported the following area for the City related to value for taxes paid:

- Percentage of residents rating the Overall Value of City services for tax dollars paid as excellent or good (Residents: 58%; Businesses 54%)

Item Summary/Recommendation:

The budgets for the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds for Fiscal Year 2015/16 were approved on September 30, 2015, with the adoption of Resolution No. 2015-29141.

The First Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2015/16 was approved on December 8, 2015, by resolution 2015-29221. The Second Amendment was approved on January 13, 2016, by resolution 2016-29263. Section 166.241(4)(c.), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget.

The Third Amendment would appropriate \$200,000 of funding for a Mobility Fee Study and appropriate \$120,000 of funding to refurbish a new Marine Patrol boat in the Police Department.

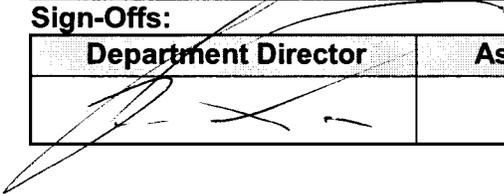
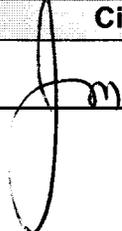
Financial Information:

Source of Funds	Amount	Account
	\$200,000	General Fund
	\$120,000	Confiscated Trust Fund (State)

City Clerk's Office Legislative Tracking:

Ramon Suarez, Interim OBPI Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2015/16**

ADMINISTRATION RECOMMENDATION

Adopt the resolution amending the FY 2015/16 General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets.

KEY INTENDED OUTCOME SUPPORTED

Ensure expenditure trends are sustainable over the long term.

ANALYSIS

The budgets for the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds for Fiscal Year 2015/16 were approved on September 30, 2015, with the adoption of Resolution No. 2015-29141.

The First Amendment to the General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds budgets for FY 2015/16 was approved on December 8, 2015, by resolution 2015-29221. The Second Amendment was approved on January 13, 2016, by resolution 2016-29263. Section 166.241(4)(c), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget.

The Third Amendment would appropriate \$200,000 of funding for a Mobility Fee Study and appropriate \$120,000 of funding to refurbish a new Marine Patrol boat in the Police Department.

Appropriate \$200,000 of funding for Mobility Fee Study – General Fund

Administration and the Planning Department recommend the funding of a Mobility Fee to replace the existing Concurrency Fees that are currently charged for development. The Florida Legislature has enacted a number of changes over the last several years that impact Growth Management and local governments' ability to require that new development mitigate its impact to the transportation system. The foundations of the anticipated Mobility Fee are the mobility policies and projects integrated into the Comprehensive Plan. The mobility policies will need to include the establishment of a horizon year, mobility districts, and quality of service standards for a multi-modal transportation system. The standards would be for planning purposes, not for regulating the timing or approval of development. A Mobility Plan or projects identified in an adopted Transportation Plan or in the Comprehensive Plan serve as the basis for the types of mobility projects to be provided within the City. The \$200,000 cost of the Mobility Fee Study would be appropriated from available funds in the Concurrency Fund that would be transferred to the General Fund and appropriated in Citywide-Special Projects.

Appropriate \$120,000 of funding to refurbish a new Marine Patrol boat in the Police Department – Confiscated Trust Fund (State)

In the Second Budget Amendment approved on January 13th, funds were realigned in Confiscated Trust funds for an additional boat for Marine Patrol in the Police Department. A used Coast Guard boat has been acquired and additional funding of \$120,000 is needed to refurbish the boat. Purchasing a used and refurbished boat instead of a new boat saves approximately \$200,000. The additional \$120,000 in funding would come from available fund balance in the Confiscated Trust Fund (State).

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Third Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund Budgets for Fiscal Year (FY) 2015/16.

JLM/RS



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE GENERAL FUND, ENTERPRISE FUND, INTERNAL SERVICE FUND, AND SPECIAL REVENUE FUND BUDGETS FOR FISCAL YEAR (FY) 2015/16.

WHEREAS, the budgets for the General Fund, Enterprise Fund, Internal Service Funds, and Special Revenue Fund for Fiscal Year 2015/16 were approved on September 30, 2015, with the adoption of Resolution No. 2015-29141; and

WHEREAS, the First Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund budgets for Fiscal Year 2015/16 was approved on December 8, 2015, with the adoption of Resolution No. 2015-29221; and

WHEREAS, the Second Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund budgets for Fiscal Year 2015/16 was approved on January 13, 2016, with the adoption of Resolution No. 2016-29263; and

WHEREAS, the proposed third budget amendment adds an appropriation of \$200,000 in funding for a Mobility Fee Study and an appropriation of \$120,000 in funding to refurbish a new boat for Marine Patrol in the Police Department, as reflected in the attached Exhibit "A; and

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

WHEREAS, the proceeds and interest earned from the Police Confiscation Trust Fund is authorized to be used for crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes; and

WHEREAS, the Chief of Police is authorized to expend these funds upon request to the Mayor and City Commission of the City of Miami Beach ("City Commission"), and only upon appropriation to the Miami Beach Police Department by the City Commission; and

WHEREAS, the Chief of Police of the City of Miami Beach has submitted a written certification which states that this request complies with the provisions of Section 932.7055 of the Florida Statutes (written certification attached as Exhibit "B"), and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

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 Third Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund Budgets for Fiscal Year (FY) 2015/16 as set forth in Exhibit "A."

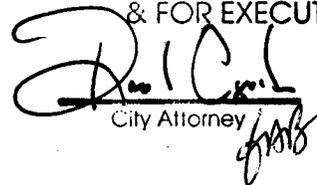
PASSED and ADOPTED this 9th day of March, 2016.

ATTEST:

PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/1/16
Date

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

March 9, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **March 9, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 11, Entitled "Committee On The Homeless," By Amending And Updating The Provisions Regarding The Composition, Knowledge, And Experience Of Board Members, And City Departmental Support; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Housing & Community Services Department at 305.673.7260.*

10:05 a.m.
An Ordinance Striking The Remaining Notice Provisions Contained Within Chapter 142, Entitled "Zoning Districts And Regulations," At Section 142-108, Entitled "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts" In Order To Ensure Consolidation Of All Notice Provisions In New Section 118-9 Entitled "Notification Procedures," By Amending Section 142-108 To Cross-Reference With Section 118-9; And By Amending Section 118-9 To Include Notice Requirements For Administrative Decisions Requiring Review; Providing For Repealer, Severability, Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7590.*

10:10 a.m.
An Ordinance Amending The City Code, By Amending Chapter 122, "Concurrency Management," To Authorize The City Commission To Exempt, By Resolution, Temporary Uses In Public Rights-Of-Way From The City's Concurrency Requirements, And To Require The City Commission To Set Forth The Geographic Areas, Criteria, And Duration For Any Such Exemption; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:15 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Division 2, Entitled "Accessory Uses," By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Amending Subsection (b)(5), Which Increases The Monetary Fines For Violations Of Subsection (d)(1)(b), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (b)(5)b, Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Subsection (d) Which Increases The Monetary Fines For Violations Of Subsection 142-1111(a), And Requiring Notification To Be Remitted To The Miami-Dade Tax Collector And Property Appraiser; By The Code Compliance Director, By Establishing A Rebuttable Presumption For Advertising And Advertisement Evidence; And Creating Subsection (d)(5), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Subsection 142-1111(a); And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending Subsection (c)(1)(b), Requiring An Owner Or Resident To Submit An Affidavit To The City Manager Identifying The Limited Commercial Use At The Residential Property; By Amending Subsection (d) That Requires Notification To Be Remitted To The Tax Collector And Property Appraiser; By The Code Compliance Director, And Establishing A Rebuttable Presumption Standard For Advertising And Advertisement Evidence, And Increasing Those Monetary Fines For Violations Of Section 142-109; By Creating Subsection (f), Entitled "Enhanced Penalties," Which Establishes Enhanced Penalties For Violations Of Section 142-109; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:25 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, "Uses In Public Rights Of Way," By Amending Division 5, "Sidewalk Cafes," By Amending Subdivision II, "Permit," By Amending Section 82-382, Entitled "Application," And Section 82-383, Entitled "Permit Fee; Penalties For Late Payment; Review Of Fee; Exception," To Abate Sidewalk Cafe Permit Fees, Including Annual Permit Application Fees And Square Footage Fees, For Businesses Participating In The City's Washington Avenue Pilot Parklet Program, Which Program Shall Terminate On February 28, 2017; And Providing For Repealer, Codification, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470 or the Transportation Department at 305.673.7514.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

5:01 p.m.
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions," To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing Those Provisions In Chapter 6; Providing For Hours Of Operation, Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct," By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m.
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CCC Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "L-1 Light Industrial District" Division 12, "MR Marine Recreation District" Division 13, "MX Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District" Division 20 "TC North Beach Town Center Districts," To Delete All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article V, "Specialized Use Regulations," And Regulations," Article II "District Regulations," And Modifying Chapter 142, Article V "Special Use Regulations," At Division 4 "Alcoholic Beverages," By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are 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

Condensed Title:

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO TAKE THE FOLLOWING ACTIONS: (1) RECAPTURE \$188,873.37 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, WHICH CDBG FUNDS WERE PREVIOUSLY ALLOCATED PURSUANT TO THE ACTION PLANS FOR FISCAL YEARS FROM 2009 THROUGH 2011, ACTION PLANS FOR FISCAL YEARS FROM 2013 THROUGH 2015, AND the FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AND REALLOCATE SAID CDBG FUNDS, AS FOLLOWS: (a) \$16,434.45 TO HOMELESS SERVICES AND (b) \$172,438.92 TO A CAPITAL PROJECT; (2) REASSIGN \$25,000 FROM FY15/16 CDBG FUNDS TO THE CITY FOR HOMELESS SERVICES; AND (3) REALLOCATE \$73,577.24 OF CDBG FUNDS PREVIOUSLY ALLOCATED FROM FY 2011/2012 TO FY 2014/2015; AUTHORIZING CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO HUD; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS FOR SUB-RECIPIENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS.

Key Intended Outcome Supported:

N/A

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

Item Summary/Recommendation:

The City is a U.S. Department of Housing and Urban Development (HUD)-designated entitlement community receiving an annual allocation of funding through the Community Development Block Grant (CDBG) and HOME Investments Partnership (HOME) programs. At the end of FY 14/15, \$188,873.37 of CDBG funds were left unspent. The City is seeking to recapture and reallocate those funds to comply with expenditure and timeliness guidelines. The City awarded \$25,000 in FY 15/16 to Jewish Community Services of South Florida (JCS) to provide case management services including homeless outreach. JCS declined the funding after the *Action Plan* was submitted but prior to contract execution. Staff is seeking authorization to reassign the \$25,000 to the City's Homeless Outreach Team to engage homeless with needed services so as to meet the objectives delineated in the City's *Action Plan*. The Commission previously approved the reallocation of \$73,577.24 of CDBG funds from FY 11/12. However, the funds were reallocated from FY 14/15. Staff seeks this amendment to match the amendment reported to HUD. These recaptures trigger the amendment of the *Action Plans* for FY09 - FY11 and FY13 - FY15 and the substantial amendment of the FY13-17 *Consolidated Plan* which will be completed by staff upon approval by the Mayor and Commission. This item was deferred to address an inquiry raised by Commissioner Kristen Rosen Gonzalez at the February 10, 2016 City Commission meeting regarding the possible use of CDBG funds to provide rent subsidies for the tenants of the Allen Apartments. Letter to Commission # 077-2016 addressed this request and provided the regulations that prevent the City from using CDBG funds to provide rent subsidies.

Advisory Board Recommendation:

N/A

Financial Information:

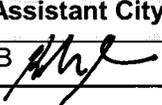
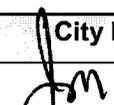
Source of Funds:	Amount	Account
1	\$188,873.37	132-5465-000345, 133-5449-000346, 134-5449-000346, 135-5449-000346, 130-5449-000345, 132-5447-000345, 132-5191-000312, 132-5471-000345, 132-1931-000343, 131-5473-000346, 131-5665-000346, 132-1931-0, 132-1931-000349, 132-5449-000346
2	\$25,000.00	137-5191-000312
3	\$73,577.24	135-5612-000346
Total	\$287,450.61	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Maria L. Ruiz, Housing & Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR 	KGB 	JLM 

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO TAKE THE FOLLOWING ACTIONS: (1) RECAPTURE \$188,873.37 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, WHICH CDBG FUNDS WERE PREVIOUSLY ALLOCATED PURSUANT TO THE ACTION PLANS FOR FISCAL YEARS FROM 2009 THROUGH 2011, ACTION PLANS FOR FISCAL YEARS FROM 2013 THROUGH 2015, AND the FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AND REALLOCATE SAID CDBG FUNDS, AS FOLLOWS: (a) \$16,434.45 TO HOMELESS SERVICES AND (b) \$172,438.92 TO A CAPITAL PROJECT; (2) REASSIGN \$25,000 FROM FY15/16 CDBG FUNDS TO THE CITY FOR HOMELESS SERVICES; AND (3) REALLOCATE \$73,577.24 OF CDBG FUNDS PREVIOUSLY ALLOCATED FROM FY 2011/2012 TO FY 2014/2015; AUTHORIZING CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO HUD; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS FOR SUB-RECIPIENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The City is a U.S. Department of Housing and Urban Development (HUD)-designated entitlement community as determined by the decennial census information on population growth lag, age of housing stock, and poverty. As an entitlement community, the City receives an annual allocation of HUD funding through the Community Development Block Grant (CDBG) and HOME Investments Partnership (HOME) programs. HUD requires entitlement jurisdictions to submit a Five-Year *Consolidated Plan* which establishes the strategic framework upon which the City utilizes its funds. The *Consolidated Plan* is augmented and refined by the City's annual submission of a One-Year *Action Plan* which delineates the specific projects and activities funded by each year's HUD allocation.

The CDBG Program has timeliness requirements regarding the expenditure of funds. CDBG funds must be expended so that the total amount of funds in the City's allocation account never exceeds 1.5 times its annual allocation. HUD further requires its entitlement jurisdictions to

ensure that funded activities are carried out in the defined project scope and within the timeframe allowed. The City's *Action Plan* is monitored throughout the year to ensure compliance with federal regulations and progress towards the National Objective, which requires providing persons of low- and moderate-incomes with decent housing, a suitable living environment and/or expanded economic opportunities.

From time-to-time, it may be necessary for the City to process a "Substantial Amendment" to the Five-Year *Consolidated Plan* or the One-Year *Action Plan* to allow for the funding of new activities, modification of existing activities, or other program administrative actions. The City is required by HUD [24 CFR 91.505 (b)] to identify the criteria to be used in determining if a proposed action will be considered a "Substantial Amendment" in its City's Citizen Participation Plan. The City amended its Citizen Participation Plan at the February 10, 2016 City Commission meeting and established the following criterion for an amendment to be considered "Substantial":

A change in the use of funds from one eligible activity to another which results in a substantial alteration of the purpose, scope, location, or beneficiaries of an eligible activity. A substantial alteration is understood to affect 50% of more of the activity as proposed.

Any proposed amendment considered a "Substantial Amendment" is subject to the Citizen Participation process. This process includes a thirty (30) day public notice to provide the opportunity for the public to review and comment on the proposed substantial amendments to the City's FY 2009 through 2011 and 2013 through 2015 *Action Plans* and to the FY 2013 through 2017 *Consolidated Plan* prior to their implementation by formal action of the City Commission. The Substantial Amendment is then transferred to HUD for final approval. The City issued a 30-day notice of public comment welcoming public input to the proposed substantial amendments. The public comment period was from December 24, 2015 through January 23, 2016. No comments were received.

ANALYSIS

1. Recaptures

The City awarded CDBG funds to a variety of recipients who were unable to fully expend their funds as noted below:

Agency Awarded	Activity Funded	Amount Awarded	Amount Unexpended	Account Number
Get Credit Healthy	Credit Counseling	\$21,437.00	\$ 19,587.97	132-5465-000345
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 88,606.00	\$ 1,638.60	133-5449-000346
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 148,190.00	\$ 242.00	134-5449-000346
Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 100,000.00	\$ 5,816.59	135-5449-000346

Jewish Community Services of Greater Miami	Senior Center Improvements	\$ 100,000.00	\$ 21,088.30	130-5449-000345
City – Community Services	Emergency Assistance	\$ 48,905.00	\$ 2,828.33	132-5447-000345
Jewish Community Services of Greater Miami	Case Management Services	\$ 26,000.00	\$ 3,188.53	132-5191-000312
Teen Job Corps	Youth employment	\$ 35,000.00	\$ 482.76	132-5471-000345
Previous years - Unexpended			\$ 894.17	132-1931-000343
Boys and Girls Club Youth Center	Youth Center	\$ 200,000.00	\$ 764.55	131-5473-000346
MBCDC	Meridian Apartments	\$69,894.00	\$ 6,989.40	131-5665-000346
City Of Miami Beach	Administrative		\$ 70,717.12	132-1931-0
City of Miami Beach	Other Contractual Services		\$ 135.04	132-1931-000349
Jewish Community Services of Greater Miami ¹	Senior Center Improvements	\$ 54,500.00	\$ 54,500.00	132-5449-000346

¹ – Jewish Community Services declined the funds after award but before contract execution.

- *Get Credit Healthy* received CDBG funding in FY 14/15 to provide credit counseling services to low- and moderate-income residents of the City. The agency was unable to expend its full award and \$19,587.97 is being sought for recapture.
- *Jewish Community Services* received CDBG funding from five different fiscal years to support the rehabilitation of the Miami Beach Senior Center located at 610 Española Way. Small amounts from four different fiscal years (FY 09/10, 10/11, 11/12 and 13/14) remained unspent when the project was finalized in July of 2015. The fifth grant award from last year's funding (FY 14/15), which provided additional scope to the rehabilitation project, was declined by Jewish Community Services in October 2015. In addition, Jewish Community Services was unable to expend \$3,188.53 from FY 14/15 funds awarded to support its case management activities. The total amount of funds being sought for recapture from Jewish Community Services is \$86,474.02.
- The City's *Office of Community Services* received funding in FY 14/15 to provide emergency services including rent and utility assistance to low- and moderate-income households. The division was unable to expend its full award and \$2,828.33 is being sought for recapture.
- *Teen Job Corps* received CDBG funding in FY 14/15 to provide employment for low-income youth. The agency was unable to expend its full award and \$482.76 is being sought for recapture.
- A balance of \$894.17 unspecified CDBG funds that remained unspent from previous fiscal years is being sought for recapture.
- *Boys and Girls Club of Miami-Dade, f/k/a Boys and Girls Clubs of Miami*, received

funding in FY 07/08 to support the construction of its Miami Beach youth center located at 1200 Meridian Avenue. Although the project is still ongoing, the agency was unable to expend its full award in a timely manner and \$764.55 is being sought for recapture.

- *Miami Beach Community Development Corporation (MBCDC)* received funding in FY 07/08 to support the rehabilitation of the Meridian Apartments, a 34-unit building dedicated to low- and moderate-income rental housing located at 530 Meridian Avenue. The agency was unable to expend its full award in a timely manner and \$6,989.40 is being sought for recapture.
- *Administrative funds* received during FY 14/15 that remained unspent at the end of the fiscal year in the amount of \$70,852.16 are being recaptured pursuant to HUD regulations.
- A balance of \$135.04 allocated to the acquisition of the Barclay Plaza Apartments from FY 14/15 is being sought for recapture as it was not needed for acquisition.

The funds being sought for recapture will be reallocated as follows:

Public Services funds in the amount of \$16,434.45 are being reallocated to the Homeless Outreach Team to provide Temporary Employment of Homeless persons being assisted with shelter. This increase in the amount of Public Services places the City at the 15% limit for public services allocation based on its award for FY 15/16. The balance of \$172,438.92 is being reallocated to a capital project(s) yet to be selected by the Office of Housing and Community Development, a Division of the Office of Housing and Community Services, of those residential buildings recently purchased that are in need of repairs.

Jewish Community Services (JCS) was awarded \$25,000 of CDBG funds via *One-Year Action Plan* for FY 15/16 approved by City Commission on July 8, 2015 through Resolution No.2015-29080. The purpose of the award was to provide case management services including homeless outreach. On October 1, 2015, JCS notified the City that it was not interested in moving forward with the proposed activity leaving the City with the unmet need to engage the homeless with needed services. The Homeless Outreach Team was identified as a possible subrecipient who can meet the needs of the homeless so that CDBG funds continue providing vital services for the community. The service area, budget and beneficiaries of the proposed program remain the same. As a result, \$25,000 previously allocated to JCS will be reallocated to the Homeless Outreach Team to provide an expanded Homeless Outreach effort.

This item was first presented to City Commission at the February 10, 2016 meeting. However, it got deferred to address an inquiry raised by Commissioner Kristen Rosen Gonzalez regarding the possible use of CDBG funds to provide rent subsidies for the tenants of the Allen Apartments. Letter to Commission (LTC) # 077-2016 addressed this request and provided a summary of the regulations administering CDBG/HOME funds that, as mentioned at the meeting, prohibit their use as a rent subsidy for any targeted group.

- HUD limits the amount of CDBG funds obligated for public service activities to an amount no greater than 15 percent, of the entitlement grant made for that program year and uses of the funds are limited to programs listed in the adoption Action Plan as noted in § 570.201.
- CDBG funds may not be used for rent payments other than emergency grant payments

as per HUD rules, found in 24 CFR Section 570.207(b)(4). The City's Consolidated Plan and City Guidelines define emergency as a one month period and establish the ability to resume the rent payment, once the initial rent assistance is provided, as the only criterion to determine the "emergency" factor.

- Use of Emergency Food and Shelter Program (EFSP) funds for rent assistance are limited to one month and applicants must demonstrate that they are at risk by showing a copy of a Three-Day Notice of Eviction and demonstrating their ability to resume independent rent payments the following month.
- There are not remaining eligible HOME funds this fiscal year, and even if they were, because the Allen Apartments were provided HOME funds for its rehabilitation and remain under the affordability period, its tenants would not be eligible to receive HOME assistance.
- Last but not least, even if the City were able to provide rent subsidies, it could not target tenants of the Allen Apartments as its primary beneficiaries. Federal funds must be equitably accessed by eligible applicants. Therefore, they have to be available to all residents.

2. Amendment to Previous Actions

- The City Commission adopted Resolution No. 2014-28877 approving and authorizing the City Manager to reallocate \$73,577.24 of CDBG funds from FY 11/12. However, the funds were reallocated from FY 14/15. This amendment to the City Commission previous action seeks to match the amendment reported to HUD and the allocation of funds between City accounts.
- The City Commission adopted Resolution No. 2015-29122 approving the reallocation of \$271,000 HOME Investment Partnership (HOME) funds from prior years and reallocating \$48,343 of HOME funds from the Meridian Place Apartments to the London House Apartments affordable housing project. Although these reallocations were approved by the City Commission, the Substantial Amendment caused by the amount of the reallocations required a thirty (30) day public comment period. Staff has now complied with the Citizen Participation Plan requirements for substantial amendments with a thirty (30) day public comment period from December 24, 2015 to January 23, 2016. During the public comment period no comment were received. The City will submit the Substantial Amendment to HUD for final approval.

CONCLUSION

The Administration recommends approval for the recapture of CDBG funds, amending the *Action Plans* and *Consolidated Plan* and submitting them for approval as required by HUD; reallocating the funds as noted, and subsequently executing the required agreements.

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JLM/KGB/MLR/TAE

as per HUD rules, found in 24 CFR Section 570.207(b)(4). The City's Consolidated Plan and City Guidelines define emergency as a one month period and establish the ability to resume the rent payment once the initial rent assistance is provided as the only criterion to determine the "emergency" factor.

- Use of Emergency Food and Shelter Program (EFSP) funds for rent assistance are limited to one month and must demonstrate that they are at risk by showing a copy of a Three-Day Notice of Eviction and demonstrating their ability to resume independent rent payments the following month.
- There are not remaining eligible HOME funds this fiscal year, and even if they were, because the Allen Apartments were provided HOME funds for its rehabilitation and remain under the affordability period, its tenants would not be eligible to receive HOME assistance.
- Last but not least, even if the City were able to provide rent subsidies, it could not target tenants of the Allen Apartments as its primary beneficiaries. Federal funds must be equitably accessed by eligible applicants. Therefore, they have to be available to all residents.

2. Amendment to Previous Actions

- The City Commission adopted Resolution No. 2014-28877 approving and authorizing the City Manager to reallocate \$73,577.24 of CDBG funds from FY 11/12. However, the funds were reallocated from FY 14/15. This amendment to the City Commission previous action seeks to match the amendment reported to HUD and the allocation of funds between City accounts.
- The City Commission adopted Resolution No. 2015-29122 approving the reallocation of \$271,000 HOME Investment Partnership (HOME) funds from prior years and reallocating \$48,343 of HOME funds from the Meridian Place Apartments to the London House Apartments affordable housing project. Although these reallocations were approved by the City Commission, the Substantial Amendment caused by the amount of the reallocations required a thirty (30) day public comment period. Staff has now complied with the Citizen Participation Plan requirements for substantial amendments with a thirty (30) day public comment period from December 24, 2015 to January 23, 2016. During the public comment period no comment were received. The City will submit the Substantial Amendment to HUD for final approval.

CONCLUSION

The Administration recommends approval for the recapture of CDBG funds, amending the *Action Plans* and *Consolidated Plan* and submitting them for approval as required by HUD; reallocating the funds as noted, and subsequently executing the required agreements.

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JLM/KGB/MLR/TAE

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO TAKE THE FOLLOWING ACTIONS: (1) RECAPTURE \$188,873.37 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, WHICH CDBG FUNDS WERE PREVIOUSLY ALLOCATED PURSUANT TO THE ACTION PLANS FOR FISCAL YEARS FROM 2009 THROUGH 2011, ACTION PLANS FOR FISCAL YEARS FROM 2013 THROUGH 2015, AND THE FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AND REALLOCATE SAID CDBG FUNDS, AS FOLLOWS: (a) \$16,434.45 TO HOMELESS SERVICES AND (b) \$172,438.92 TO A CAPITAL PROJECT; (2) REASSIGN \$25,000 FROM FY15/16 CDBG FUNDS TO THE CITY FOR HOMELESS SERVICES; AND (3) REALLOCATE \$73,577.24 OF CDBG FUNDS PREVIOUSLY ALLOCATED FROM FY 2011/2012 TO FY 2014/2015; AUTHORIZING THE CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO HUD; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS FOR SUB-RECIPIENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS.

WHEREAS, the City is an entitlement recipient of HUD formula grant programs as follows: Community Development Block Grant (CDBG) fund, and HOME Investments Partnership (HOME) funds; and

WHEREAS, CDBG funds are used to provide vital public services, housing activities, and improvement to public facilities and HOME funds are used for affordable housing activities including multi-family rentals; and

WHEREAS, the Action Plan for federal funds is a requirement under HUD's formula grant programs, which include the CDBG and HOME program's; and

WHEREAS, CDBG and HOME stipulate that funds be expended within guidelines as delineated in 24 CFR Part 570 and 24 CFR Part 92, among others; and

WHEREAS, the following CDBG funds remain unspent and need to be reallocated:

A. Jewish Community Services of South Florida was awarded CDBG funding, in the amount of \$541,296.00, from six different fiscal years to support the rehabilitation of the Miami Beach Senior Center located at 610 Española Way;

B. CDBG funding, in the amount of \$28,785.50, remain unspent from (FY 2009/2010, 2010/2011, 2011/2012, and 2013/2014) since the Miami Beach Senior Center was finalized in July 2015;

C. the grant award from last year's funding (FY 2014/2015), in the amount of \$54,500, which provided additional scope to the rehabilitation project, was declined by Jewish Community Services in October of 2015;

D. the Jewish Community Services was unable to expend \$3,188.53 from FY 2014/2015 funds awarded to support its case management activities;

E. Get Credit Healthy received CDBG funding in FY 2014/2015 to provide credit counseling services to low-income and moderate-income residents of the City and was unable to expend \$19,587.97 of its award;

F. Teen Job Corps received CDBG funding in FY 2014/2015 to provide employment for low-income youth and was unable to expend \$482.76 of its award;

G. the City's Office of Community Services received funding in FY 2014/2015 to provide emergency services including rent and utility assistance to low-income and moderate-income households and was unable to expend \$2,828.33 of its award;

H. Boys and Girls Club of Miami-Dade f/k/a Boys and Girls Clubs of Miami received funding in FY 2007/2008 to support the construction of its Miami Beach youth center located at 1200 Meridian Avenue, and although the project is still ongoing, the agency was unable to expend \$764.55 of its award in a timely manner;

I. Miami Beach Community Development Corporation (MBCDC) received funding in FY 2007/2008 to support the rehabilitation of the Meridian Apartments, a 34-unit building and was unable to expend \$6,989.40 of its award in a timely manner;

J. administrative funds, in the amount of \$70,717.12, remained unspent at the end of FY 2014/2015; and

K. there is a balance of \$894.17 of unspecified CDBG funds that remain unspent from previous fiscal years; and

WHEREAS, in order to comply with the HUD rules and regulations, the Administration recommends the recapture of all the remaining unspent funds; and

WHEREAS, the administration recommends the reallocation of the CDBG funds, as follows:

A. \$16,434.45 from FY 2014/2015 to provide for the temporary employment of homeless by its Homeless Outreach Team; and

B. \$172,438.92 to a capital project of the Office of Housing and Community Development, a Division of the Office of Housing and Community Services; and

WHEREAS, Jewish Community Services of South Florida rejected \$25,000 in FY 2015/2016 CDBG funds for the provision of case management services including homeless outreach, and the administration recommends reassigning said funds to the City's Homeless

Outreach Team to satisfy the unmet needs of the City's homeless and comply with the goals established in the Action Plan; and

WHEREAS, pursuant to Resolution No. 2014-28877, the Mayor and City Commission authorized the City Manager to reallocate \$73,577.24 of FY 2011/2012 CDBG funds for the acquisition of multiple residential buildings from the Miami Beach Community Development Corporation (MBCDC); however, the Administration recommends correcting said reallocation to reflect a FY 2014/2015 relocation, and the \$73,577.24 to be taken from FY 2014/2015; and

WHEREAS, as per the Citizen Participation Plan, a change of use triggers a Substantial Amendment; and

WHEREAS, the resulting CDBG funds recapture recommendations will be incorporated into FY 2009 through 2011 and FY 2013 through 2015 City Action Plans and the 2013 through 2017 Consolidated Plan; and

WHEREAS, the City provided a thirty (30) day public comment period from December 24, 2015 to January 23, 2016 and a public meeting on January 19, 2016 to comment on the proposed Substantial Amendment to the Action Plans and the Consolidated Plan; and

WHEREAS, the City Manager is the designated agent for all HUD formula grants, and executes the grant applications, grant agreements, and other applicable HUD documents on behalf of the City.

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 of the City Of Miami Beach hereby approve and authorize the City Manager to take the following actions: (1) recapture \$188,873.37 of Community Development Block Grant (CDBG) funds, which CDBG funds were previously allocated pursuant to the Action Plans for Fiscal Years from 2009 through 2011, Action Plans for Fiscal Years from 2013 through 2015, and the FY 2013 through 2017 Consolidated Plan; and reallocate said CDBG funds, as follows: (a) \$16,434.45 to homeless services and (b) \$172,438.92 to a capital project; (2) reassign \$25,000 from FY15/16 CDBG funds to the City for homeless services; and (3) reallocate \$73,577.24 of CDBG funds previously allocated from FY 2011/2012 to FY 2014/2015; authorize the City Manager to submit the requisite revised Action Plans and Consolidated Plan to HUD; and authorize the Mayor and City Clerk to execute agreements for sub-recipients; and further authorize the City Manager to execute its interdepartmental agreements.

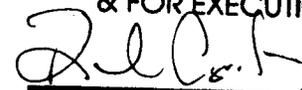
PASSED AND ADOPTED this _____ day of _____, 2016.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-18-16

Date

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach County, Florida, Accepting The Updated Unified Regional Sea Level Rise Projection Of The Southeast Florida Regional Climate Change Compact.

Key Intended Outcome Supported:

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

Item Summary/Recommendation:

The In 2011, the Southeast Florida Regional Climate Change Compact (Compact) released the Unified Regional Sea Level Rise (SLR) Projection for Southeast Florida. The Southeast Florida Regional Climate Change Compact Technical Ad Hoc Work Group (Work Group) developed the original projection and, at that time, recommended review and update of the SLR projection following the release of the Fifth Assessment Report by the United Nations Intergovernmental Panel on Climate Change (IPCC, 2013), the Third National Climate Assessment by the United States Global Change Research Program (NCA, 2014) and consideration of the pertinent climate data supporting these assessments.

In September 2014, the Work Group, which includes expert researchers, senior scientists, and lead engineers representing the U.S. Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, the South Florida Water Management District, the University of Miami, Florida International University and Florida Atlantic University, was reconvened to review scientific literature released since 2011 to update the SLR projection. The updated projection and associated guidance document were finalized in October 2015.

The regional projection highlights three planning horizons:

1. Short term, by 2030, sea level rise is projected to be 6 to 10 inches above 1992 mean sea level.
2. Medium term, by 2060, sea level is project to rise 14 to 34 inches above 1992 mean sea level.
3. Long term, by 2100, sea level is project to rise 31 to 81 inches above 1992 mean sea level.

The purpose of developing a regional unified sea level rise projection is to assist with planning processes across multiple disciplines regionally and locally. This unified projection provides decision makers with a better understanding of the potential vulnerabilities and provides a basis for outlining adaptation strategies regionally and locally. Once the Mayor and Commission have adopted the updated unified regional SLR Projection, the Environment & Sustainability Department will be hosting a technical training session for all departments.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation:

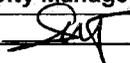
Financial Information:

Source of Funds:	Amount	Account
OBPI	1	
	Total	

City Clerk's Office Legislative Tracking:

Elizabeth Wheaton ext. 6121

Sign-Offs:

Assistant City Manager	City Manager
SMT 	JLM

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH COUNTY, FLORIDA, ACCEPTING THE UPDATED UNIFIED REGIONAL SEA LEVEL RISE PROJECTION OF THE SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT FOR PLANNING PURPOSES.**

ADMINISTRATION RECOMMENDATION

The Southeast Florida Climate Change Compact Sea Level Rise Work Group has released the updated Unified Sea Level Rise Projection for Southeast Florida. The purpose of developing a regional unified sea level rise projection is to assist with planning processes across multiple disciplines regionally and locally. This unified projection provides decision makers with a better understanding of the potential vulnerabilities and provides a basis for outlining adaptation strategies regionally and locally. The Administration recommends approving the resolution and using this tool for planning purposes.

BACKGROUND

In 2011, the Southeast Florida Regional Climate Change Compact (Compact) released the Unified Regional Sea Level Rise (SLR) Projection for Southeast Florida. The Southeast Florida Regional Climate Change Compact Technical Ad Hoc Work Group (Work Group) developed the original projection and, at that time, recommended review and update of the SLR projection following the release of the Fifth Assessment Report by the United Nations Intergovernmental Panel on Climate Change (IPCC, 2013), the Third National Climate Assessment by the United States Global Change Research Program (NCA, 2014) and consideration of the pertinent climate data supporting these assessments.

In September 2014, the Work Group, which includes local and regional expert researchers, senior scientists, and lead engineers representing the U.S. Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, the South Florida Water Management District, the University of Miami, Florida International University and Florida Atlantic University, was reconvened to review scientific literature released since 2011 to update the SLR projection. The updated projection and associated guidance document were finalized in October 2015.

The guidance document provides a summary of the projections; publications reviewed and discussed by the Work Group; the methodology for deriving the projection; description of the recommended unified regional SRL projection; and additional recommendations from the Work Group.

The 2015 update presents several adjustments to the 2011 Regional SLR Projection:

1. The baseline year has been adjusted to 1992 from 2010 to be consistent with other published projections;
2. The number of planning horizons has been extended from two (2030 and 2060) to three (2100) now that the longer-term influence of ice melt on sea level rise acceleration is better understood;
3. The influence of a slowing Gulf Stream and Florida Current on local sea level rise has been considered and incorporated; and
4. An upper curve has been added for planning guidance for those projects for high risk critical infrastructure projects with design lives in excess of 50 years.

The regional projection highlights three planning horizons:

1. Short term, by 2030, sea level rise is projected to be 6 to 10 inches above 1992 mean sea level.
2. Medium term, by 2060, sea level is project to rise 14 to 34 inches above 1992 mean sea level.
3. Long term, by 2100, sea level is project to rise 31 to 81 inches above 1992 mean sea level.

Since three inches of the projected rise has already occurred since the 1992 base year, this amount can be subtracted from the projections in estimating additional rise relative to today.

The guidance document describes the recommended application of the projection as it relates to both high and low risk projects and short and long-term planning efforts. Once the Mayor and Commission have adopted the updated unified regional SLR Projection, the Environment & Sustainability Department will be hosting a technical training session for all departments.

This is an important planning tool that was not available prior to the first 2011 projection. These are specifically regional projections for local governments to use. Many local governments under the four Counties within the Compact Region are adopting this planning tool.

CONCLUSION

The Administration recommends approving the resolution.

Attached: Southeast Florida Regional Climate Change Compact's 2015 Unified
Regional Sea Level Rise Projection Guidance Document



SMT/ESW/FCT

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH COUNTY, FLORIDA, ADOPTING THE UPDATED UNIFIED REGIONAL SEA LEVEL RISE PROJECTION OF THE SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT FOR PLANNING PURPOSES.

WHEREAS, Florida is one of the areas of the country that is most vulnerable to the consequences of global climate change; and

WHEREAS, Southeast Florida is experiencing and will continue to experience the impacts of a changing climate, specifically sea level rise; and

WHEREAS, in 2010, in recognition of the need for immediate, coordinated, and visionary action to address the impacts of a changing climate, Miami-Dade, Palm Beach, Broward, and Monroe Counties ("Compact Partners") entered into the Southeast Florida Regional Climate Change Compact ("Compact") to study, promote, and strengthen the economic and environmental resilience of communities in the Southeast Florida region; and

WHEREAS, in 2011, the Southeast Florida Regional Climate Change Compact Technical Ad Hoc Work Group ("Work Group") was convened to develop the Unified Regional Sea Level Rise ("SLR") Projection for Southeast Florida; and

WHEREAS, the Work Group includes expert researchers, senior scientists, and lead engineers representing the U.S. Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, the South Florida Water Management District, the University of Miami, Florida International University and Florida Atlantic University; and

WHEREAS, in September 2014, the Work Group was reconvened to review scientific literature released since 2011 to update the SLR projection; and

WHEREAS, the updated SLR projection and associated guidance document were finalized in October 2015; and

WHEREAS, the updated SLR projection and guidance document provides decision makers with a better understanding of the region's potential vulnerabilities and a basis for outlining adaptation strategies on a local and regional basis.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt the updated Unified Regional Sea Level Rise Projection of the Southeast Florida Regional Climate Change Compact.

This Resolution shall become effective upon adoption.

PASSED and **ADOPTED** this _____ day of _____, 2016.

ATTEST:

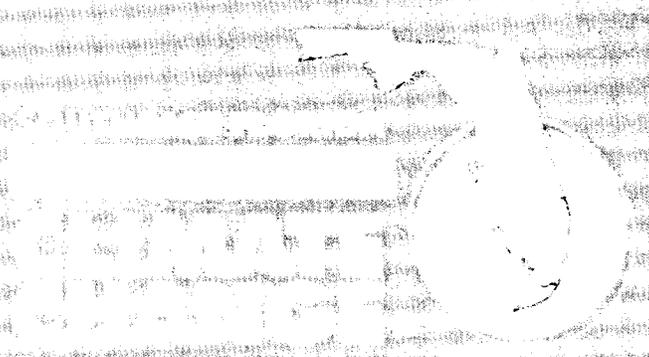
Rafael E. Granado
City Clerk

Philip Levine
Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
David C. Smith 3-1-16
City Attorney Date
NK

UNIFIED SEA LEVEL RISE PROJECTION

SOUTHEAST FLORIDA



October 2015

Prepared by the
Florida Climate Institute

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Recommended Citation

Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group (Compact).
October 2015. *Unified Sea Level Rise Projection for Southeast Florida*. A document prepared for
the Southeast Florida Regional Climate Change Compact Steering Committee. 35 p.

EXECUTIVE SUMMARY

The Southeast Florida Regional Climate Change Compact reconvened the Sea Level Rise Work Group for the purpose of updating the unified regional projection based on global projections, guidance documents and scientific literature released since the original regional projection in 2011 (Compact, 2011). The objective of the unified sea level rise projection for the Southeast Florida region remains consistent that the projection is for use by the Climate Compact Counties and partners for planning purposes to aid in understanding of potential vulnerabilities and to provide a basis for developing risk informed adaptation strategies for the region. For the 2015 update, the starting point for all sea level rise projections has been shifted from 2010 to 1992. This allows for direct use of local tide station information to convert projections into local water surface elevations for flood vulnerability studies, and is consistent with current guidance from the U.S. Army Corps of Engineers (USACE) and the National Oceanographic and Atmospheric Agency (NOAA). The Unified Sea Level Rise projection for Southeast Florida has also been extended to 2100 in recognition of the need for longer range guidance for major infrastructure and other long term investments now being planned.

In the short term, sea level rise is projected to be 6 to 10 inches by 2030 and 14 to 26 inches by 2060 (above the 1992 mean sea level). In the long term, sea level rise is projected to be 31 to 61 inches by 2100. For critical infrastructure projects with design lives in excess of 50 years, use of the upper curve is recommended with planning values of 34 inches in 2060 and 81 inches in 2100. The National Aeronautics and Space Administration Jet Propulsion Laboratory (2015) has reported the average global sea level has risen almost 3 inches between 1992 and 2015 based on satellite measurements. Sea level rise in South Florida has been of similar magnitude over the same period (NOAA, 2015) but is anticipated to outpace the global average due to ongoing variations in the Florida Currents and Gulf Stream.

Projected sea level rise, especially by 2060 and beyond, has a significant range of variation as a result of uncertainty in future greenhouse gas emissions and their geophysical effects, the incomplete quantitative understanding of all geophysical processes that might affect the rate of sea level rise in climate models and the limitations of current climate models to predict the future. As such, the Work Group recommends that the unified sea level rise projection include three curves, in descending order, the NOAA High Curve, the USACE High Curve and a curve corresponding to the median of the IPCC AR5 RCP8.5 scenario, with specific guidance as to how and when they should be used in planning. This guidance document describes the recommended application of the projection as it relates to both high and low risk projects and short and long-term planning efforts. Also, the Work Group recommends that this guidance be updated every

five to seven years because of the ongoing advances in scientific knowledge related to global climate change and potential impacts.

INTRODUCTION

WHO SHOULD USE THIS PROJECTION AND GUIDANCE DOCUMENT?

The Unified Sea Level Rise Projection for Southeast Florida is intended to be used for planning purposes by a variety of audiences and disciplines when considering sea level rise in reference to both short and long-term planning horizons and infrastructure design in the Southeast Florida area.

HOW SHOULD THE REGIONAL PROJECTION BE APPLIED?

The projection (*Unified Sea Level Rise Projection for Southeast Florida*) contains a graph and table describing the rise in sea level from 1992 through the turn of the current century. The projection can be used to estimate future sea level elevations in Southeast Florida and the relative change in sea level from today to a point in the future. *Guidance for Application* contains directions and specific examples of how the projection can be used by local governments, planners, designers and engineers and developers. This regional projection is offered to ensure that all major infrastructure projects throughout the Southeast Florida region have the same basis for design and construction relative to future sea level.

WHAT ARE THE IMPACTS ASSOCIATED WITH SEA LEVEL RISE?

The consequences associated with sea level rise include direct physical impacts such as coastal inundation of inland areas, increased frequency of flooding in vulnerable coastal areas, increased flooding in interior areas due to impairment of the region's stormwater infrastructure i.e. impacts to gravity drainage systems and features in the regional water management canal system, saltwater intrusion into the aquifer and local water supply wells, and contamination of the land and ocean with pollutants and debris and hazardous materials released by flooding. Consequences also include cascading socio-economic impacts such as displacement, decrease in property values and tax base, increases in insurance costs, loss of services and impaired access to infrastructure. The likelihood and extent to which these impacts will occur is dependent upon the factors influencing the rate of sea level rise such as the amount of greenhouse gases emitted globally, rate of melting of land-based ice sheets, the decisions and investments made by communities to increase their climate resilience and the many interconnected processes described in the *Appendix B: State of Science Update*. One of the values of this sea level rise projection is the ability to perform scenario testing to better understand the potential impacts and timeline of sea level rise within the Southeast Florida community.

WHO DEVELOPED THE UNIFIED SEA LEVEL RISE PROJECTION FOR SOUTHEAST FLORIDA?

In 2010, the Southeast Florida Regional Climate Change Compact Steering Committee organized the first Regional Climate Change Compact Technical Ad hoc Work Group (Work Group). Their objective was to develop a unified sea level rise projection for the Southeast Florida region for use by the Climate Compact Counties and partners. Its primary use was for planning purposes to aid in understanding of potential vulnerabilities and to provide a basis for outlining adaptation strategies for the region. The Work Group reviewed existing projections and scientific literature and developed a unified regional projection for the period from 2010 to 2060 (Compact, 2011). The projection highlighted two planning horizons: 1) by 2030, sea level rise was projected to be 3 to 7 inches above the 2010 mean sea level and 2) by 2060, sea level rise was projected to be 9 to 24 inches above the 2010 mean sea level. In anticipation of the release of the United Nations Intergovernmental Panel on Climate Change Fifth Assessment Report (IPCC, 2013), the Sea Level Rise Work Group recommended a review of the projection four years after its release in 2011.

In September 2014, the Sea Level Rise Work Group was reconvened for the purpose of updating the unified regional projection based on projections and scientific literature released since 2011. This report released in October 2015 contains a summary of the projections and publications reviewed and discussed, the methodology for deriving the projection, the recommended unified regional projection and additional recommendations from the Sea Level Rise Work Group.

UNIFIED SEA LEVEL RISE PROJECTION FOR SOUTHEAST FLORIDA

PROJECTION AND SUMMARY

This Unified Sea Level Rise projection for Southeast Florida updated in 2015 projects the anticipated range of sea level rise for the region from 1992 to 2100 (Figure 1). The projection highlights three planning horizons:

- 1) short term, by 2030, sea level is projected to rise 6 to 10 inches above 1992 mean sea level,
- 2) medium term, by 2060, sea level is projected to rise 14 to 34 inches above 1992 mean sea level,
- 3) long term, by 2100, sea level is projected to rise 31 to 81 inches above 1992 mean sea level.

Projected sea level rise in the medium and long term has a significant range of variation as a result of uncertainty in future greenhouse gas emissions and their geophysical effects, the incomplete quantitative understanding of all geophysical processes affecting the rate of sea level rise in climate models and current limitations of climate models to predict the future. As such, the Work Group recommends that the unified sea level rise projection include three global mean sea level rise curves regionally adapted to account for the acceleration of sea level change observed in South Florida. The titles of the global mean sea level rise curves were retained for simplicity of referencing source but the curves have been adjusted from the global projections to reflect observed local change. The projection consists of the NOAA High Curve, the USACE High Curve (also known as the NOAA Intermediate- High) and the median of the IPCC AR5 RCP8.5 scenario, with specific guidance as to how and when they should be used in planning.

- The lower boundary of the projection (blue dashed line) can be applied in designing low risk projects that are easily replaceable with short design lives, are adaptable and have limited interdependencies with other infrastructure or services.
- The shaded zone between the IPCC AR5 RCP8.5 median curve and the USACE High is recommended to be generally applied to most projects within a short -term planning horizon. It reflects what the Work Group projects will be the most likely range of sea level rise for the remainder of the 21st Century.
- The upper curve of the projection should be utilized for planning of high risk projects to be constructed after 2060 or projects which are not easily replaceable or removable, have a long design life (more than 50 years) or are critically interdependent with other infrastructure or services.

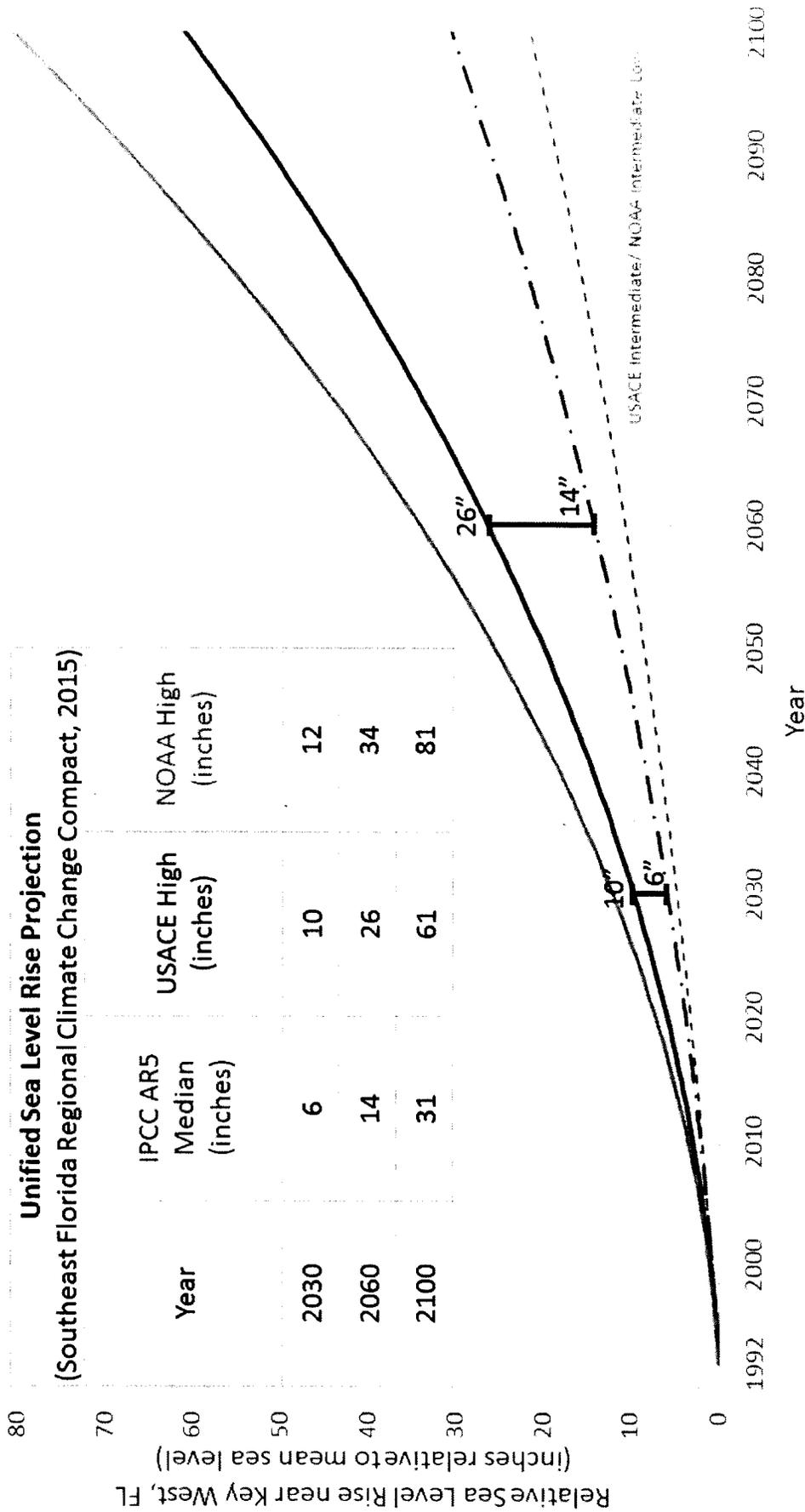


Figure 1: Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 RCP8.5 scenario as the lowest boundary (blue dashed curve), the USACE High curve as the upper boundary for the short term for use until 2060 (solid blue line), and the NOAA High curve as the uppermost boundary for medium and long term use (orange solid curve). The incorporated table lists the projection values at years 2030, 2060 and 2100. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect current emissions trends.

PROJECTION UPDATE

The key components of the methodology used to develop the unified sea level rise projection are as follows:



Planning Horizon of 2100: In response to the release of climate scenarios extending to year 2100 from the Intergovernmental Panel on Climate Change (IPCC), projections through year 2100 by federal agencies including the US Army Corps of Engineers (USACE) and the National Oceanographic and Atmospheric Administration (NOAA) and the need for planning for infrastructure with design lives greater than 50 years, the unified sea level rise projection time scale has been extended to 2100.



Starting in 1992: The year 1992 has been selected as the initial year of the projection because it is the center of the current mean sea level National Tidal Datum Epoch of 1983-2001. A tidal datum epoch is a 19 year period adopted by the National Ocean Service as the official time segment over which tide observations are used to establish tidal datums such as mean sea level, mean high water etc. The National Tidal Datum Epoch is revised every 20-25 years to account for changing sea levels and land elevations.



Tide gauge selection: The Key West gauge ([NOAA Station ID 8724580](#)) was maintained as the reference gauge for calculation of the regional projection as was used in the original projection. In addition, appropriate conversion calculations are provided in Section 4: Guidance for Application in order to reference the projection to the Miami Beach gauge ([NOAA Station ID 8723170](#)) or the Lake Worth Pier gauge ([NOAA Station ID 8722670](#)). The Key West gauge has recorded tidal elevations since 1913. Tidal records from Miami Beach and Lake Worth Pier are available since 2003 and 1996, respectively.



Review of existing projections: Global projections released since 2011 were reviewed and considered for interpretation for the unified sea level rise projection including those developed by USACE (2011; 2013), NOAA (Parris et al., 2012), IPCC (IPCC, 2013), Bamber and Aspinall (2013), Horton et al. (2014), Jevrejeva et al. (2014), and Kopp et al. (2014). Review criteria included comprehensiveness of datasets and models used to develop the projections, standing in the scientific community, and applicability to the Southeast Florida region.

Summaries of the existing global projections are included below:

- ❖ *USACE Guidance: There was no update to the projections since 2011 (USACE, 2011). The range of global mean sea level change projected by USACE was approximately 0.2 to 0.6 meters (9 to 25 inches) by 2060 and 0.5 to 1.5 meters (20 to 59 inches) by 2100. Existing guidance and the online USACE Sea Level Change Calculator were used to adapt the global mean sea level change curves for the unified South Florida projection.*
- ❖ *IPCC AR5 Projections: The 5th Assessment Report (AR5) included four scenarios based on predicted greenhouse gas concentration trajectories (Regional Concentration Pathways, RCPs). The global mean sea level change projected in these scenarios ranged from 0.17 to 0.38 meters (7 to 15 inches) by years 2046 to 2065 and 0.26 to 0.82 meters (10 to 32 inches) by 2081 to 2100.*
- ❖ *NOAA Projections produced for the National Climate Assessment (NCA): For the 2014 NCA, four global mean sea level rise scenarios were defined in a manner allowing the user to select the appropriate curve based on risk of concern, uncertainty tolerance and type of application. The global mean sea level rise projected in these scenarios ranges from 0.2 meters to 2 meters (8 to 80 inches) by 2100.*
- ❖ *Recent Probabilistic Projections: Recently, several authors have quantitatively and qualitatively approached determining the likelihood or percent chance that the global mean sea level rise projections will occur by 2100. For example, based on a probability density function, Jevrejeva et al. (2014) concluded that there is only a 5% chance global mean sea level rise will be larger than 1.8 meters (71 inches) by 2100. Using an alternate method, Kopp et al. (2014) concluded there is only a 5% chance global mean sea level rise will be larger than 1.76 meters (69 inches). These studies represent examples of possible methods of further explaining applicability of projections for future use.*
- ❖ *Science Community Polling: Several polls have been conducted amongst groups within the scientific community to understand the experts' opinions on the level of uncertainty associated with existing global mean sea level rise projections. These surveys have yielded reported likely ranges of global mean sea level rise of 0.4 to 1.2 m (16 to 42 inches) depending on warming scenarios (Horton et al., 2014) and 0.29 m to 0.84 m (11 to 33 inches) (Bamber and Aspinall, 2013) by 2100.*



Projection confidence: The understanding of past sea level changes has improved since the Work Group's last review due to additional observations and analyses of processes driving thermal expansion, loss of ice from ice sheets and glaciers and terrestrial water storage by the scientific community. Despite this improved understanding, the development of complex climate models is evolutionary and many processes and responses are yet to be incorporated. The numerous ice melt accelerating feedbacks not in the models are especially of concern as they are speeding up ice melt and sea level rise well beyond model projections. Models do continue to offer useful approximations of trends and order of magnitude of rates of change and acceleration based on climate data input and are suitable for determining projected future ranges for planning and design efforts. Additionally, as noted in Parris et al. (2012), the quadratic curves comprising the projection were selected by the some of the scientific community for simplicity. Sea level will not rise in the smooth manner illustrated by the quadratic curves but, may be punctuated by faster and slower rates (Parris et al., 2013).

GUIDANCE FOR APPLICATION

INCREASE IN RECURRENT FLOODING AND REDUCED DRAINAGE CAPACITY

Recent analyses of tide gauge records acquired along the US Atlantic coast indicate a rapid acceleration in the rate of sea level rise since 2000, which was attributed to possible slowing down of the Atlantic Meridional Overturning Circulation (AMOC) (Ezer et al., 2013; Sallenger et al., 2012; Yin et al., 2009). The higher sea level resulted in increasing flooding frequency in several coastal communities, e.g., Boston, Norfolk, and Miami Beach (Ezer et al., 2013; Kirshen et al., 2008; Kleinosky et al., 2007; Wdowinski et al., 2015). These frequent flood events, often termed “nuisance flooding”, occur mainly due to heavy rain during high tide conditions but sometimes occur due to high tide alone and are termed “King tides”, “lunar flooding” or “sunny sky flooding”. Recently, Ezer and Atkinson (2014) used tide gauge data to calculate accumulated flooding time in twelve locations along the Atlantic coast and showed a significant increase in flooding duration over the past twenty years. They suggested that flood duration is a reliable indicator for the accelerating rate of sea level rise, which is often difficult to estimate on a regional-scale.

On the national scale, NOAA (2014) published an assessment of nuisance flooding finding that the duration and frequency of these events are intensifying around the United States. Subsequently, Sweet and Park (2014) demonstrated that coastal areas are experiencing an increased frequency of flood events (an acceleration) over the last few decades, and that this acceleration in flood occurrence will continue regardless of the specific rate of sea level rise.

A detailed analysis of nuisance flooding occurrence in Miami Beach was conducted by Wdowinski et al. (2015), who used a variety of data sources (tide gauge, rain gauge, media reports, insurance claims, and photo records) from the past 16 years (1998-2013). They found that most flooding events occur after heavy rain (> 80 mm, 3 inches) during high tide conditions, but also after the fall equinox tides regardless of rain events. An analysis of flooding frequency over the past 16 years revealed that since 2006, rain-induced events increased by 33% and tide-induced events quadrupled, from 2 events during 1998-2005 to 8-16 events in 2006-2013. Wdowinski et al. (2015) also analyzed the nearby Virginia Key tide gauge record and found a significant acceleration in the rate of sea level rise since 2006. The average rate of regional sea level rise since 2006 is 9 ± 4 mm/yr, significantly higher than the global average rate of 2.8 ± 0.4 mm/yr estimated from in-situ data (Church and White, 2011). Although the Work Group notes that continued analysis of changes in trends over time is necessary to determine long-term significance of this recently observed uptrend, studies have already begun to correlate the regional sea level rise to the slowing down of the Gulfstream. A comparison between sea level variations near Miami with high-resolution global climate model simulations (Kirtman et al., 2012) revealed a strong correlation between increasing sea level rise in the Miami area and a

weakening of the Florida Current-Gulf Stream system. This finding confirmed concurs with other studies that relate sea level rise acceleration along the US Atlantic coast with weakening of the Gulf Stream (e.g., Ezer et al., 2013; Park and Sweet, 2015).

STORM SURGE AND SEA LEVEL RISE

Storm surge and sea level rise are independent coastal processes that when occurring simultaneously lead to compounded impacts. Sea level rise will increase the inland areal extent inundated by surges, the depth of flooding and power of the surge and the extent and intensity of damage associated with storm surge and waves. As a result, severe storms of the future will cause more damage than storms of equal intensity occurring at today's sea level. Tebaldi et al. (2012) estimate a 100-year magnitude surge flooding (by today's standards) will begin to occur every 20 years at the projected mean sea level in 2050. Regional hazard mapping does not yet include the combined effects of sea level rise and surge but the impacts are anticipated to be significant.

Historically, the sea level extremes have increased along with the increase in mean sea level at locations along the coasts. Using this as the basis, one can relate the sea level extremes to mean sea level which allows the determination of future extremes and return periods (Obeysekera and Park, 2013). Another approach is to use the non-tidal residuals (component of storm surge and waves above the tidal variations), NTR, and determine their probabilistic characteristics. Assuming future sea level rise scenarios and the tidal variations, one can then superimpose extreme storm surge of NTR for a given return period to determine total sea level extreme for a given time epoch in the future. Return period for a given scenario can be determined using methods outlined in Salas and Obeysekera (2014). Both approaches assume there is no change in future "storminess" although with higher sea levels, magnitude of storm surge may change at some locations along the coasts.

NATURAL RESOURCE DEGRADATION

As sea level rise increasingly inundates coastal areas, there is the potential for degradation of natural resources and loss of their services to the surrounding environment. Ecosystems will transition either by retreat and migration, adaptation, or elimination of functions and certain species. Shallow water habitats may transition to open water, forcing ecological changes in coastal wetlands and estuaries affecting nesting, spawning and feeding locations and behavior. Intrusion of saltwater inland, into inland water bodies and within the aquifer is negatively impacting freshwater resources, and these impacts will worsen or accelerate with further sea level rise. Inundation of shorelines will increase the extent and severity of beach erosion and

previously stable coastal areas. In combination, these impacts will cascade throughout the region's ecosystems even if they are not immediately adjacent to open water areas.

Natural infrastructure is critical to the resilience of the urban environment, in that it provides many benefits related to storm protection, water and air purification, moderating urban heat effects, and socio-economics. South Florida's tourist economy is heavily dependent on these natural resources. The region must prioritize providing space for habitat transitions and focus on reducing anthropogenic pressures that would compound the degrading effects of sea level rise.

GUIDANCE IN APPLYING THE PROJECTIONS

AUDIENCES

The Unified Sea Level Rise Projection for Southeast Florida is intended to be used for planning purposes by a variety of audiences and disciplines when considering sea level rise in reference to both short and long-term planning horizons as well as infrastructure siting and design in the Southeast Florida area. Potential audiences for the projections include, but are not limited to, elected officials, urban planners, architects, engineers, developers, resource managers and public works professionals.

One of the key values of the projection is the ability to associate specific sea level rise scenarios with timelines. When used in conjunction with vulnerability assessments, these projections inform the user of the potential magnitude and extent of sea level rise impact at a general timeframe in the future. The blue shaded portion of the projection provides a likely range for sea level rise values at specific planning horizons. Providing a range instead of a single value may present a challenge to users such as engineers who are looking to provide a design with precise specifications. Public works professionals and urban planners need to work with the engineers and with policy makers to apply the projection to each project based on the nature, value, interconnectedness, and life cycle of the infrastructure proposed.

Finally, elected officials should use the projections to inform decision making related to issues such as adaptation policies, budget impacts associated with design features which address planning for future sea level rise, capital improvement project needs especially those associated with drainage and shoreline protection, and land use decisions.

APPLYING PROJECTION CURVES TO INFRASTRUCTURE SITING AND DESIGN

When determining how to apply the projection curves, the user needs to consider the nature, value, interconnectedness, and life cycle of the existing or proposed infrastructure. The blue

shaded portion of the projection can be applied to most infrastructure projects, especially those with a design life expectancy of less than 50 years. The designer of a type of infrastructure that is easily replaced, has a short lifespan, is adaptable, and has limited interdependencies with other infrastructure or services must weigh the potential benefit of designing for the upper blue line with the additional costs. Should the designer opt for specifying the lower curve, she/he must consider the consequences of under-designing for the potential likely sea level condition. Such consequences may include premature infrastructure failure. Additionally, planning for adaptation should be initiated in the conceptual phase. A determination must be made on whether or not threats can be addressed mid-life cycle via incremental adaptation measures, such as raising the height of a sluice gate on a drainage canal..

Forward thinking risk management is critical to avoiding loss of service, loss of asset value and most importantly loss of life or irrecoverable resources. An understanding of the risks that critical infrastructure will be exposed to throughout its life cycle such as sea level rise inundation, storm surge and nuisance flooding must be established early on in the conceptual phase. If incremental adaptation is not possible for the infrastructure proposed and inundation is likely, designing to accommodate the projected sea level rise at conception or selection of an alternate site should be considered. Projects in need of a greater factor of safety related to potential inundation should consider designing for the upper limit of the blue-shaded zone. Examples of such projects may include evacuation routes planned for reconstruction, communications and energy infrastructure and critical government and financial facilities.

Due to the community's fundamental reliance on major infrastructure, existing and proposed critical infrastructure should be evaluated using the upper curve of the projection, the orange curve (Figure 1, NOAA High). Critical projects include those or projects which are not easily replaceable or removable, have a long design life (more than 50 years), or are interdependent with other infrastructure or services. If failure of the critical infrastructure would have catastrophic impacts, it is considered to be high risk. Due of the community's critical reliance on major infrastructure, existing and proposed high risk infrastructure should be evaluated using the upper curve of the projection, the orange curve (Figure 1, NOAA High). Examples of high risk critical infrastructure include nuclear power plants, wastewater treatment facilities, levees or impoundments, bridges along major evacuation routes, airports, seaports, railroads, and major highways.

For low risk infrastructure projects, the lowermost curve of the projection (Figure 1, IPCC AR5 RCP8.5 curve) may be applied. Low risk projects include infrastructure expected to be constructed and then replaced within the next 10 years, projects that are easily replaceable and

adaptable or projects with limited interdependencies and limited impacts when failure occurs. An example of such a project may be a small culvert in an isolated area.

Additionally, planning for adaptation should be initiated in the conceptual phase. A determination must be made on whether or not risk can be addressed mid-life cycle via incremental. If incremental adaptation is not possible for the type of high risk infrastructure proposed and inundation is likely, designing to accommodate the projected sea level rise at conception or selection of an alternate site should be considered. To ensure an appropriately conservative design approach is used, the upper limit of the projection (Figure 1, NOAA High) should be used for projects with design lives of more than 50 years.

AVAILABLE VULNERABILITY ASSESSMENTS

The Southeast Florida Regional Climate Change Compact and the individual Compact Counties have developed region-wide and county-wide sea level rise inundation vulnerability assessments available for public use ([Compact, 2012](#)). These assessments spatially delineate areas of inundation correlating to 1 foot, 2 feet and 3 feet of sea level rise. In addition, the [Compact website](#) hosts a multitude of sources of information, tools and links in support of adaptation and mitigation planning for use by the Compact communities.

SUMMARY

The Work Group recommends the use of the NOAA High Curve, the USACE High Curve (USACE, 2015) and the median of the IPCC AR5 RCP8.5 scenario (IPCC, 2013) as the basis for a Southeast Florida sea level rise projection for the 2030, 2060 and 2100 planning horizons. In the short term, sea level rise is projected to be 6 to 10 inches by 2030 and 14 to 26 inches by 2060 (above the 1992 mean sea level). Sea level has risen 3 inches from 1992 to 2015. In the long term, sea level rise is projected to be 31 to 61 inches by 2100. For critical infrastructure projects with design lives in excess of 50 years, use of the upper curve is recommended with planning values of 34 inches in 2060 and 81 inches in 2100. Sea level will continue to rise even if global mitigation efforts to reduce greenhouse gas emissions are successful at stabilizing or reducing atmospheric CO₂ concentrations; however, emissions mitigation is essential to moderate the severity of potential impacts in the future. A substantial increase in sea level rise within this century is likely and may occur in rapid pulses rather than gradually.

The recommended projection provides guidance for the Compact Counties and their partners to initiate planning to address the potential impacts of sea level rise on the region. The shorter term planning horizons (through 2060) are critical to implementation of the Southeast Florida Regional

Climate Change Action Plan, to optimize the remaining economic life of existing infrastructure and to begin to consider adaptation strategies. As scientists develop a better understanding of the factors and reinforcing feedback mechanisms impacting sea level rise, the Southeast Florida community will need to adjust the projections accordingly and adapt to the changing conditions. To ensure public safety and economic viability in the long run, strategic policy decisions will be needed to develop guidelines to direct future public and private investments to areas less vulnerable to future sea level rise impacts.

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SOUTHEAST FLORIDA
CLIMATE CHANGE



APPENDIX A: STAND ALONE GUIDANCE DOCUMENT AND PROJECTION

The Southeast Florida Regional Climate Change Compact’s 2015 Unified Sea Level Rise Projection is presented below showing the anticipated range of sea level rise for the region from 1992 to 2100 (Figure 1). The projection highlights three planning horizons:

- 1) Short term, by 2030, sea level rise is projected to be 6 to 10 inches above 1992 mean sea level;
- 2) Medium term, by 2060, sea level rise is projected to be 14 to 26 inches above 1992 mean sea level with the less likely possibility of extending to 34 inches;
- 3) Long term, by 2100, sea level rise is projected to be 31 to 61 inches above 1992 mean sea level with the less likely possibility of extending to 81 inches.

The Unified Sea Level Rise Projection for Southeast Florida include three curves, named after the global sea level rise curves from which they were derived: the NOAA High Curve (orange solid), the USACE High Curve (blue solid) and the median of the IPCC AR5 scenario (blue dashed). The blue shaded area represents the *likely* range of sea level rise for our region. The orange curve represents a condition that is possible but less likely. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect the impact on sea level from the current emissions trends.

When determining how to apply the projection curves, the user needs to consider the nature, value, interconnectedness, and life cycle of the infrastructure in question. The following guidance is provided for using the projection.

- The shaded zone between the IPCC AR5 median curve and the USACE High is recommended to be generally applied to most projects within a short to long-term planning horizon, especially those with a design life expectancy of less than 50 years. The designer of a type of infrastructure that is easily replaced, has a short lifespan, is adaptable, and has limited interdependencies with other infrastructure or services must weigh the potential benefit of designing for the upper blue line with the additional costs. Should the designer opt for specifying the lower curve, he must consider the consequences of under designing for the potential likely condition.
- The uppermost boundary of the projection (orange curve) should be utilized for planning of critical infrastructure to be constructed after 2060 or projects with a long design life (more than 50 years) as a conservative estimate of potential sea level rise. Critical projects include those which are not easily replaceable or removable, have a long design life (more than 50 years), or are interdependent with other infrastructure or services. If failure of the infrastructure would have catastrophic impacts on the economy, community or environment, it should be considered critical.

To reference the projection to the current year i.e. 2015, simply subtract the values listed in the table below from the projected sea level rise. For example, based on the projection, sea level rise in 2030 will be 6 to 10 inches above 1992 mean sea level. In order to determine how much rise will occur relative to the current year, 2015, the values listed in the table below for the IPCC AR5 median and USACE High curves can be subtracted from the projected range i.e. $6-3=3$ inches for the lower end of the range and $10-4.3=5.6$ inches for the upper end of the range, respectively. The projection can be restated as such: sea level will rise 3 to 5.6 inches from this year (2015) to 2030.

Current Year	IPCC AR5 Median (Blue Dashed Line)	USACE High (Blue Solid Line)	NOAA High (Orange Line)
2015	3	4.3	5.3
2016	3.1	4.7	5.6
2017	3.4	4.9	6
2018	3.5	5.3	6.4
2019	3.7	5.5	6.8

To convert local relative sea level rise datum from mean sea level to a topographic reference point used in surveying land elevations (NAVD 88), add the number listed in the table below to projected sea level rise:

	To convert relative sea level rise datum from mean sea level to feet NAVD 88*, add the number below to value from projection	To convert relative sea level rise datum from mean sea level to inches NAVD 88, add the number below to value from projection	Mean High Water (MHW)	Mean Low Water (MLW)
Key West	-0.87	-10.4	-5.6	-14.2
Vaca Key	-0.83	-10	-5.6	-14.2
Miami Beach	-0.96	-11.5	3.0	-26.5
Lake Worth Pier	-0.95	-11.4	4.9	-27.8

*North American Vertical Datum of 1988 (NAVD 88) is the topographic reference point used in surveying land elevations. By definition it is the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Alternatively, the USACE Sea Level Change Curve Calculator (Version 2018.88) (USACE, 2015) found at this website <http://www.corpsclimate.us/ccaces/curves.cfm> can be used to change datums, reference years and tide gauge locations. The projection curves were generated using this tool.

The equations used for the curves comprising the unified sea level rise projection are as follows:

- ❖ NOAA High Curve (Parris, 2012) and USACE High Curve (USACE, 2013):

$$E(t_2) - E(t_1) = a(t_2 - t_1) + b(t_2^2 - t_1^2)$$

where $E(t_2) - E(t_1)$ = Eustatic sea level change (m) with reference year of 1992;

t_1 = difference in time between current year or construction date and 1992 e.g. 2015-1992 = 23 years;

t_2 = difference in time between future date of interest and 1992 i.e. 2060-1992 = 68 years;

where a is a constant equal to 0.0017 mm/yr, representing the rate of global mean sea level change,

and b is a variable equal to 1.56×10^{-4} for the NOAA High Curve; 1.13×10^{-4} for the USACE high curve, representing the acceleration of sea level change.

- ❖ IPCC AR5 RCP8.5 Median Curve (IPCC, 2013):

$$E(t_2) - E(t_1) = 0.0017(t_2 - t_1) + (4.684499 \times 10^{-5})(t_2^2 - t_1^2)$$

- ❖ The NOAA Intermediate Low/ USACE Low curve that is not part of the projection but included on the graph for reference (green dashed line) can be derived as follows:

$$E(t_2) - E(t_1) = 0.0017(t_2 - t_1) + (2.71262 \times 10^{-5})(t_2^2 - t_1^2)$$

The equations above are global mean sea level rise projections. In order to adapt the curves for regional use, the average rate of mean sea level rise or “ a ” value is adjusted. For example, to reference the above equations to the Key West tide gauge, a equals 0.0022 mm/yr.

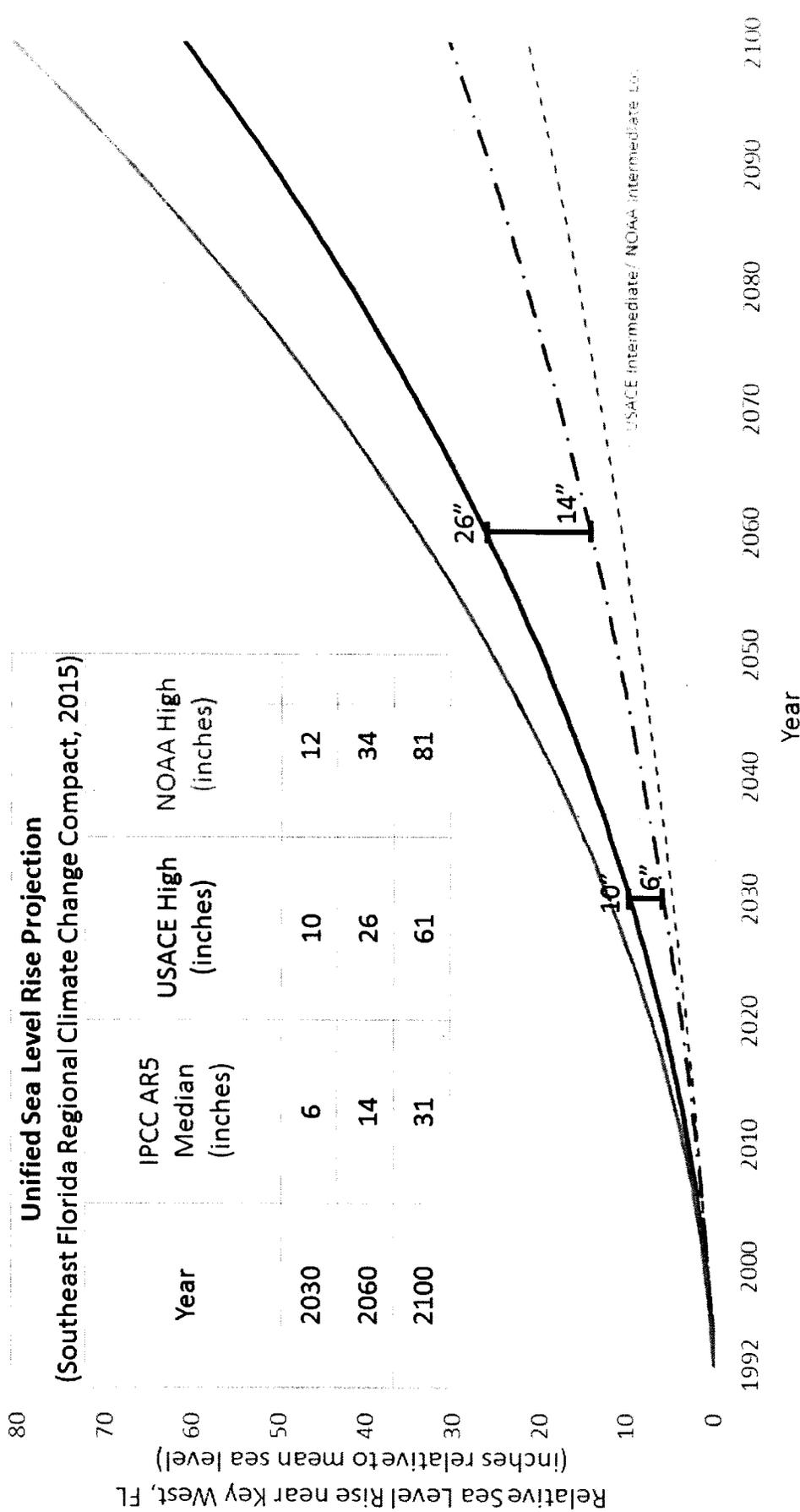


Figure A-1: Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 scenario as the lowest boundary (blue dashed curve), the USACE High curve as the upper boundary for the short term for use until 2060 (solid blue line), and the NOAA High curve as the uppermost boundary for medium and long term use (orange solid curve). The incorporated table lists the projection values at years 2030, 2060 and 2100. The USACE Intermediate or NOAA Intermediate Low curve is displayed on the figure for reference (green dashed curve). This scenario would require significant reductions in greenhouse gas emissions in order to be plausible and does not reflect current emissions trends.

APPENDIX B: STATE OF SCIENCE UPDATE

ACCELERATION OF SEA LEVEL RISE

A statistically significant acceleration of sea level rise has been documented in the latter half of the 20th century continuing through recent years (Church and White, 2011; Calafat and Chambers, 2013; Hay et al. 2015; IPCC, 2013; Watson et al., 2015). Hay et al. (2015) reported the global sea level rise rate from 1901 to 1990 to be 1.2 +/- 0.2 mm/yr (a value which had been overestimated in previous studies). Since 1993, an increase in the average global mean sea level rise rate has been observed (Hay et al., 2015; Watson et al., 2015). Watson et al. (2015) has most recently reported the average global mean sea level rise rate to be more than double the rate of the previous century, indicating an acceleration; the observed rate was 2.6+0.4 mm/yr from 1993 to 2015 with an acceleration of 0.04 mm/yr². This acceleration indicates sea level will rise more rapidly in the future than it has historically. The global and regional processes driving sea level rise and its acceleration are discussed in the following sections.

FACTORS INFLUENCING SEA LEVEL RISE

GLOBAL PROCESSES

In 2011, the Work Group noted studies describing a variety of reinforcing (positive) feedbacks that are accelerating ice sheet melt in Greenland and Antarctica and also accelerating Arctic pack ice melt, permafrost thaw and organic decay, and methane hydrate release from the warming Siberian Shelf, in addition to other global processes affecting sea level rise i.e. increasing greenhouse gas concentrations, changes in volcanic forcing and tropospheric aerosol loading (Compact, 2011). Since then, numerous additional reinforcing feedbacks have been documented and previously recognized feedbacks have intensified.

ACCELERATION OF ICE MELT

Accelerated melting of the ice sheets on Greenland and Antarctica (Rignot et al., 2011; Talpe et al., 2014) is expected to be the predominant factor affecting sea level rise acceleration during the 21st Century. Melting is caused by increasing temperatures and warming of the atmosphere, warm currents moving along the coast of Greenland, and warm ocean water moving under and up into ice sheets through deep outlet glacial fjords in Antarctica. Recent observations have indicated ice sheets are more vulnerable to melting than previously realized due to the extent of deep valleys within the ice sheets connecting warmer ocean water to the internal areas of the ice sheets thus causing rapid melting and peripheral thinning (Jenkins et al., 2010; Jacobs et al., 2011; Morlighem et al., 2014; Rignot et al., 2014; Greenbaum et al., 2015). Accelerated melting results in large discharges of fresh water which raises the local sea level near the ice sheets (8

inches around Antarctica over past 20 years) (Rye et al., 2014). This release of freshwater has resulted in a seasonal increase in the amount of sea ice in the Antarctic (Bintanja et al., 2013; Rye et al., 2014) and slower circulation of North Atlantic surface water, also known as Atlantic Meridional Overturning Circulation (Rahmstorf et al., 2015). The slowdown in circulation may contribute to increased local sea level rise along the Florida coast, as discussed in the *Regional/Local Processes* section. The IPCC projections do not include the factors related to acceleration of ice melting processes described above, and as a result are likely an underestimate of future sea level rise (Rignot et al., 2011).

ICE SHEET DISINTEGRATION

Indicators of ice sheet disintegration include retreat of the ice sheet's outer boundary and rapid thinning. Lateral flow of the Greenland Ice Sheet margin, the outer boundary, has dramatically accelerated in the past two decades in response to surface melt waters penetrating fractures in the ice and warming and softening the ice (Bell et al., 2014). In addition to retreat, the ice sheets have initiated a rapid thinning process due to basal melt (Pritchard et al., 2012), signaling the initiation of prolonged ice sheet degradation based on historic analysis (Johnson et al., 2014). Joughin et al. (2011) have used numerical models to look at the sensitivity of the outlet glaciers of the West Antarctic Ice Sheet to ocean water melt and have concluded that the West Antarctic Ice Sheet collapse is already underway; the extent of the collapse in the future is not yet known. As part of the Gravity Recovery and Climate Experiment (GRACE) satellite monitoring program, ice sheet mass loss has been quantified as 280 ± 58 gigatons per year (Gt/yr) from Greenland and up to 180 ± 10 Gt/yr in Antarctica (Velicogna et al., 2014). As a reference for the magnitude of a gigaton, one could estimate one gigaton to equal the mass of over one hundred million elephants. In addition, significant recent work was completed to verify the estimated contribution of ice sheet disintegration to sea level rise using satellite data (Jacob et al., 2012; King et al., 2012; Gardner et al., 2013) with the conclusion that ice sheet melt accounted for $29 \pm 13\%$ of sea level rise from 2003 to 2009 (Gardner, 2013). In order to further refine the estimates and projections of the magnitude of ice sheet degradation and their contribution to sea level rise, the complex dynamics driving ice sheet melt need to be better understood, in particular the mechanisms driving interactions between ice sheets and warm currents.

WARM CURRENTS

In 2011, the Work Group acknowledged the effects of warm ocean water currents accelerating summer pack ice melt and causing melting beneath the outlet glaciers. Recent work has further clarified the compounding mechanisms driving the flow and temperature changes of warm currents. Spence et al. (2014) analyzed the poleward shift in direction of the southern hemisphere westerly winds since the 1950's and simulated the intense warming of coastal waters

associated with such a shift in order to explain and forecast the significant temperature increase in ocean waters interacting with the base of ice sheets and floating ice shelves. This study serves to validate the projection of the persistence of this wind trend and the resulting melting due to warm current interaction. Separate from wind forcing, an increase in ocean surface stress due to thinning of the formerly consolidated sea-ice cover near Antarctica is proposed to result in a redirection of warm ocean currents into submarine glacial troughs and further expediting melting of the deep ice-shelf base based on ocean-ice modeling (Hellmer et al., 2012). Ice sheet melt as a result of interaction with warm currents is one of the dominant factors contributing to recent global sea level rise (IPCC, 2013); however, as discussed in the next section, land based contributions to global warming may further exacerbate sea level rise in the future.

THAWING PERMAFROST

The potential for significant additional emissions of carbon dioxide and methane from thawing permafrost and the rate of occurrence continues to be investigated. The intricate feedback mechanisms associated with permafrost are not well understood; as such, the IPCC did not include permafrost thaw in its projections (Collins et al., 2013). This deficiency was criticized publicly due to the theorized potential for permafrost carbon emissions to exceed emissions from fossil fuel use. Schuur et al. 2013 conducted a survey of experts to quantify permafrost change in response to four global warming scenarios and found despite risk for significant contributions of emissions from thawing, fossil fuel combustion was likely to remain the main source of emissions and climate forcing until 2100 based on the proposed warming scenarios.

Following the release of the IPCC (2013) report, demand for research to understand the dynamics of the physical and chemical permafrost processes has increased in order to confirm the estimates of emissions from thawing. As an initial step, the occurrence of significant submarine permafrost thawing was confirmed by Overduin et al. (2014) when 8 to 10°C of warming within the permafrost layer was observed in less than 1,000 years, resulting in a degradation of ice-bearing permafrost at the rate of 3 cm/yr. In addition, seawater seeping through soil pores was identified as the source of sulfate necessary to oxidize methane in the upper layer of the thawing permafrost. Although site specific, studies such as Overduin et al. (2014) will begin to provide the information necessary to incorporate permafrost thawing into models and projections in the near future.

REGIONAL/ LOCAL PROCESSES

VERTICAL LAND MOVEMENT

Vertical earth movements, which regionally and locally modify the globally averaged rate of sea level change, result in a relative rate of change that varies from one location to another. These

land motions have been inferred from historical tide data and geodesic measurements. When added to projected rates of global mean sea level rise, they result in a perceived change ranging from increased rise in regions of subsidence (e.g., New Orleans) to falling sea levels where the land is being uplifted (e.g., along the northern border of the Gulf of Alaska). Other regions are geologically stable and have only small differences with respect to the global rate of change. In South Florida, in general, coastal land elevations are considered to be relatively stable meaning that the land is not experiencing significant uplift nor subsidence. It is also important to note, the vertical land movement that is occurring is non-uniform across South Florida and movement measured at specific monitoring stations sites may not reflect vertical land movement in adjacent areas.

The Continuously Operating Reference (COR) network of permanent Global Positioning System (GPS) receivers provides precise measurements of vertical land movement in four locations throughout Southeast Florida (Key West, Virginia Key, Pompano Beach, and Palm Beach) over periods of nine to eleven years. Additional continuous GPS measurements have been acquired in eight other sites in the region over various time periods (two to eleven years). Precise analysis of these data reveals negligible vertical movements at most stations (less than 1 mm/yr) (Snay et al., 2007; Santamaría-Gómez et al., 2012; NGL, 2015). However, some stations show 1 to 6 mm/yr of subsidence, reflecting mostly local unstable conditions of the GPS antenna monument (e.g., local building movements) (e.g., Bock et al., 2012).

National Geodetic Survey has operated continuous GPS stations at Key West, Fort Lauderdale, Miami and Palm Beach Gardens. The GPS data of these sites were processed by the Nevada Geodetic Laboratory, who presents the results at GPS time series (<http://geodesy.unr.edu/index.php>). The rates of vertical land movement at these stations are shown in Table 1 (Blewitt et al., 2015). It should be noted vertical land movement is non-uniform across South Florida as a result of geology variations and the non-uniform compaction of fill placed during development of the region. Subsidence at tide stations is closely monitored to ensure the accuracy of sea level rise measurements. The regional rate of sea level rise is affected by such localized subsidence and is accounted for in the regional sea level rise acceleration variable incorporated in the projections adapted for the region.

Table 1: Continuous GPS Operation in Southeast Florida (Blewitt et al., 2015)

Site	Location	Duration	Vertical rate (mm/yr)
KYW1	Boca Chica Key	1997-2008	-0.5 ± 0.1
KYW5	Boca Chica Key	2007-present	0.1 ± 0.1
KYW6	Boca Chica Key	2007-present	1.0 ± 0.1 (uplift)
KWST	Key West airport	2003-present	-1.5 ± 0.1
CHIN	Key West, 500 m south of tide gauge	2008-present	-1.6 ± 0.5
LAUD	Fort Lauderdale Executive Airport	2005-2014; 2014-2015	-0.5 ± 1.1
ZMA1	Miami Airport	2004-2008; 2008-present	0.2 ± 0.9
FLC6	Florida City	2009-present	-1.8 ± 1.2
PBCH	North Palm Beach County Airport	2005-present	1.0 ± 1.0 (uplift)

Additionally, in some regions, the effects of changing ocean currents can further modify the relative local rate of sea level rise. Such is the case of the east coast of Florida, as is discussed in the next section, *Ocean Dynamics, Gulfstream/ Circulation*

OCEAN DYNAMICS, GULFSTREAM/ CIRCULATION

Ocean circulation has changed little during the current period of scientific observation, but in the future it can considerably alter the relative rate of sea level rise in some regions, including Southeast Florida. A slowing of the Florida Current and Gulf Stream will result in a more rapid sea level rise along the east coast of North America. By 2100, these circulation changes could contribute an extra 8 inches of sea level rise in New York and 3 inches in Miami according to Yin et al. (2009). Most of the global climate models used by the IPCC (IPCC, 2007; 2013) project a 20-30% weakening of the Atlantic Meridional Overturning Circulation (AMOC), of which the Gulf Stream and Florida Current are a part. Measurements of the AMOC have yet to conclusively detect the beginning of this change, however there has been a report of a recent decline in AMOC strength by Smeed et al. (2014) that coincides with the mid-Atlantic hotspot of sea level rise reported by Ezer et al. (2013) and Rahmstorf et al. (2015). Recent analysis of the Florida Current transport has detected a decrease in circulation over the last decade, which appears to account

for 60% of South Florida sea level rise over the decade and contribute to a positive acceleration (Park and Sweet, 2015). If a long-term slowdown of the AMOC and Florida Current. Rahmstorf et al. (2015) use a proxy method also suggesting that a slowdown of the AMOC has begun. If a long-term slowdown of the AMOC does occur, sea level rise along the Florida east coast could conceivably be as much as 20 cm (8 inches) greater than the global value by 2100.

According to the most recent estimates by the IPCC (IPCC 2013, FigureB-1), the combined differential due to regional ocean heating and circulation change along the Southeast Florida coast would be in the range of 10%-20% greater than the globally averaged rise by 2090. For a median (50% probability) sea level rise of one meter by 2100, this would give about 10-20 cm (4-8 inches) of additional rise along the Southeast Florida coast, which is within the range of estimates by Yin et al. (2009). However, the IPCC models do not have the horizontal resolution required to effectively estimate these changes at the scale of the Florida Current and more research with higher resolution ocean models will be required. As such, it is prudent to add ~15% to the global mean sea level rise values projected by the IPCC in order to use them for Southeast Florida planning. This adjustment is accounted for in the regional sea level rise coefficients incorporated in the projections adapted for the region.

APPENDIX C: WORKGROUP COMMENTARY AND RECOMMENDATIONS

The following are recommendations made by the Work Group for consideration by the Southeast Florida Regional Climate Compact Steering Committee to be used by the Compact Counties as part of the implementation of the Regional Climate Change Action Plan.

- a. The unified SE FL sea level rise projection will need to be reviewed as the scientific understanding of ice melt dynamics improves. The projection should be revised within five years of final approval of this document by the Southeast Regional Climate Change Compact Steering Committee. This timing is consistent with the release of Intergovernmental Panel on Climate Change Sixth Assessment Report which will provide a synthesis of the major findings in climate science to date.
- b. Users of the projection should be aware that at any point of time, sea level rise is a continuing trend and not an endpoint.
- c. The planet is currently on a high emissions trajectory for which committed sea level rise is probably near the high end of the ranges. It should also be noted that the attenuation of impacts through mitigation will not likely be sufficient to overcome the inertia of the climate system prior to 2060.
- d. Full and complete transparency of the projection and its implications should be promoted across the communities in order to encourage and guide effective and realistic planning, obtain realistic economic realities for maintaining functional infrastructure, insuring social and economically sound further development, and necessary adaptation.
- e. Further work to develop projections for the occurrence of extreme events in tandem with sea level rise may be necessary to assist communities in planning for storm drainage adaptation.

APPENDIX D: ACKNOWLEDGEMENT OF PARTICIPANTS

The Southeast Florida Regional Climate Change Compact Counties (Monroe, Miami-Dade, Broward and Palm Beach Counties) and their partners wish to acknowledge the Work Group participants and members of the SE FL Regional Climate Change Compact Steering Committee for participating in meetings to support the development of the Unified Sea Level Rise Projection and the guidance document. The following members contributed to the development and refinement of the projection:

Danchuk, Samantha, Ph.D., P.E.

Berry, Leonard, Ph.D.

Enfield, David, Ph.D.

Gassman, Nancy, Ph.D.

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Park, Joseph, Ph.D., P.E.

Steelman, Marcia, C.F.M

Van Leer, John, Ph.D.

Wanless, Hal, Ph.D.

Wdowinski, Shimon, Ph.D.

APPENDIX E: DEVIATION FROM 2011 PROJECTION

The updated unified sea level rise projection includes the range projected by the 2011 unified sea level rise projection with three enhancements. As described in previous paragraphs, the year the projection begins was shifted from 2010 to 1992. Since the projection now references the sea level rise that has occurred since 1992 instead of 2010, the values in the projection are larger as a result of the sea having 8 more years to rise. For example, at the lower boundary of the projection, by 2030, sea level rise is projected to be 5 inches above the where mean sea level was in 1992. This is the exact same projected elevation as 3 inches above where the mean sea level was in 2010, just a different elevation datum. Table 1 shows the adjustment of values from the 2011 Unified Projection with a reference (starting) year of 1992. Please note the lower boundary is the same in both the 2011 and 2015 projections. The second enhancement to the projection was the extension of the projection past 2060 continuing to 2100. The third enhancement to the projection was the addition of the NOAA High Curve as the upper boundary after Year 2060. For critical infrastructure projects with design lives in excess of 50 years, use of the upper curve is recommended with planning values of up to 34 inches in 2060 and up to 81 inches in 2100.

Table 2: Comparison of Unified Projection in 2011 and 2015 at Key West

Year	2011 Unified Projection (referenced to Year 2010) (inches above msl)		2011 Unified Projection (adjusted to reference Year 1992) (inches above msl)		2015 Proposed Unified Projection (referenced to Year 1992) (inches above msl)			
	NRC Curve I (1987)	NRC Curve III (1987)	NRC Curve I (1987)	NRC Curve III (1987)	NOAA Int.- Low	IPCC AR5 Median	USACE High	NOAA High
1992			0	0	0	0	0	-
2030	3	7	5	10	5	6	10	-
2035					6	7	12	-
2060	9	24	11	26	11	14	26	34
2075					15	20	38	49
2100					22	31	61	81

RESOLUTION TO BE SUBMITTED

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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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO KEEP AND RENOVATE THE ROBERT C. HAAS HANDBALL COURT BUILDING, BUT THAT THE PREVIOUSLY APPROVED OPTION TO INCLUDE FOUR ADDITIONAL SINGLE WALL HANDBALL COURTS AND FOUR NEW PADEL COURTS, NOT BE INCORPORATED INTO THE FLAMINGO PARK MASTER PLAN.**

BACKGROUND

On September 9, 2009 the City Commission approved option "L" (Exhibit A) of the Flamingo Park Master Plan through the adoption of Resolution No. 2009-27190. The Basis of Design Report (BODR) was subsequently issued based upon this approval and on November 9, 2010, the Flamingo Park Master Plan ("Master Plan") was approved at the Historic Preservation Board (HPB) meeting. One of the key improvements outlined in the approved Master Plan was the demolition of the Robert C. Hass handball court building, which was to be replaced with 8 new one-wall handball courts, as well as improvements to the Joe Rubin handball courts.

At the July 25, 2014 Neighborhood/Community Affairs Committee (NCAC) meeting, Administration requested direction on whether or not the Master Plan should continue as planned or should be revisited in order to incorporate elements into the plan that satisfy the current needs of the community. A motion was passed by the NCAC to continue with the original plan for Flamingo Park, and if the City did not need the additional handball courts then the money should not be spent.

At the March 11, 2015 City Commission Meeting, a discussion was held on adding Padel tennis courts to the Master Plan. The Administration was directed to find locations for Padel tennis and come back with options for discussion.

On June 10, 2015, Resolution No. 2015-29052 was approved, which authorized the Administration to submit an application to the HPB at its July 14, 2015 meeting, to request a new Certificate of Appropriateness for the previously approved Flamingo Park Master Plan Concept, with modifications.

On July 14, 2015, a Certificate of Appropriateness for the previously approved design of the Master Plan was reviewed and approved by the HPB, as the previously approved order had expired on May 9, 2012. As part of the HPB application, the Administration proposed modifications to the remaining portions of the previously approved plan, which

included the removal of the additional handball courts and added the construction of new Padel ball courts to replace the existing Robert C. Haas handball courts.

However, the HPB approved the Certificate of Appropriateness with the following conditions:

- The previously proposed additional handball courts shall be reintroduced into the Master Plan.
- Recommendation to the Commission to retain the existing Robert C. Haas handball court structure.
- The proposed Padel tennis courts shall not be permitted.

At the September 2, 2015 Commission Meeting, direction was given to City staff to return to the HPB with a proposal that the additional handball courts should not be reintroduced, for the existing Robert C. Haas handball court structure to be demolished, and to keep the Padel courts.

At the January 13, 2016 City Commission Meeting, a discussion was held on the Master Plan as it relates to the demolition of the Robert C. Haas Racquetball Building and the possible incorporation of Padel courts. The item was referred to the NCAC.

At the February 12, 2016 NCAC meeting, the Administration presented data that had been collected by the Parks and Recreation Department on the current usage of all of the racquetball, handball and paddleball courts. The data collected illustrated that at no time were all four indoor courts in use, supporting that there is no demand for the additional two courts inside the Robert C. Haas handball court building.

Utilizing the 2009 Flamingo Park master plan process, a July 2014 facility usage count, current daily usage counts, and the desire to integrate an increasingly popular sport in a City with a rich history of racquet sport enthusiasts, Administration recommended proceeding with a plan which includes the demolition of Robert C. Hass handball court building, constructing four new single wall courts, renovate the Joe Ruben courts and the incorporation of Padel courts with small control office. (Exhibit B)

The NCAC did not accept Administration's recommendation and motioned to keep and renovate the Robert C. Hass handball court building, but that the previously approved option to include four additional single wall handball courts and four new Padel courts, not be incorporated into the Flamingo Park Master Plan.

The Certificate of Appropriateness for the Flamingo Park Master Plan is scheduled to be heard at the March 8, 2016 HPB meeting.

Action Required

Commission vote on the recommendation of the Neighborhood/Community Affairs Committee (NCAC) to keep and renovate the Robert C. Hass handball court building, but that the previously approved option to include four additional single wall handball courts and four new Padel courts, not be incorporated into the Flamingo Park Master Plan.

Attachments

Exhibit A – Approved Flamingo Park Master Plan Option L

Exhibit B – Current Site Conditions and Proposed Modifications at Flamingo Park

JLM/EC/JP


EXHIBIT A

IV. MASTER PLAN

The Master Plan depicted herein reflects the final directives approved by the City of Miami Beach Commission on September 9th, 2009. It represents master plan option-L with the additional revisions requested by the Commission that day.

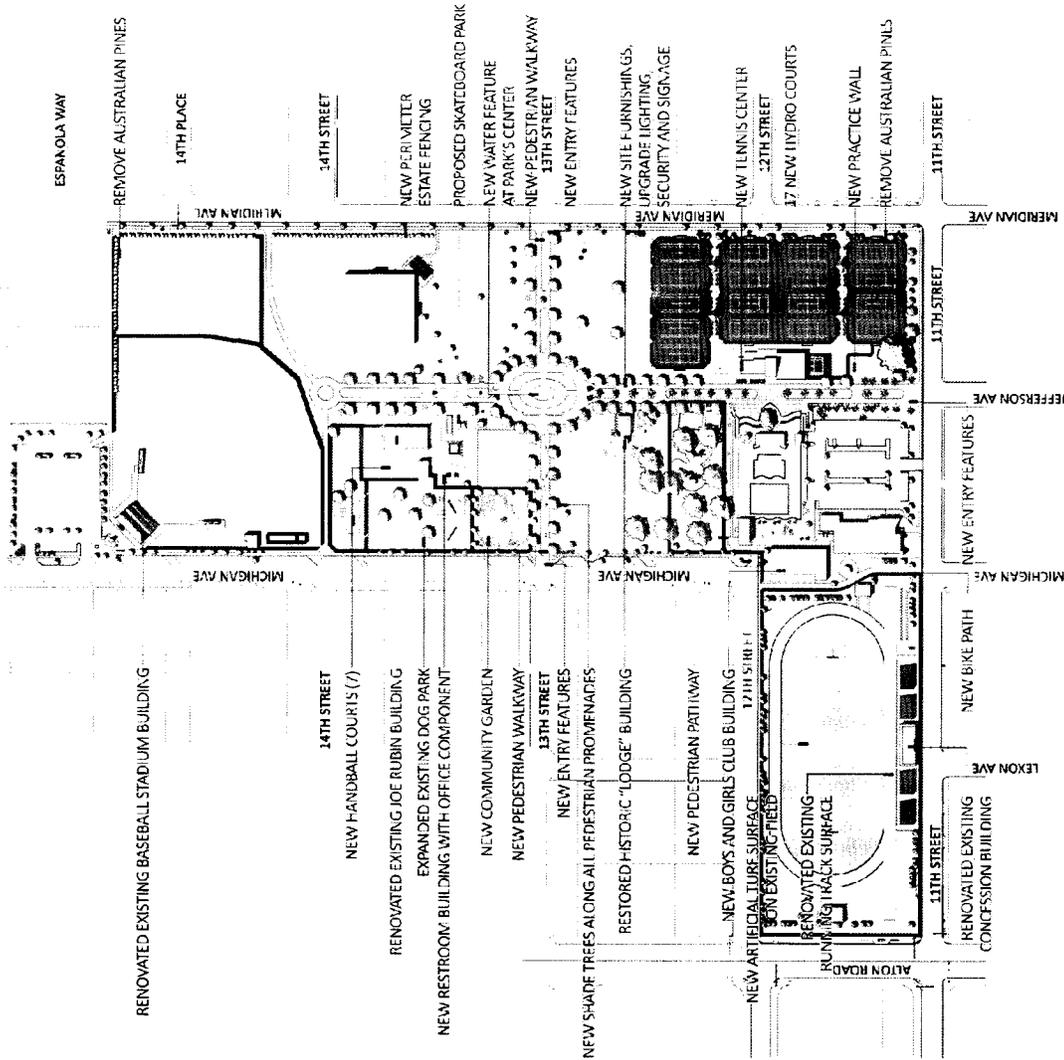
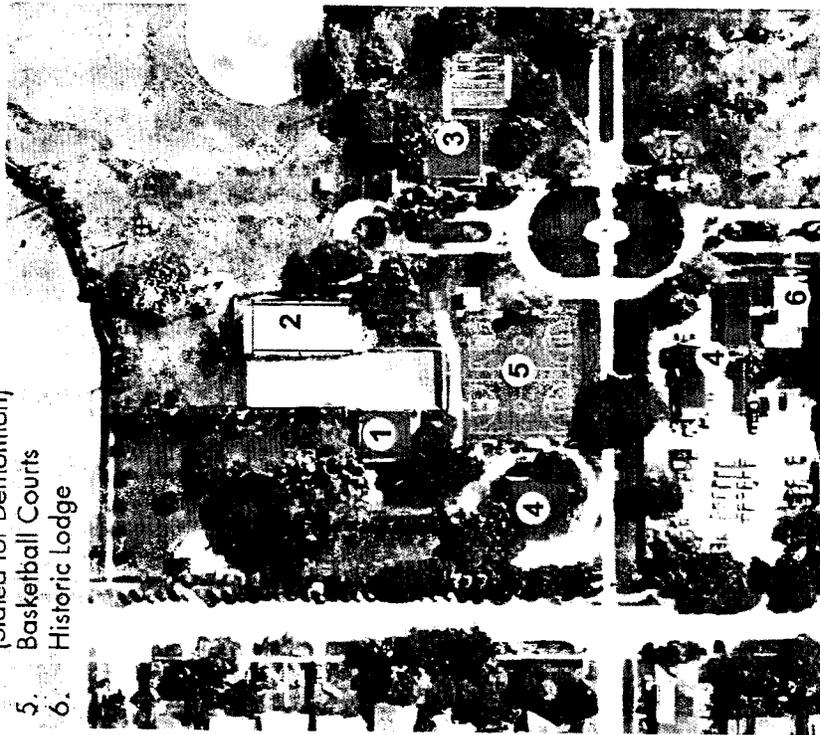


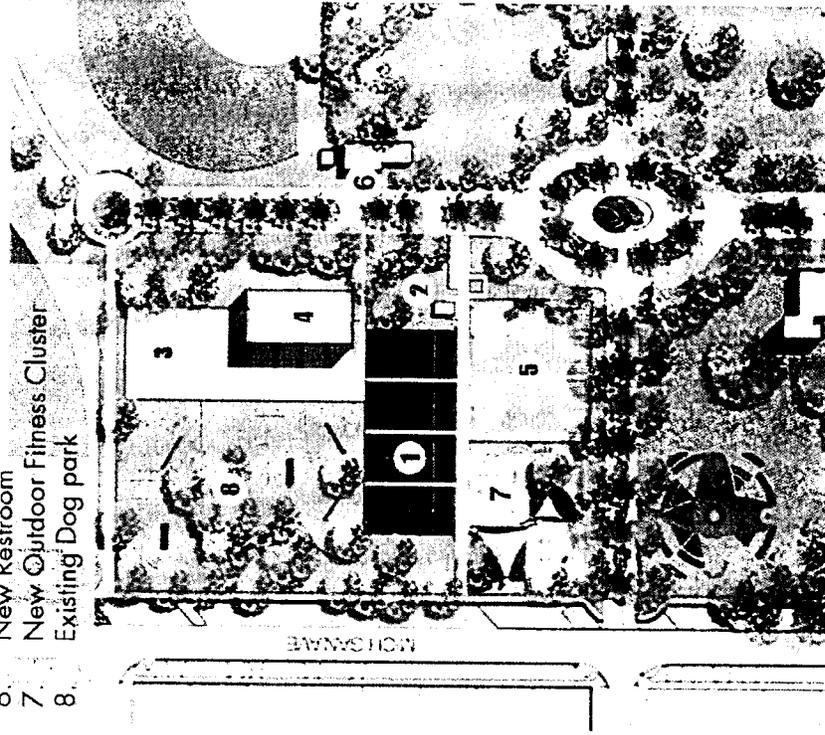
EXHIBIT B

1. Haas Handball Courts
2. Joe Rubin Courts
3. Friendship Building (Demolished)
4. Property Management (Slated for Demolition)
5. Basketball Courts
6. Historic Lodge



Current Site Conditions

1. New Padel Tennis
2. New Registration Office
3. New Handball Courts
4. Existing Joe Rubin Courts
5. Existing Basketball Courts
6. New Restroom
7. New Indoor Fitness Cluster
8. Existing Dog park



Proposed Modifications – HPB 11/10/15

MIAMI BEACH

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 THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2015-245-KB, FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR LINCOLN ROAD DISTRICT.

Key Intended Outcome Supported:

Maximize The Miami Beach Brand As A World Class Destination.
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary/Recommendation:

On December 9, 2015, the City Commission approved to issue the Request for Qualifications (RFQ) No. 2015-245-KB for Architectural and Engineering Design Services for Lincoln Road District. On December 15, 2015, the RFQ was issued. A voluntary pre-proposal conference to provide information to the proposers submitting a response was held on January 5, 2016. RFQ responses were due and received on February 5, 2016. The City received a total of two (2) proposals. The City received proposals from the following firms: James Corner Field Operations, and BEA Architects.

The Evaluation Committee convened on February 16, 2016 to consider proposals received. Mr. Lyle Stern, Mr. Vladimir Alfa, and Ms. Carmen Sanchez were unable to participate as committee members; therefore Mr. Steven Gombinski served as an alternate. The Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided with general information on the scope of services, references, and a copy of each proposal. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFQ.

After reviewing all the submissions and the results of the evaluation process, the City Manager recommends that the Mayor and City Commission approve the resolution authorizing the Administration to enter into negotiations with the top ranked proposer, James Corner Field Operations; and, should negotiations fail, authorizing the Administration to enter into negotiations with the second ranked proposer, BEA Architects; further, authorizing the Mayor and City Clerk to execute the agreement with the successful firm.

RECOMMENDATION
ADOPT THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

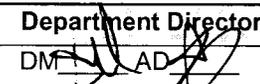
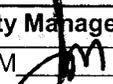
Source of Funds:	Amount	Account
1		The cost of the related services, determined upon successful negotiations, are subject to funds availability approved through the City's budgeting process.
OBPI	Total	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, David Martinez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DM  AD 	EC  MT 	JLM 

T:\AGENDA\2016\March\Procurement\2016-245-KB Lincoln Road A&E\RFQ-2015-245-KB - A & E Design Services for Lincoln Road District - Summary.doc



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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2015-245-KB, FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR LINCOLN ROAD DISTRICT**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Maximize The Miami Beach Brand As A World Class Destination.

FUNDING

The cost of the related services, determined upon successful negotiations, are subject to funds availability approved through the City's budgeting process.

BACKGROUND

On September 10, 2014, pursuant to RFQ 2014-050-SR, City Commission approved James Corner Field Operations, LLC, to complete the Master Plan for the Lincoln Road District. A Master Plan was finalized and received approval from City Commission at the October 14, 2015 Commission meeting. In order to implement the master plan approved by City Commission, Architectural/Engineering services are needed for the development of construction documents and related services.

As a result, on October 14, 2015, the Administration presented to the City Commission a request for approval to issue Request for Qualifications (RFQ) for Architectural and Engineering Design Services for the Lincoln Road District Improvements. The project encompasses the Lincoln Road pedestrian mall inclusive of Lincoln Lane North and Lincoln Lane South from Lennox Avenue to Collins Avenue. The project extends to 16th Street along Drexel Avenue. The Consultant shall provide as needed architectural, structural engineering, civil engineering, MEP engineering, landscape architecture, traffic studies, construction cost estimating, surveying, and geotechnical services for the Project. The work shall include, but not be limited to, conceptual drawings, surveying, geotechnical, design development, estimates of probable construction cost, construction documents, permitting, bidding/award, and construction administration services for the Project. At the October 14th meeting, the City Commission deferred approval until such time as the Administration was able to collect comments regarding the RFQ from the Lincoln Road Property Owner's Association. The Association has provided its comments, which have been discussed with staff, and have been incorporated into the RFQ as permitted by Section 287.055, Florida Statutes, which governs the procurement process for public agencies seeking architectural/engineering services.

Proposals were requested from professional consulting architectural/engineering firms which have proven experience in the preparation of construction contract documents for open air pedestrian shopping districts and related infrastructure. The successful firm shall have the expertise to conduct the design, bid and award, and construction administration services for these Lincoln Road District Improvements and prepare the associated construction contract documents that allow the City of Miami Beach to advertise, bid and award a contract for the construction services.

RFQ PROCESS

On December 9, 2015, the City Commission approved to issue the Request for Qualifications (RFQ) No. 2015-245-KB for Architectural and Engineering Design Services for Lincoln Road District. On December 15, 2015, the RFQ was issued. A voluntary pre-proposal conference to provide information to the proposers submitting a response was held on January 5, 2016. RFQ responses were due and received on February 5, 2016. The City received a total of two (2) proposals. The City received proposals from the following firms: James Corner Field Operations, and BEA Architects.

On February 4, 2016, the City Manager, via Letter to Commission (LTC) No. 055-2016, appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

- Lyle Stern, President, Koniver Stern Group
- Stephen H. Bittel, Chairman, Terranova Corporation
- Peter Saliamonas, Rosinella Restaurant
- Vladimir Alfa, Paul Bakery
- Carmen Sanchez, Deputy Director, Planning Department, City of Miami Beach
- David Gomez, Senior Capital Projects Coordinator, Office of Capital Improvement Programs, City of Miami Beach
- Adrian Morales, Senior Administrative Manager, City of Miami Beach

The City Manager also considered the following individuals as alternates:

- Steven Gombinski, President, General Partner of Gombinski Properties Limited
- Humberto Cabanas, Division Director, Office of Capital Improvement Programs, City of Miami Beach

The Evaluation Committee convened on February 16, 2016 to consider proposals received. Mr. Lyle Stern, Mr. Vladimir Alfa, and Ms. Carmen Sanchez were unable to participate as committee members; therefore Mr. Steven Gombinski served as an alternate. The Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided with general information on the scope of services, references, and a copy of each proposal. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFQ. The evaluation process resulted in the ranking of proposers as indicated in the table below.

REQUEST FOR QUALIFICATIONS (RFQ) For Architectural and Engineering Design Services for the Lincoln Road District Improvements RFQ 2015-245-KB	Stephen H. Bittel		David Gomez		Adrian Morales		Peter Saliamonas		Steven Gombinski		LOW AGGREGATE TOTALS	
	93	Ranking	93	Ranking	99	Ranking	99	Ranking	93	Ranking	6	Rank
James Corner Field Operations	93	1	93	2	99	1	99	1	93	1	6	1
BEA Architects	85	2	100	1	95	2	85	2	65	2	9	2

CITY MANAGER'S RECOMMENDATION

After reviewing all the submissions and the results of the evaluation process, the City Manager recommends that the Mayor and City Commission approve the resolution authorizing the Administration to enter into negotiations with the top ranked proposer, James Corner Field Operations; and, should negotiations fail, authorizing the Administration to enter into negotiations with the second ranked proposer, BEA Architects; further, authorizing the Mayor and City Clerk to execute the agreement with the successful firm.

JLM/MT/EC/DM/AD

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RESOLUTION NO. _____

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 FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2015-245-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR LINCOLN ROAD DISTRICT; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH JAMES CORNER FIELD OPERATIONS, AS THE TOP RANKED PROPOSER; FURTHER, SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH JAMES CORNER FIELD OPERATIONS, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH BEA ARCHITECTS, AS THE SECOND HIGHEST RANKED PROPOSER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT, UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, Request for Qualifications No. 2015-245-KB (the "RFQ") was issued on December 15, 2015, with an opening date of February 5, 2016; and

WHEREAS, a voluntary pre-proposal meeting was held on January 5, 2016; and

WHEREAS, the City received a total of two (2) proposals; and

WHEREAS, on February 4, 2016, the City Manager, via Letter to Commission (LTC) No. 055-2016, appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

- Lyle Stern, President, Koniver Stern Group
- Stephen H. Bittel, Chairman, Terranova Corporation
- Peter Saliamonas, Rosinella Restaurant
- Vladimir Alfa, Paul Bakery
- Carmen Sanchez, Deputy Director, Planning Department, City of Miami Beach
- David Gomez, Senior Capital Projects Coordinator, Office of Capital Improvement Programs, City of Miami Beach
- Adrian Morales, Senior Administrative Manager, City of Miami Beach

The City Manager also considered the following individuals as alternates:

- Steven Gombinski, President, General Partner of Gombinski Properties Limited
- Humberto Cabanas, Division Director, Office of Capital Improvement Programs, City of Miami Beach; and

WHEREAS, the Committee convened on February 16, 2016 to consider the proposals received; and

WHEREAS, the Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law, general information on the scope of services, references, and a copy of each proposal; and

WHEREAS, the Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFQ; and

WHEREAS, the Committee's ranking was as follows: James Corner Field Operations and BEA Architects; and

WHEREAS, after reviewing all the submissions and the results of the evaluation process, the City Manager recommends that the Mayor and City Commission authorize the Administration to enter into negotiations with the top ranked proposer, James Corner Field Operations; further, should negotiations fail, the City Manager recommends that the Administration be authorized to enter into negotiations with the second ranked proposer, BEA Architects.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals, pursuant to Request for Qualifications No. 2015-245-KB (the RFQ), For Architectural and Engineering Design Services for Lincoln Road District; authorize the Administration to enter into negotiations with James Corner Field Operations as the top ranked proposer; further, should the Administration not be successful in negotiating an agreement with James Corner Field Operations, authorize the Administration to enter into negotiations with BEA Architects, as the second highest ranked proposer; and further authorize the Mayor and City Clerk to execute an agreement, upon conclusion of successful negotiations by the Administration.

PASSED AND ADOPTED this _____ day of _____ 2016.

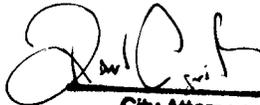
Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

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



City Attorney *RAP* 2-22-16
Date

R7F A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals No. 2015-146-YG (The RFP) For Parking Attendants For City Parking Garages.

(Procurement/Parking)

(Item to be Submitted in Supplemental)

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Condensed Title:

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT WITH INKTEL CONTRACT SOLUTIONS, LLC, PURSUANT TO REQUEST FOR PROPOSAL (RFP) 022-2013ME, FOR CITYWIDE CALL CENTER SERVICES, ON A MONTH TO MONTH BASIS UNTIL SUCH TIME AS THE FINANCE AND EMERGENCY MANAGEMENT DEPARTMENTS ARE PREPARED TO PROVIDE THE REFERENCED SERVICES IN-HOUSE.

Key Intended Outcome Supported:

Maximize The Miami Beach Brand As A World Class Destination

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

Item Summary/Recommendation:

The current agreement with Inktel Contract Solutions, LLC (Inktel), pursuant to RFP 022-2013-ME, expires on April 25, 2016, but also allows for two (2) additional one (1) year renewal periods. The Administration is proposing to bring these services in-house, with call center services being provided by the Finance and Emergency Management Departments. In order to do so, these departments will require some time to acquire the necessary equipment and train staff in order for there to be a seamless transition of services. A month-to-month extension of the Agreement is proposed until such time as the Finance and Emergency Management Departments are prepared to bring the contracted services in-house.

The City Manager recommends that the Mayor and the City Commission authorize the month-to-month extension of the existing Agreement with Inktel Contract Solutions, LLC, to allow for a transition from contracted to in-house services.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

Advisory Board Recommendation:

N/A

Financial Information: The annual cost associated with the Citywide call center services are subject to the funds availability approved through the City's budgeting process.

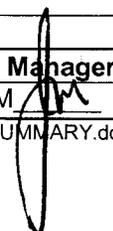
Source of Funds:	Amount	Account
1		
2		
Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Extension 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JW  AD 	MT 	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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT WITH INKTEL CONTRACT SOLUTIONS, LLC, PURSUANT TO REQUEST FOR PROPOSAL (RFP) 022-2013ME, FOR CITYWIDE CALL CENTER SERVICES, ON A MONTH TO MONTH BASIS UNTIL SUCH TIME AS THE FINANCE AND EMERGENCY MANAGEMENT DEPARTMENTS ARE PREPARED TO PROVIDE THE REFERENCED SERVICES IN-HOUSE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The current agreement with Inktel Contract Solutions, LLC (Inktel), pursuant to RFP 022-2013-ME, expires on April 25, 2016, but also allows for two (2) additional one (1) year renewal periods. The Administration is proposing to bring these services in-house, with call center services being provided by the Finance and Emergency Management Departments. In order to do so, these departments will require some time to acquire the necessary equipment and train staff in order for there to be a seamless transition of services. A month-to-month extension of the Agreement is proposed until such time as the Finance and Emergency Management Departments are prepared to bring the contracted services in-house.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the Mayor and the City Commission authorize the month-to-month extension of the existing Agreement with Inktel Contract Solutions, LLC, to allow for a transition from contracted to in-house services.

JLM / CT / AW / AD / WG

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT WITH INKTEL CONTRACT SOLUTIONS, LLC, PURSUANT TO REQUEST FOR PROPOSALS (RFP) 022-2013ME, FOR CITYWIDE CALL CENTER SERVICES, ON A MONTH-TO-MONTH BASIS, TERMINABLE BY THE CITY FOR CONVENIENCE AND WITHOUT CAUSE, UPON THIRTY (30) DAYS WRITTEN NOTICE TO INKTEL, UNTIL SUCH TIME AS THE CITY'S FINANCE AND EMERGENCY MANAGEMENT DEPARTMENTS ARE PREPARED TO PROVIDE CITYWIDE CALL CENTER SERVICES IN-HOUSE.

WHEREAS, Request for Proposals No. 022-2013ME (the RFP) was issued on December 24, 2012, with a proposal due date of February 4, 2013; and

WHEREAS, the RFP resulted in the receipt of four (4) responses from 1800 We Answer, IVOX Solutions, LLC, Inktel Contract Solutions, LLC, and Answernet; and

WHEREAS, the City entered a Master Agreement ("Agreement") with Inktel Contract Solutions, LLC for Citywide call center services for the Finance and Parking Department, pursuant to RFP No. 022-2013ME and approved pursuant to Resolution No. 2013-28156, on April 26, 2013; and

WHEREAS, on January 15, 2014, the Mayor and City Commission adopted Resolution No. 2014-28448, authorizing the City to increase the scope of the Agreement to include call center services for the Building Department; and

WHEREAS, on October 22, 2014, the Mayor and City Commission passed Resolution No. 2014-28787, authorizing the City to increase the scope of the Agreement to include call center services for the Transportation Department; and

WHEREAS, in 2015, the Mayor and City Commission authorized Amendment No. 1, to the Agreement increasing the scope of the Agreement to include call center services for the Building and Transportation Departments; and

WHEREAS, the Agreement is for a term of three (3) years with an additional two (2) one-year renewal options, at the Administration's sole discretion; and

WHEREAS, the original three (3) year contract term for Citywide call center services will expire April 25, 2016; and

WHEREAS, the City's Finance and Emergency Management Departments have been tasked with providing future citywide call center services in-house; and

WHEREAS, the City Manager is requesting authorization to extend the existing Agreement with Inktel Contract Solutions, LLC, on a month-to-month basis, terminable by the City for convenience and without cause, upon thirty (30) days written notice to Inktel, until such time as the City's Finance and Emergency Management Departments have trained staff and acquired the necessary equipment and supplies to seamlessly transition the services.

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 authorize the City Manager to extend the existing Agreement with Inktel Contract Solutions, LLC, pursuant to Request for Proposals (RFP) No. 022-2013ME, for Citywide Call Center Services, on a month-to-month basis, terminable by the City for convenience and without cause, upon thirty (30) days written notice to Inktel, until such time as the City's Finance and Emergency Management Departments are prepared to provide the Citywide call center services in-house.

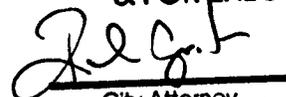
PASSED AND ADOPTED this _____ day of _____ 2016.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *IT*

3-2-16
Date

Condensed Title:

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 PROPOSALS WITH RESPECT TO PHASE I OF THE RFP SELECTION PROCESS, PURSUANT TO REQUEST FOR PROPOSAL (RFP) NO. 2016-009-ME, SEEKING PROPOSALS FROM PARTIES INTERESTED IN PARTNERING WITH THE CITY TO DEVELOP PUBLIC PARKING GARAGES WITHIN THE CITY OF MIAMI BEACH, AUTHORIZING A SHORTLIST OF RESPONSIVE PROPOSERS TO PROCEED TO PHASE II OF THE RFP PROCESS.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes throughout the City.

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

Item Summary/Recommendation:

At the April 29, 2015 City Commission meeting a discussion was held, following the Washington Avenue Blue Ribbon Panel presentation and recommendations, which included direction for the Administration to prepare an RFP seeking proposals from parties interested in partnering with the City to develop parking garages along the Washington Avenue corridor to address parking concerns. With the completion of the Walker Parking Study several other areas were identified throughout the City as high priority locations also in need of a municipal parking garages. The areas identified in the Walker Parking Study were included in this RFP.

On October 14, 2015, the City Commission approved the issuance of Request for Proposals (RFP) No. 2016-009-ME to seek proposals from parties interested in partnering with the City of Miami Beach, Florida, to develop public parking garages within the City. On October 20, 2015, the RFP was issued, with an opening date of January 19, 2016. A pre-proposal conference to provide information to the proposers submitting a response was held on November 3, 2015.

The City received proposals in response to the RFP from the following two (2) firms: Terranova Corporation; and Washington Properties, LLC and RF 930 Washington, LLC.

On February 10, 2016, the City Manager appointed the Evaluation Committee via LTC # 062-2016. The Evaluation Committee (the "Committee") convened on February 17, 2016 to consider proposals received.

The Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided general information on the scope of services, references, and with a presentation of each proposer. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP. The evaluation process resulted in the ranking of proposers as indicated below. The evaluation committee expressed its sentiment that both proposals should be moved to Phase II.

After reviewing all the qualifications of each firm and having considered the Evaluation Committee's comments and rankings, I am recommending that, for Phase I of the evaluation process, the Mayor and the City Commission shortlist Washington Properties, LLC and RF 930 Washington, LLC and Terranova Corporation to be further considered in Phase II of the evaluation process. Phase II will consider the project financial considerations, approach & methodology, and design. The following is a brief description of each project and issues that should be addressed during Phase II should the Mayor and Commission approve this item.

RECOMMENDATION
ADOPT THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:	Amount	Account
1		
OBPI	Total	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Saul Francis, Max Sklar

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MS <u>[Signature]</u> AD <u>[Signature]</u> SF <u>[Signature]</u>	KGB <u>[Signature]</u> MT _____	JLM <u>[Signature]</u>

T:\AGENDA\2016\March\Procurement\2016-009 Development of Public Parking Garages\2006-009 Development of Public Parking Garages - Summary.doc



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: March 9, 2016

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 PROPOSALS WITH RESPECT TO PHASE I OF THE RFP SELECTION PROCESS, PURSUANT TO REQUEST FOR PROPOSAL (RFP) NO. 2016-009-ME, SEEKING PROPOSALS FROM PARTIES INTERESTED IN PARTNERING WITH THE CITY TO DEVELOP PUBLIC PARKING GARAGES WITHIN THE CITY OF MIAMI BEACH, AUTHORIZING A SHORTLIST OF RESPONSIVE PROPOSERS TO PROCEED TO PHASE II OF THE RFP PROCESS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure Comprehensive Mobility Addressing All Modes throughout the City.

BACKGROUND

At the April 29, 2015 City Commission meeting a discussion was held, following the Washington Avenue Blue Ribbon Panel presentation and recommendations, which included direction for the Administration to prepare an RFP seeking proposals from parties interested in partnering with the City to develop parking garages along the Washington Avenue corridor to address parking concerns. With the completion of the Walker Parking Study several other areas were identified throughout the City as high priority locations also in need of municipal parking garages. The areas identified in the Walker Parking Study were included in this RFP.

Through this RFP, the City is seeking proposals for public/private partnerships to develop public parking garages City-wide (each proposed site, a proposed "Project") to address the shortage of parking City-wide, with an emphasis on the "High Demand" and as identified more fully in the Walker Parking Consultant Demand Analysis. Accordingly, the City issued this RFP to seek teams with proven experience in the development of similar facilities or projects, and the financial and professional qualifications to deliver high-quality, economically feasible project(s).

RFP PROCESS

On October 14, 2015, the City Commission approved the issuance of Request for Proposals (RFP) No. 2016-009-ME to seek proposals from parties interested in partnering with the City of Miami Beach, Florida, to develop public parking garages within the City. On October 20, 2015, the RFP was issued, with an opening date of January 19, 2016. A pre-proposal conference to provide information to the proposers submitting a response was held on November 3, 2015.

The RFP provides for a two-step, phased evaluation process. The Phase I selection process, which is the reason for this item, relates to the qualifications and experience of the proposing team; the number of public parking spaces generated by the project; and if the project is within the high demand areas, as identified by the Walker Parking Study. Only those Proposers short-listed during Phase I will be authorized to proceed to Phase II of the RFP selection process.

Since one of the key components of the Phase I Evaluation Process is the number of public parking spaces generated by a Project, as part of the Phase II Evaluation process, the short-listed proposers that proceed to Phase II shall not be permitted to reduce the number of public parking spaces identified in their Phase I proposal submissions.

The City received proposals in response to the RFP from the following two (2) firms:

- Terranova Corporation.
- Washington Properties, LLC and RF 930 Washington, LLC.

On February 10, 2016, the City Manager appointed the Evaluation Committee via LTC # 062-2016. The Evaluation Committee (the "Committee") consisted of the following individuals:

- Max Sklar, Director, Tourism, Cultural and Economic Development Department, City of Miami Beach
- Rogelio Madan, Principal Planner, Planning Department, City of Miami Beach
- David Martinez, Director, Capital Improvement Projects Department, City of Miami Beach
- Julie Santamaria, RBC Capital Markets
- Saul Frances, Director, Parking Department, City of Miami Beach

The following individuals were appointed as alternates:

- Maria Cerna, Division Director, Capital Improvement Projects Department, City of Miami Beach
- Mark Milisits, Asset Manager, Cultural and Economic Development Department, City of Miami Beach
- Monica Beltran, Assistant Director, Parking Department, City of Miami Beach

The Committee convened on February 17, 2016 to consider proposals received. Mr. Max Sklar, Mr. Tomas Monney, and Ms. Carmen Sanchez were unable to participate as committee members; therefore Mr. Mark Milisits and Mr. Rogelio Madan served as a member. The Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided general information on the scope of services, references, and with a presentation of each proposer. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP. The evaluation process resulted in the ranking of proposers as indicated below. The evaluation committee expressed its sentiment that both proposals should be moved to Phase II.

RFP#2016-009-ME TO SEEK PROPOSALS FROM PARTIES INTERESTED IN PARTNERING WITH THE CITY TO DEVELOP PUBLIC PARKING	Rogelio Madan	Ranking	David Martinez	Ranking	Mark Milistis	Ranking	Julie Santamaria	Ranking	Saul Frances	Ranking	LOW AGGREGATE TOTALS	Rank
	Terranova Corporation	92	2	95	2	84	2	91	2	94	2	10
Washington Properties, LLC and RF 930 Washington, LLC	95	1	98	1	100	1	100	1	98	1	5	1

MANAGER’S DUE DILIGENCE & RECOMMENDATION

After reviewing all the qualifications of each firm and having considered the Evaluation Committee’s comments and rankings, I am recommending that, for Phase I of the evaluation process, the Mayor and the City Commission shortlist Washington Properties, LLC and RF 930 Washington, LLC and Terranova Corporation to be further considered in Phase II of the evaluation process. Phase II will consider the project financial considerations, approach & methodology, and design. The following is a brief description of each project and issues that should be addressed during Phase II should the Mayor and Commission approve this item.

Washington Properties, LLC and RF 930 Washington, LLC

Washington Properties, LLC and RF 930 Washington, LLC, the “Developer” proposed a joint development of Municipal Parking Lot No. P12, containing 24 parking spaces, located at 900 Washington Avenue and the adjacent property, located at 930 Washington Avenue, currently a bank with a drive-thru teller facility and small parking lot. The Developer proposes a 145 room hotel that would serve as liner building to a 247 space parking garage. Of the 247 spaces, 145 are proposed to be “City” owned public parking spaces, increasing parking availability by 121 spaces. The balance, 102 spaces, are required parking for retail and hotel accessory use.

The proposed project is consistent with the recommendations from the Washington Avenue Masterplan by providing new development in the form of a hotel as well as increased parking availability to the corridor. The following are issues that will need to be addressed as a component of Phase II, if approved:

Issues:

The Developer must provide a parking plan to address parking demand generated by the hotel component of the project, specifically, guest and employee parking. Of course, the concern is potential utilization of the 145 City public parking spaces proposed by the project that would negate any enhanced parking availability. The Developer committed to providing a parking plan to address this issue.

The Developer committed to addressing issues related to access and traffic queuing to the parking garage ingress/egress proposed on Pennsylvania Avenue. This issue would need to be addressed during the negotiation phase.

Terranova Corporation

Terranova Corporation, the “Developer” proposed a joint development of Municipal Parking Lot No. P62, located at the southeast corner of West 42nd Street and Jefferson Avenue, containing 30 parking spaces and the adjacent property, located at 830 West 42nd Street, currently a private parking lot owned and serving the Terranova office building. The Developer proposes a parking garage with either 123 spaces on two levels or 188 spaces on three levels, compared to 30 parking spaces in the existing City lot, results in an increase of 93 to 158 total spaces. In either alternative, Terranova requires 40 spaces in the immediate term and not to exceed 60 spaces in the longer term. The balance of the parking spaces would be City owned public parking spaces, increasing parking availability between 53 and 118 parking spaces, contingent upon the alternative selected and potential future demand by Terranova.

The proposed project provides additional parking supply to a high parking demand corridor, particularly Monday to Friday, during traditional business hours. The following are issues that will need to be addressed as a component of Phase II, if approved:

Issues

The Developer did not propose any ground floor retail on West 42nd Street citing significant parking space loss likely resulting in a non-viable project as well as concerns with establishing retail facing Nautilus Middle School.

The Developer committed to addressing issues related to the façade of the garage on West 42nd Street, should the ground floor retail requirement be waived.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida hereby accept the recommendation of the City Manager pertaining to ranking of proposals with respect to Phase I of the RFP Process selection process pursuant to Request for Proposal (RFP) No. 2016-009-ME to seek Proposals From Parties Interested in Partnering with the City of Miami Beach, Florida, to Develop Public Parking Garages within The City; and authorizing a shortlist of the two (2) responsive proposers; Washington Properties, LLC and RFP 930 Washington, LLC and Terranova Corporation, to proceed to Phase II of the RFP evaluation process.

JLM/MT/SF/MS/AD

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RESOLUTION NO. _____

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 PROPOSALS WITH RESPECT TO PHASE I OF THE RFP SELECTION PROCESS, PURSUANT TO REQUEST FOR PROPOSAL (RFP) NO. 2016-009-ME, SEEKING PROPOSALS FROM PARTIES INTERESTED IN PARTNERING WITH THE CITY TO DEVELOP PUBLIC PARKING GARAGES WITHIN THE CITY OF MIAMI BEACH, AND AUTHORIZING THE TWO (2) PROPOSERS TO PROCEED TO PHASE II OF THE RFP PROCESS.

WHEREAS, Request for Proposals No. 2016-009-ME (the "RFP") was issued on October 14, 2015, with an opening date of January 19, 2016; and

WHEREAS, a voluntary pre-proposal meeting was held on November 3, 2015; and

WHEREAS, the City received a total of two (2) proposals; and

WHEREAS, on February 10, 2016, the City Manager, via Letter to Commission (LTC) No. 062-2016, appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

- Max Sklar, Director, Tourism, Cultural and Economic Development Department, City of Miami Beach;
- Rogelio Madan, Principal Planner, Planning Department, City of Miami Beach;
- David Martinez, Director, Capital Improvement Projects Department, City of Miami Beach;
- Julie Santamaria, RBC Capital Markets;
- Saul Frances, Director, Parking Department, City of Miami Beach; and

The following individuals were appointed as alternates:

- Maria Cerna, Division Director, Capital Improvement Projects Department, City of Miami Beach;
- Mark Milisits, Asset Manager, Cultural and Economic Development Department, City of Miami Beach;
- Monica Beltran, Assistant Director, Parking Department, City of Miami Beach; and

WHEREAS, the Committee convened on February 17, 2016 to consider the proposals received; Mr. Max Sklar, Mr. Tomas Mooney, and Ms. Carmen Sanchez were unable to participate as committee members; therefore Mr. Mark Milisits and Mr. Rogelio Madan served as members; and

WHEREAS, the Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law, general information on the scope of services, references, and a presentation from each proposer; and

WHEREAS, the Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP; and

WHEREAS, the Committee's ranking was as follows: Washington Properties, LLC / RF 930 Washington, LLC; and Terranova Corporation; and

WHEREAS, after reviewing all the submissions and the results of the evaluation process, the City Manager recommends that the Mayor and City Commission authorize the two proposers to proceed to Phase II of the RFP evaluation process, to submit their cost proposals, approach & methodology, and conceptual designs for their respective projects, in accordance with the requirements of the RFP.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to ranking of proposals with respect to Phase I of the RFP selection process pursuant to Request for Proposal (RFP) No. 2016-009-ME to seek Proposals From Parties Interested in Partnering with the City of Miami Beach, Florida, to Develop Public Parking Garages within The City; and authorizing the two (2) proposers, Washington Properties, LLC / RF 930 Washington, LLC; and Terranova Corporation, to proceed to Phase II of the RFP evaluation process.

PASSED AND ADOPTED this _____ day of _____ 2016.

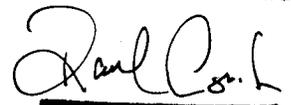
Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

T:\AGENDA\2016\March\Procurement\2016-009 Development of Public Parking Garages\2006-009 Development of Public Parking Garages Resolution.doc

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



City Attorney *RAI* 2-25-16
Date

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R71 A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals With Respect To The RFP Selection Process, Pursuant To Request For Proposals (RFP) No. 2016-062-KB, For The Design Build Services For The West Avenue Bridge Over Collins Canal.

(Procurement/Public Works)

(Item to be Submitted in Supplemental)

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO REQUEST THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION EVALUATE THE INSTALLATION OF A PEDESTRIAN CROSSWALK ON ALTON ROAD AT 57TH STREET TO CONNECT EXISTING BUS STOPS ON OPPOSITE SIDES OF THE STREET.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

At the February 12, 2016 Neighborhood/Community Affairs Committee, the Committee discussed the potential installation of a crosswalk at the intersection of Alton Road and 57th Street. At the meeting Commissioner Alemán motioned to initiate a study with the Florida Department of Transportation (FDOT). The motion was seconded by Commissioner Rosen Gonzalez.

It is worth noting that this location was studied by the FDOT for a crosswalk and it was found unwarranted. Current federal and state standards establish thresholds referencing the number of pedestrians crossing at the location when no crosswalk exists. If the resolution is approved, Staff will send a letter to FDOT requesting that this location be reconsidered for a pedestrian crosswalk.

RECOMMENDATION: APPROVE THE RESOLUTION

Advisory Board Recommendation:

Financial Information:

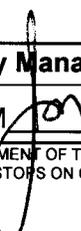
Source of Funds:		Amount	Account
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG 	KGB 	JLM 

T:\AGENDA\2016\March\TRANSP-1\ACCEPTING THE RECOMMENDATION OF THE MCAC TO REQUEST THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION EVALUATE THE INSTALLATION OF A PEDESTRIAN CROSSWALK ON ALTON ROAD AT 57TH STREET TO CONNECT EXISTING BUS STOPS ON OPPOSIT SUM.doc



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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO REQUEST THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION EVALUATE THE INSTALLATION OF A PEDESTRIAN CROSSWALK ON ALTON ROAD AT 57TH STREET TO CONNECT EXISTING BUS STOPS ON OPPOSITE SIDES OF THE STREET.**

BACKGROUND

At the February 12, 2016 Neighborhood/Community Affairs Committee, the Committee discussed the potential installation of a crosswalk at the intersection of Alton Road and 57th Street. At the meeting Commissioner Alemán motioned to initiate a study with the Florida Department of Transportation (FDOT). The motion was seconded by Commissioner Rosen Gonzalez.

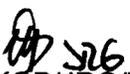
It is worth noting that this location was studied by the FDOT for a crosswalk and it was found unwarranted. Current federal and state standards establish thresholds referencing the number of pedestrians crossing at the location when no crosswalk exists.

ANALYSIS

If the resolution is approved, Staff will send a letter to FDOT requesting that this location be reconsidered for a pedestrian crosswalk.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC.


JLM/KGB/JRG/MM

T:\AGENDA\2016\March\Transportation\Request FDOT evaluate installation of pedestrian corosswalk on Alton Road at 57th Street to connect existing bus stops on opposite sides of the street- MEMO.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE, AND REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION EVALUATE THE INSTALLATION OF A PEDESTRIAN CROSSWALK ON ALTON ROAD AT 57TH STREET, TO CONNECT EXISTING BUS STOPS ON OPPOSITE SIDES OF THE STREET.

WHEREAS, at the February 12, 2016 Neighborhood/Community Affairs Committee ("the Committee") meeting, the Committee discussed the potential installation of a crosswalk at the intersection of Alton Road and 57th Street; and

WHEREAS, Commissioner John Elizabeth Alemán moved to initiate a study in collaboration with the Florida Department of Transportation (FDOT) to evaluate the feasibility of a crosswalk at this location; and

WHEREAS, the motion was seconded by Commissioner Kristen Rosen Gonzalez; and

WHEREAS, FDOT previously studied whether to install a pedestrian crosswalk at this location, and FDOT determined that there was no need for such a crosswalk; and

WHEREAS, nonetheless, the Mayor and City Commission hereby determine that it would serve the health, safety, and welfare of the residents and visitors of Miami Beach to install a crosswalk at this location; and

WHEREAS, the City has received requests from residents for a crosswalk at this location.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhood/Community Affairs Committee, and request that FDOT evaluate the installation of a pedestrian crosswalk on Alton Road at 57th Street to connect existing bus stops on opposite sides of the street.

PASSED and ADOPTED this _____ day of _____, 2016.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

T:\AGENDA\2016\March\Transportation\Accepting the recommendation of the NCAC to request that Florida Department of Transportation evaluate the installation as a Ped crosswalk on Alton Rd and 57 Street - RESO.doc

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



City Attorney

3-1-16

Date

NK

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF NEW BUS SHELTERS; AND AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT BETWEEN THE CITY AND CLEAR CHANNEL ON A MONTH-TO-MONTH BASIS AFTER EXPIRATION ON OCTOBER 31, 2016, AS NEEDED, SUCH THAT THE CLEAR CHANNEL CONTRACT WOULD REMAIN IN PLACE UNTIL THE NEW CONTRACT IS EXECUTED.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

In October 2001, an agreement between the City and Clear Channel Adshel, Inc. (herein after referred to as Clear Channel) was executed for Clear Channel to construct, operate and maintain bus shelter structures and other street furniture (bus benches, trash cans and bicycle racks) on the public Right-of-Way throughout the City. The Agreement had an initial term of ten (10) years with an option to renew for an additional five (5) year term. The Agreement provides for commercial advertising on the bus shelter and revenue sharing with the City receiving an annual escalating percentage (currently at 30%). The Agreement stipulates installation of a minimum of 107 bus shelters at locations mutually agreed to by the City and Clear Channel. On September 28, 2011, the City executed Amendment No. 1 to the Agreement between the City and Clear Channel which exercised the five-year renewal term provided for in the Agreement and additionally provided for a subsequent five-year term renewal option beyond October 31, 2016 at the City's discretion. On December 9, 2015, the City Commission discussed the potential renewal of the bus shelter Agreement. A motion was made to refer the item to the Finance and Citywide Projects Committee (FCWPC) for discussion. However, during the discussion, the City Commission recommended issuing a competitive solicitation for a bus shelter program that would incorporate features enhancing the transit experience of passengers, including innovative designs, technology, and other amenities.

On January 22, 2016, the FCWPC discussed renewal of the agreement between the City of Miami Beach and Clear Channel, Inc. to construct, operate, and maintain bus shelter structures and other street furniture. The Committee recommended issuing a Request for Proposals (RFP) for a new bus shelter design to result in a new design unique to Miami Beach, similar to what was done for our lifeguard stations. Subsequent to bus shelter design approval by the City, the Committee recommended issuing an RFP to construct, operate and maintain bus shelter structures and other street furniture throughout the City. As part of the recommendation, the Committee recommended that a consultant with expertise in designing bus shelters be included on the design team. Further, the Committee recommended that staff include the requirement that the vendor reimburse Clear Channel for the remaining life of existing shelters, so that the shelters would not need to be removed as would otherwise be provided for in the Clear Channel contract. Section 14 of the existing contract states that at the end of the term of the agreement, or otherwise upon termination of the agreement, Clear Channel is required to remove any and all bus shelters and street furniture erected and installed pursuant to the agreement at its sole cost and expense and at no cost to the City. At this time, Clear Channel has installed and maintains 107 bus shelters and 180 bus benches in the City. In order for these elements to remain in place after the expiration of the agreement with Clear Channel, the City and Clear Channel would have to negotiate an amendment to the existing agreement providing for the City's retention of the existing shelters and benches (as well as other street furniture that is covered under the Agreement). Finally, the FCWPC recommended that the Administration extend the existing contract with Clear Channel on a month-to-month until the new project is in place. As part of the RFP, staff will be developing requirements for bus shelter amenities, such as: air conditioning; Wi-Fi, pay station; phone chargers; interactive kiosk; security cameras; lighting; security system with panic button; solar powered or alternate power option; and digital real time bus arrival signs, for inclusion in the RFP for a new bus shelter design. The Administration will bring a draft RFP to City Commission for approval prior to issuance. Additionally, staff will work with Clear Channel to extend the contract on a month-to-month. The Clear Channel contract would remain in place until the new contract is executed.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation: The Finance and Citywide Projects Committee moved this item to the Commission with a recommendation of going out for Request for Proposal (RFP) for the design of new bus shelters.

Financial Information:

Source of Funds:		Amount	Account
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG	KGB	JLM

T:\AGENDA\2016\March\Transportation\Resolution accepting the recommendation of the Finance and City Wide Projects Committee to

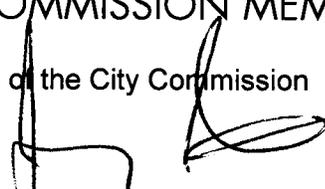


MIAMI BEACH

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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF NEW BUS SHELTERS; AND AUTHORIZING THE CITY MANAGER TO EXTEND THE EXISTING AGREEMENT BETWEEN THE CITY AND CLEAR CHANNEL ON A MONTH-TO-MONTH BASIS AFTER EXPIRATION ON OCTOBER 31, 2016, AS NEEDED, SUCH THAT THE CLEAR CHANNEL CONTRACT WOULD REMAIN IN PLACE UNTIL THE NEW CONTRACT IS EXECUTED.**

BACKGROUND

In October 2001, an Agreement between the City and Clear Channel Adshel, Inc. (herein after referred to as Clear Channel) was executed for Clear Channel to construct, operate and maintain bus shelter structures and other street furniture (bus benches, trash cans and bicycle racks) on the public Right-of-Way (ROW) throughout the City. The Agreement had an initial term of ten (10) years with an option to renew for an additional five (5) year term. The Agreement provides for commercial advertising on the bus shelter and revenue sharing with the City receiving an annual escalating percentage (currently at 30%). The Agreement stipulates installation of a minimum of 107 bus shelters at locations mutually agreed to by the City and Clear Channel.

On September 28, 2011, the City executed Amendment No. 1 to the Agreement between the City and Clear Channel which exercised the five-year renewal term provided for in the Agreement and additionally provided for a subsequent five-year term renewal option beyond October 31, 2016 at the City's discretion. Additionally, the Amendment required that Clear Channel submit a proposal detailing plans to develop and/or convert at least ten (10) bus shelters to LCD (interactive digital advertisement) technology.

On November 6, 2012, Clear Channel submitted an application to the Design Review Board (DRB) for approval of the proposed plans titled "City of Miami Beach Digital Bus Shelter and Free Standing Display Presentation", which presented modifications to the design of the bus shelters to accommodate digital advertisement. DRB provided feedback and continued the application, in order to allow the Historic Preservation Board (HPB) to also review the application and provide comments.

On November 20, 2012, the HPB denied the application, and further passed a resolution strongly opposing any form of digital advertising on bus shelters located within historic neighborhoods.

On February 5, 2013, the DRB denied Clear Channel's application based on the resolution from the HPB and additional inconsistencies of the proposal with the board's design criteria.

On December 9, 2015, the City Commission discussed the potential renewal of the bus shelter Agreement. A motion was made to refer the item to the Finance and Citywide Project Committee (FCWPC) for discussion. However, during the discussion, the City Commission recommended issuing a competitive solicitation for a bus shelter program that would incorporate features enhancing the transit experience of passengers, including innovative designs, technology, and other amenities.

On January 22, 2016, the FCWPC discussed renewal of the agreement between the City of Miami Beach and Clear Channel, Inc. to construct, operate, and maintain bus shelter structures and other street furniture. The Committee recommended issuing a Request for Proposals (RFP) for a new bus shelter design to result in a new design unique to Miami Beach, similar to what was done for our lifeguard stations. Subsequent to bus shelter design approval by the City, the Committee recommended issuing an RFP to construct, operate and maintain bus shelter structures and other street furniture throughout the City. As part of the recommendation, the Committee recommended that a consultant with expertise in designing bus shelters be included on the design team. Further, the Committee recommended that staff include the requirement that the vendor reimburse Clear Channel for the remaining life of existing shelters, so that the shelters would not need to be removed as would otherwise be provided for in the Clear Channel contract. Section 14 of the existing contract states that at the end of the term of the agreement, or otherwise upon termination of the agreement, Clear Channel is required to remove any and all bus shelters and street furniture erected and installed pursuant to the agreement at its sole cost and expense and at no cost to the City. At this time, Clear Channel has installed and maintains 107 bus shelters and 180 bus benches in the City. In order for these elements to remain in place after the expiration of the agreement with Clear Channel, the City and Clear Channel would have to negotiate an amendment to the existing agreement providing for the City's retention or the existing shelters and benches (as well as other street furniture that is covered under the Agreement).

Finally, the FCWPC recommended that the Administration extend the existing contract with Clear Channel on a month-to-month until the new project is in place.

ANALYSIS

As part of the RFP, staff will be developing requirements for bus shelter amenities, such as: air conditioning; Wi-Fi, pay station; phone chargers; interactive kiosk; security cameras; lighting; security system with panic button; solar powered or alternate power option; and digital real time bus arrival signs, for inclusion in the RFP for a new bus shelter design. The Administration will bring a draft RFP to City Commission for approval prior to issuance. Additionally, staff will work with Clear Channel to extend the contract on a month-to-month. The Clear Channel contract would remain in place until the new contract is executed.

RECOMMENDATION

The Administration recommends approving this Resolution to issue a Request for Proposals for the design of new bus shelters and authorizing the City Manager to extend the existing agreement between the City and Clear Channel on a month-to-month basis after expiration on October 31, 2016, as needed, such that the Clear Channel contract would remain in place until the new contract is executed.


JLM/KGB/JRG/MM

Resolution accepting the recommendation of the Finance and City Wide Projects Committee to issue a request for proposal for the design of bus shelters

RESOLUTION TO BE SUBMITTED

- R7L A Resolution Approving Addendum 5 To The Solicitation Of Alternative Proposals For A Public-Private Partnership, In Accordance With Florida Statute 287.05712, For An Off-Wire Or "Wireless" Light Rail/Modern Streetcar System.
(Transportation/Office of the City Attorney)
(Item to be Submitted in Supplemental)

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO APPROVE THE PROPOSED TRAFFIC FLOW MODIFICATION TO 42ND STREET BETWEEN SHERIDAN AVENUE AND PINE TREE DRIVE.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

In 2014, the City Commission directed the Administration to conduct a traffic study to identify ways to improve access to the Jewish Community Center (JCC) located at Pine Tree Drive and 42nd Street. Pursuant to Commission directive, the City's Transportation Department engaged Florida Transportation Engineers, Inc. (FTE) to evaluate traffic circulation and access management at Pine Tree Drive and 42nd Street. As a result of the evaluation, the consultant developed a concept for improved access into the JCC. The concept consisted of modifying traffic flow along 42nd Street between Sheridan Avenue and Pine Tree Drive from its current one-way configuration to a two-way configuration. The proposed configuration would allow southbound drivers to access the JCC via 42nd Street. The concept was approved by Miami-Dade County.

During the initial traffic study process, staff received a request from the Committee for Quality of Education (QEC) to review morning traffic conditions at 41st Street and Prairie Avenue. Pursuant to the QEC's request, staff conducted a site visit with Miami-Dade County Traffic Signals staff and significant congestion was observed. Most southbound traffic was observed to make a right turn to go westbound on 41st Street; however, whenever a driver attempts to make a left turn at the intersection, all southbound traffic has to stop until the driver has completed the maneuver. This situation occurs at a frequency of approximately one (1) left turning vehicle every two (2) minutes; however, as observed, when this situation is compounded over the entire morning peak period, southbound traffic queues extended for up to four (4) blocks. As a result of traffic congestion at various intersections in the vicinity of North Beach Elementary, the scope of the traffic study was subsequently expanded to include an evaluation of traffic flow modifications along the entirety of 42nd Street. As part of the analysis, the consultant developed various concepts to improve traffic flow and access management in the area. The results of the traffic study and typical section alternatives were discussed at the January 15, 2016 Neighborhood/Community Affairs Committee. Some members of the committee expressed concerns with the anticipated loss of parking for some of the alternatives while other members recognized the importance of protected facilities leading to a school. The NCAC made two separate motions on this project. The NCAC approved Alternative I, as described in the analysis, consisting of a two-way conversion and re-orienting of on-street parking in the eastbound direction between Sheridan Avenue and Pine Tree Drive. Transportation Staff received input from the North Beach Elementary PTA and members of the Orchard Park Homeowners Association with regards to the proposed two-way conversion. The Orchard Park residents expressed concerns with the effects of the two-way conversion of the entirety of 42nd Street on the neighborhood; however, they supported the two-way conversion of the section between Sheridan Avenue and Pine Tree Drive.

The Administration recommends that the Mayor and City Commission approve the resolution accepting the recommendation of the NCAC to approve the two-way configuration of 42nd Street from Sheridan Avenue to Pine Tree Drive, including the re-orientation of the eastbound angled parking spaces.

Advisory Board Recommendation: N/A

Financial Information:

Source of Funds:		Amount	Account
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG 	KGB 	JLM 

T:\AGENDA\2016\March\Transportation\ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO APPROVE THE PROPOSED TRAFFIC FLOW MODIFICATION TO 42ND ST.slm.doc



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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO APPROVE THE PROPOSED TRAFFIC FLOW MODIFICATION TO 42ND STREET BETWEEN SHERIDAN AVENUE AND PINE TREE DRIVE.**

BACKGROUND

In 2014, the City Commission directed the Administration to conduct a traffic study to identify ways to improve access to the Jewish Community Center (JCC) located at Pine Tree Drive and 42nd Street. Pursuant to Commission directive, the City's Transportation Department engaged Florida Transportation Engineers, Inc. (FTE) to evaluate traffic circulation and access management at Pine Tree Drive and 42nd Street. As a result of the evaluation, the consultant developed a concept for improved access into the JCC. The concept consisted of modifying traffic flow along 42nd Street between Sheridan Avenue and Pine Tree Drive from its current one-way configuration to a two-way configuration. The proposed configuration would allow southbound drivers to access the JCC via 42nd Street. The concept was approved by Miami-Dade County.

During the initial traffic study process, staff received a request from the Committee for Quality of Education (QEC) to review morning traffic conditions at 41st Street and Prairie Avenue. Pursuant to the QEC's request, staff conducted a site visit with Miami-Dade County Traffic Signals staff and significant congestion was observed. Most southbound traffic was observed to make a right turn to go westbound on 41st Street; however, whenever a driver attempts to make a left turn at the intersection, all southbound traffic has to stop until the driver has completed the maneuver. This situation occurs at a frequency of approximately one (1) left turning vehicle every two (2) minutes; however, as observed, when this situation is compounded over the entire morning peak period, southbound traffic queues extended for up to four (4) blocks.

As a result of traffic congestion at various intersections in the vicinity of North Beach Elementary, the scope of the traffic study was subsequently expanded to include an evaluation of traffic flow modifications along the entirety of 42nd Street. As part of the analysis, the consultant developed various concepts to improve traffic flow and access management in the area.

ANALYSIS

As part of the Traffic Circulation and Conceptual Alternative Study for W. 42nd Street from Prairie to Pine Tree Drive, field observations were conducted during the morning peak and afternoon peak periods. The Traffic Analysis did not reveal any adverse effects from the two-waying of the section

between Sheridan Avenue and Pine Tree Drive. Pedestrian safety was also addressed in the proposed configuration with the addition of a crosswalk to the north side of the intersection of Alton Road and 42nd Street.

In reviewing the feasibility of the two-way configuration along 42nd Street, the traffic engineering consultant explored two (2) options for the corridor. The study alternatives are described below:

42nd Street between Sheridan Avenue and Pine Tree Drive

- Alternative 1: Considered modifying the roadway from its existing one-way configuration to a two-way configuration without altering the typical section of the roadway. The only modification identified was the re-orientation of the eastbound angled parking spaces to match the two-way configuration. (See Attachment)
- Alternative 2: Considered modifying the roadway from its existing one-way configuration to a two-way configuration while extending bicycle lanes in each direction. This alternative would reduce on-street parking by 50% (eliminating 7 out of a total of 14 parking spaces) along this section of roadway. During the analysis period, various site visits were conducted and high usage of the parking was observed, particularly by the multi-family residences along Sheridan Avenue. As a result, this alternative was determined to not be feasible and thus discarded from any further evaluation.

The County has approved the traffic study for the section 42nd Street between Sheridan Avenue and Pine Tree Drive.

The results of the traffic study and typical section alternatives were discussed at the January 15, 2016 Neighborhood/Community Affairs Committee. Some members of the committee expressed concerns with the anticipated loss of parking for some of the alternatives while other members recognized the importance of protected facilities leading to a school. The NCAC approved Alternative I, as described in the analysis, consisting of a two-way conversion and re-orienting of on-street parking in the eastbound direction between Sheridan Avenue and Pine Tree Drive.

Transportation Staff received input from the North Beach Elementary PTA and members of the Orchard Park Homeowners Association with regards to the proposed two-way conversion. The Orchard Park residents expressed concerns with the effects of the two-way conversion of the entirety of 42nd Street on the neighborhood; however, they supported the two-way conversion of the section between Sheridan Avenue and Pine Tree Drive.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC to approve the two-way configuration of 42nd Street from Sheridan Avenue to Pine Tree Drive, including the re-orientation of the eastbound angled parking spaces.

Attachment: 42nd Street between Sheridan Avenue and Pine Tree Drive- Proposed Alternative


KGB/JRG/JFD

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE, AND APPROVING THE PROPOSED TRAFFIC FLOW MODIFICATION TO 42ND STREET BETWEEN SHERIDAN AVENUE AND PINE TREE DRIVE.

WHEREAS, in 2014, the City Commission directed the Administration to conduct a traffic study to identify ways to improve access to the Jewish Community Center (JCC) located at Pine Tree Drive and 42nd Street; and

WHEREAS, pursuant to the directive of the City Commission, the City's Transportation Department engaged Florida Transportation Engineers, Inc. (FTE) to evaluate traffic circulation and access management and develop a concept for improved operations at Pine Tree Drive and 42nd Street; and

WHEREAS, the concept developed by FTE consisted of modifying traffic flow along 42nd Street between Sheridan Avenue and Pine Tree Drive from its current one-way configuration to a two-way configuration; and

WHEREAS, the proposed configuration, which would allow southbound drivers to access the JCC via 42nd Street, was approved by Miami-Dade County; and

WHEREAS, City staff received a request from the City's Committee for Quality of Education (QEC) to review morning traffic conditions at 41st Street and Prairie Avenue; and

WHEREAS, pursuant to the QEC's request, City staff conducted a site visit with Miami-Dade County Traffic Signals staff and significant congestion was observed; and

WHEREAS, as a result of traffic congestion at various intersections in the vicinity of North Beach Elementary School, the scope of the traffic study was subsequently expanded to include an evaluation of traffic flow modifications along the entirety of 42nd Street; and

WHEREAS, the results of the traffic study and typical section alternatives were discussed at the January 15, 2016 Neighborhood/Community Affairs Committee (NCAC) meeting; and

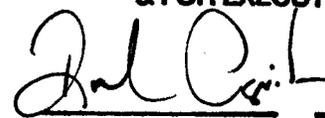
WHEREAS, the NCAC recommended that the Mayor and City Commission adopt Alternative I, as described in the analysis, consisting of a two-way conversion and re-orientation of on-street parking in the eastbound direction between Sheridan Avenue and Pine Tree Drive.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission accept the recommendation of the Neighborhood/Community Affairs Committee, and approve the proposed traffic flow modification to 42nd Street from Sheridan Avenue to Pine Tree Drive.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2016.

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

ATTEST:



City Attorney

3-1-16
Date

Rafael E. Granado, City Clerk

Philip Levine, Mayor

NK

R7N A Resolution Waiving, By 5/7th Vote, The City's Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Approving And Authorizing The City Manager Or Designee To Increase The Scope Of Services Submitted By Metric Engineering Inc. (F/K/A Advance Transportation Engineering Consultants, Inc.) For Traffic Monitoring And Management Services, Including Performance Measures, On A Month To Month Basis, For An Amount Not To Exceed \$121,769 Until May 31, 2016; And Further Authorizing The City Manager To Modify The Scopes Of Services Provided By Metric Engineering, Inc., Based Upon The Traffic Needs Of The City, From June 1, 2016 Through September 30, 2016 In An Amount Not To Exceed \$160,000 Subject To Funding Availability.

(Transportation)

(Item to be Submitted in Supplemental)

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO CONTINUE TO EVALUATE THE FEASIBILITY OF AN INTERMODAL FACILITY IN MIDDLE BEACH AND TO EXPLORE POTENTIAL ALTERNATE SITES FOR DEBRIS STORAGE.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City
Supporting Data (Surveys, Environmental Scan, etc): N/A

Item Summary:

This item was referred to the February 12, 2016 Neighborhood/Community Affairs Committee (NCAC) by the City Commission at the February 10, 2016 City Commission Meeting.

In 1999, the City of Miami Beach Municipal Mobility Plan Implementation Study, prepared by the Corrandino Group, identified the need for an intermodal facility in the vicinity of Mount Sinai Hospital. The recommendation was based on the need for parking in the vicinity as well as to encourage the use of alternative modes of transportation to preserve the capacity of the adjacent roadways. In 2007, the Coastal Communities Transit Plan, prepared by the Center for Urban Transportation Research of the University of South Florida, re-iterated the need for an Intermodal Facility in the vicinity of Mount Sinai Hospital. The plan highlighted that the facility would serve as an interceptor Park-and-Ride Station that could support the efficient restructuring of the MDT bus routes in Miami Beach. The study recommended that the location meet the following criteria:

- Direct access from the Julia Tuttle Causeway (I-195)
- Adequate protected, secure space for parking and the bus stop facilities
- Convenient access to the City streets
- Supportive of the redevelopment goals established by the City of Miami Beach

During FY 2014-15, the Administration held several meetings with Mount Sinai Hospital officials to discuss the potential of developing the aforementioned Intermodal Facility within the Hospital's campus. However, after initial positive feedback, Mount Sinai officials decided that the proposed facility would represent a safety concern, if located on-campus. As an alternative, the City's Transportation Master Plan recommends studying the potential development of the site just south of the Julia Tuttle Causeway, across the street from the Hospital, on a parcel owned by the Florida Department of Transportation (FDOT). The site is currently being used for construction staging purposes and it is approximately 10.5 acres. In addition, the site is currently designated by FDOT as a debris storage and processing site. Based on recent discussions, FDOT has expressed some concerns with site accessibility and potentially repurposing this site for another use unless suitable alternative debris storage site is identified by the City and approved by FDOT. To this end, Transportation Department engaged ATKINS, to evaluate the site in terms of its feasibility for purposes of Intermodal Facility. The study is currently undergoing. The Transportation Department engaged Atkins, a transportation engineering firm under the City's rotational contracts, to evaluate the feasibility of the site in terms of accessibility and viability for purposes of a Mid-Beach Intermodal Facility as well as to evaluate alternative sites for debris management. The study is currently underway and is anticipated to be completed by summer 2016.

RECOMMENDATION: APPROVE THE RESOLUTION

Advisory Board Recommendation: At the Neighborhood/Community Affairs Committee (NCAC) meeting on February 12, 2016, the Committee made a motion to evaluate alternative sites for the debris storage so that the proposed site can be used for the purpose of an intermodal facility maximizing parking capacity. The Committee directed staff to provide an update in two (2) months

Financial Information:

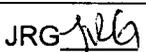
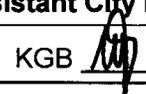
Source of Funds:		Amount	Account
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG 	KGB 	JLM 



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: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO CONTINUE TO EVALUATE THE FEASIBILITY OF AN INTERMODAL FACILITY IN MIDDLE BEACH AND TO EXPLORE POTENTIAL ALTERNATE SITES FOR DEBRIS STORAGE.**

This item was referred to the February 12, 2016 Neighborhood/Community Affairs Committee (NCAC) by the City Commission at the February 10, 2016 City Commission Meeting.

BACKGROUND

In 1999, the City of Miami Beach Municipal Mobility Plan Implementation Study, prepared by the Corrandino Group, identified the need for an intermodal facility in the vicinity of Mount Sinai Hospital. The recommendation was based on the need for parking in the vicinity as well as to encourage the use of alternative modes of transportation to preserve the capacity of the adjacent roadways.

In 2007, the Coastal Communities Transit Plan, prepared by the Center for Urban Transportation Research of the University of South Florida, re-iterated the need for an Intermodal Facility in the vicinity of Mount Sinai Hospital. The plan highlighted that the facility would serve as an interceptor Park-and-Ride Station that could support the efficient restructuring of the MDT bus routes in Miami Beach. The study recommended that the location meet the following criteria:

- Direct access from the Julia Tuttle Causeway (I-195)
- Adequate protected, secure space for parking and the bus stop facilities
- Convenient access to the City streets
- Supportive of the redevelopment goals established by the City of Miami Beach

Last year, the Administration held several meetings with Mount Sinai Hospital officials to discuss the potential of developing the aforementioned Intermodal Facility within the Hospital's campus. However, after initial positive feedback, Mount Sinai officials decided that the proposed facility would represent a safety concern, if located on-campus.

As an alternative, the City's draft Transportation Master Plan (TMP) recommends studying the potential development of an Intermodal Facility at a site just south of the Julia Tuttle Causeway, on a parcel owned by the Florida Department of Transportation (FDOT). See attached site map. The draft TMP also recommends implementation of express bus service on dedicated lanes along Julia Tuttle Causeway. An Intermodal Facility at this location could serve as a park-and-ride/transit hub and interface with the City's proposed Mid-Beach trolley service as well as Miami-Dade Transit regional bus service and other means of transportation.

For reference purposes, the site is located east of the "Welcome to Miami Beach" gateway sign within the area bounded by Julia Tuttle Causeway, Alton Road northbound off-ramp, and Alton Road southbound. The 4.8 acre site is currently being used for construction staging purposes. In addition, the site is designated by FDOT as a debris storage and processing site. During some recent discussions between FDOT and City staff, FDOT has expressed some concerns with site accessibility and potentially repurposing this site for another use unless a suitable alternative debris storage site is identified within the City limits and approved by FDOT.

At the Neighborhood/Community Affairs Committee (NCAC) meeting on February 12, 2016, the Committee made a motion to evaluate alternative sites for the debris storage so that the proposed site can be used for the purpose of an intermodal facility maximizing parking capacity. The Committee directed staff to provide an update in two (2) months.

The Transportation Department engaged Atkins, a transportation engineering firm under the City's rotational contracts, to evaluate the feasibility of the site in terms of accessibility and viability for purposes of a Mid-Beach Intermodal Facility as well as to evaluate alternative sites for debris management. The study is currently underway and is anticipated to be completed by summer 2016.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC.

Attachment: Potential Intermodal Facility Site in Mid-Beach


JLM/KGB/JRG/MM

T:\AGENDA\2016\March\Transportation\Mid-Beach Intermodal facility MEMO.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO CONTINUE TO EVALUATE THE FEASIBILITY OF AN INTERMODAL FACILITY IN MID-BEACH AND TO EXPLORE POTENTIAL ALTERNATE SITES FOR DEBRIS STORAGE.

WHEREAS, in 1999, the City of Miami Beach Municipal Mobility Plan Implementation Study, prepared by the Corradino Group, identified the need for an intermodal facility in the vicinity of Mount Sinai Hospital; and

WHEREAS, the recommendation was based on the need for parking in the vicinity as well as to encourage the use of alternative modes of transportation to preserve the capacity of the adjacent roadways; and

WHEREAS, in 2007, the Coastal Communities Transit Plan, prepared by the Center for Urban Transportation Research of the University of South Florida, reiterated the need for an intermodal facility in the vicinity of Mount Sinai Hospital; and

WHEREAS, the Coastal Communities Transit Plan highlighted that the intermodal facility would serve as an interceptor Park-and-Ride Station that could support the efficient restructuring of the Miami-Dade Transit bus routes in Miami Beach; and

WHEREAS, the Administration held several meetings with Mount Sinai Hospital officials to discuss the potential of developing the aforementioned Intermodal Facility within the hospital campus; and

WHEREAS, after initial positive feedback, Mount Sinai officials decided that the proposed facility could present a safety concerns, if located on the hospital campus; and

WHEREAS, as an alternative, the City's draft Transportation Master Plan recommends studying the potential development of an intermodal facility on a site just south of the Julia Tuttle Causeway, on a parcel owned by the Florida Department of Transportation (FDOT) and designated by FDOT as a debris storage and processing site; and

WHEREAS, an intermodal facility at this location could serve as a park-and-ride/transit hub and could interface with the City's proposed Mid-Beach trolley service as well as Miami-Dade Transit regional bus service and other means of transportation; and

WHEREAS, at the Neighborhood/Community Affairs Committee meeting on February 12, 2016, the Committee made a motion to evaluate alternative sites for debris storage so that the proposed site can be used for the purpose of an intermodal facility maximizing parking capacity; and

WHEREAS, the City's Transportation Department engaged Atkins, a transportation engineering firm under the City's rotational contracts, to evaluate the feasibility of the site in terms of accessibility and viability for purposes of a Mid-Beach Intermodal Facility as well as to evaluate alternative sites for debris management.

Attachment: Potential Intermodal Facility Site in Mid-Beach

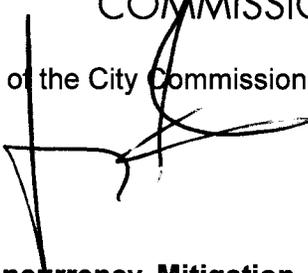


MIAMI BEACH

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: March 9, 2016

SUBJECT: **Resolution – Public School Concurrency Mitigation Agreement – 3425 Collins Avenue**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION DEVELOPMENT AGREEMENT (“AGREEMENT”), ATTACHED HERETO AS “EXHIBIT 1”, BETWEEN THE CITY OF MIAMI BEACH (“CITY”), MIAMI-DADE COUNTY SCHOOL BOARD (M-DCSB) AND THE PROPERTY OWNER, 3425 COLLINS, LLC, HEREINAFTER REFERRED TO AS “PROPERTY OWNER” OF 3425 COLLINS AVENUE (HEREINAFTER THE “PROPERTY”); WHICH AGREEMENT PROVIDES FOR THE PAYMENT OF CONCURRENCY FEES TOWARD M-DCSB BY PROPERTY OWNER TO M-DCSB DUE TO THE PROPERTY OWNER’S APPLICATION TO CONSTRUCT 67 MULTIFAMILY RESIDENTIAL UNITS; AND WHICH AGREEMENT IS CONSISTENT WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT (ILA) BETWEEN M-DCSB AND THE CITY, DATED DECEMBER 12, 2007.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the Resolution.

BACKGROUND/ANALYSIS

In 2005, the Florida Legislature amended Chapters 163 and 1063, Florida Statutes, requiring school boards and local jurisdictions to adopt public school elements in their Comprehensive Plans and implement School Concurrency.

On February 13, 2008, the City Commission approved Resolution No. 2008-26762, which authorized the City to enter into an Inter-local Agreement (ILA) in order to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities.

On November 14, 2014, the Property Owners/Applicants, 3425 Collins, LLC. obtained a Certificate of Appropriateness from the Historic Preservation Board (HPB File No. 7490) to develop

“Versailles”, on the properties located at 3425 Collins Avenue. The project is to include up to 67 dwelling units.

Upon performing a Concurrency Review for the proposed development, Miami-Dade County Public Schools (MDCPS) determined that the required public school level of service would not be met, pursuant to the following findings:

- 1) Adequate school facility capacity is not available for nine of the senior high school students anticipated to be generated by the proposed residential dwelling units, at the level of service standard within the applicable Concurrency Service Area.
- 2) The needed school facility capacity for the applicable Concurrency Service Area is not available in any contiguous Concurrency Service Areas within the same geographic area.
- 3) Available school facility capacity will not be in place or under actual construction within three years after the approval of the development proposal.

Pursuant to the ILA, the property owners are required to mitigate their impacts to senior high schools in order to be able to proceed with the development. In order to mitigate the impact, a Proportionate Share Mitigation Agreement will be required. The ILA requires that the School Board, the City, and the Applicant approve the agreement.

The project creates a demand for two senior high school student stations that must be mitigated for the project to proceed. The attached Proportionate Share Mitigation Agreement provides the applicant with two options. The first and preferred option for the applicant is contingent on the creation of a mitigation bank as a result of a mitigation agreement that was approved by the City Commission on January 13, 2016 for the 500 Alton Road project. If the applicants of the 500 Alton Road project move forward with the creation of the mitigation bank, 16 surplus seats available for purchase by other developments. In this option, the applicant would purchase two seats from the mitigation bank.

The second option will require the applicant to fund the full capital cost of a public school project, comprised of one senior high school classroom, which includes 25 student stations. This classroom will then be added to the first three years of the School District’s Facilities Work Program. This would create a surplus of 23 student stations. The surplus student stations would be available for sale to subsequent developments that cause the level of service to be exceeded. According to the proportionate fair share agreement, if the mitigation bank in the first option is not established by June 1, 2016, then the applicant agrees to fund the classroom.

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 five years) of proposed legislative actions,” this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least five years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

CONCLUSION

The Administration recommends that the City Commission approve the Resolution.


JLM/SMT/TRM/RAM

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION DEVELOPMENT AGREEMENT (“AGREEMENT”), ATTACHED HERETO AS “EXHIBIT 1”, BETWEEN THE CITY OF MIAMI BEACH (“CITY”), MIAMI-DADE COUNTY SCHOOL BOARD (M-DCSB) AND THE PROPERTY OWNER, 3425 COLLINS, LLC, HEREINAFTER REFERRED TO AS “PROPERTY OWNER” OF 3425 COLLINS AVENUE (HEREINAFTER THE “PROPERTY”); WHICH AGREEMENT PROVIDES FOR THE PAYMENT OF CONCURRENCY FEES TOWARD M-DCSB BY PROPERTY OWNER TO M-DCSB DUE TO THE PROPERTY OWNER’S APPLICATION TO CONSTRUCT 67 MULTIFAMILY RESIDENTIAL UNITS; AND WHICH AGREEMENT IS CONSISTENT WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT (ILA) BETWEEN M-DCSB AND THE CITY, DATED DECEMBER 12, 2007.

WHEREAS, the Miami-Dade County School Board (M-DCSB) and the City entered into that certain Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, dated December 12, 2007 (adopted and executed by the City on February 13, 2008 via Resolution No.: 2008-26762), to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities (“ILA”); and

WHEREAS, in reviewing new residential construction, the City is required to provide notice to M-DCSB of new residential units being constructed, and during review of an application for new construction, the City requires all new residential construction to comply with all school concurrency requirements associated with the project in order to ensure that the intent of the ILA is adhered to by all developers and to ensure sufficient and proper educational facilities are provided for the City’s residents’ minor children; and

WHEREAS, 3425 Collins, LLC, hereinafter referred to as “Property Owner” is the property owner of a development project known as “The Versailles”, to be constructed at 3425 Collins Avenue, Miami Beach (hereinafter the “Property”); and

WHEREAS, on November 14, 2014, the Property Owner obtained Historic Preservation Board approval from the City of Miami Beach (HPB File No. 7490) to develop the Property, with no more than 67 multifamily residential dwelling units; and

WHEREAS, a condition of the Design Review Approval requires the Property Owner to comply with Public School Concurrency requirements as contemplated by the ILA; and

WHEREAS, on February 10, 2016, the City of Miami Beach and M-DCSB via City

Resolution No.: 2016-29272, authorized a Concurrency Agreement with the following Property Owners: 500 Alton Road Ventures, LLC; South Beach Heights I, LLC; 1220 Sixth, LLC; and KGM Equities, LLC, hereinafter jointly referred to as "Property Owners" of 500-700 Alton Road, Miami Beach; which Agreement provides for the payment by Property Owners of \$788,650 toward school board concurrency requirements due to the Property Owners' application to construct 485 multifamily residential units on the property; and

WHEREAS, at that time M-DCPS determined that: (1) adequate School Facility Capacity is not available for nine (9) of the senior high school students generated by the proposed residential dwelling units, at the Level of Service Standard within the Concurrency Service Area in which the Development Proposal is located, to accommodate the anticipated number of public school students that the Development Proposal will generate; (2) the needed School Facility Capacity for the applicable Concurrency Service Area is not available in any contiguous Concurrency Service Areas within the same Geographic Area; and (3) available School Facility Capacity will not be in place or under actual construction within three (3) years after the approval of the Development Proposal; and

WHEREAS, under this Agreement, should the Property Owners identified under Resolution 2016-29272 fail to make the concurrency payment for any reason, then 3425 Collins, LLC, will be required to make that full payment, or alternatively, if the payment required under Resolution 2016-29272 is made, then 3425 Collins LLC will only be required to make its proportionate fair share payment under the attached Agreement; and

attached hereto as Exhibit 1, is the Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement") between M-DCPS, the City and Property Owners; and

WHEREAS, as the new residential dwelling units for will result in a failure of the Level of Service Standard for School Facility Capacity in the applicable Concurrency Service Area, or will exacerbate existing deficiencies in Level of Service Standards, the Agreement, consistent with the requirements of the ILA, ensures that the Property Owner mitigate the failure of service; and

WHEREAS, Public School Concurrency shall be satisfied by the Property Owners' execution and compliance with the attached Agreement, which Agreement ensures the Property Owner shall provide mitigation proportionate to the demand for Public School Facilities to be created by these new residential dwelling units; and

WHEREAS, the Property Owners shall be required to comply with the Proportionate Share Mitigation requirements of the ILA; and

WHEREAS, the administration recommends authorizing the attached Agreement, as doing so, ensures compliance with the City's ILA with M-DCSB, and ensures that the Property Owners comply with school concurrency requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission approve and authorize the City Manager to execute a Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement") attached hereto as "Exhibit 1", between the City of Miami Beach ("City"), Miami-Dade County School Board (M-DCSB) and the property

owner, 3425 Collins, LLC, hereinafter referred to as "Property Owner" of 3425 Collins Avenue (hereinafter the "Property"); which Agreement Provides For The Payment Of Concurrency Fees toward M-DCSB by Property Owner to M-DCSB due to the Property Owner's application to construct 67 multifamily residential units; and which Agreement is consistent with the requirements of the Amended And Restated Interlocal Agreement (IIa) Between M-DCSB and the City, dated December 12, 2007.

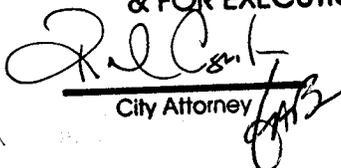
PASSED and **ADOPTED** this _____ day of March, 2015.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-25-16

Date

F:\ATTO\BOUE\RESOS\FDOT Easement and Maintenance Agreement Amendemnt resolution.docx

This instrument prepared by
Ana Rijo-Conde
Miami-Dade County Public Schools
1450 NE 2 Avenue, Room 525
Miami, Florida 33132

After Recording return to:
Ana R. Craft, Esquire
School Board Attorney's Office
1450 NE 2nd Avenue, #430
Miami, FL 33132

**PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE
MITIGATION DEVELOPMENT AGREEMENT**

**THIS PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE
MITIGATION DEVELOPMENT AGREEMENT ("Agreement")**, is made and
entered this _____ day of _____, _____, by and between **THE
SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**, a body corporate and
political subdivision of the State of Florida, hereinafter referred to as "**School Board**" or
"**School District**," whose address is 1450 NE 2ND Avenue, Miami, Florida 33132; **CITY
OF MIAMI BEACH**, a municipal corporation of the State of Florida, hereinafter
referred to as "**City**", whose address is 1700 Convention Center Drive, Miami Beach,
Florida 33139; and **3425 COLLINS, LLC, a Delaware limited liability company**,
hereinafter referred to as "**Applicant**" or "**Property Owner**", whose address is 3201
Collins Avenue, Miami Beach, Florida 33140. The School Board, City and Applicant are
sometimes referred to in this Agreement individually as "**Party**" and collectively as the
"**Parties**."

RECITALS:

WHEREAS, the Applicant is the fee simple owner of that certain tract of land
(consisting of Folio # 0232260011440) located in the City, more particularly described

on Exhibit “A”, attached hereto and incorporated herein (the “Property”). The location of the Property described in **Exhibit “A”** is further illustrated within a Sketch To Accompany A Legal Description, certified to the School Board, appearing in Exhibit “B”; and

WHEREAS, the Applicant has submitted an application seeking approval to develop no more than 67 multifamily residential dwelling units on the Property (the “Development Proposal”); and

WHEREAS, the School Board and the City entered into that certain Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, dated December 12, 2007 (adopted and executed by the City on February 13, 2008), to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities (“**ILA**”), incorporated herein by reference; and

WHEREAS, the Historic Preservation Board of the City of Miami Beach, Florida, granted a Certificate of Appropriateness (HPB File No. 7490) on November 14, 2014 (incorporated herein by reference), approving Applicant’s Development Proposal, subject to conditions, one of which is Applicant’s compliance with school concurrency requirements; and

WHEREAS, the Parties agree that: (1) adequate School Facility Capacity is not available for two (2) of the senior high school students generated by the proposed residential dwelling units, at the Level of Service Standard within the Concurrency Service Area in which the Development Proposal is located, to accommodate the

anticipated number of public school students that the Development Proposal will generate; (2) the needed School Facility Capacity for the applicable Concurrency Service Area is not available in any contiguous Concurrency Service Areas within the same Geographic Area; and (3) available School Facility Capacity will not be in place or under actual construction within three (3) years after the approval of the Development Proposal; and

WHEREAS, the Parties agree that authorizing these new residential dwelling units will result in a failure of the Level of Service Standard for School Facility Capacity in the applicable Concurrency Service Area, or will exacerbate existing deficiencies in Level of Service Standards; and

WHEREAS, the Parties agree that Public School Concurrency shall be satisfied by the Applicant's execution of this legally binding Agreement and full compliance therewith, to provide mitigation proportionate to the demand for Public School Facilities to be created by these new residential dwelling units ("**Monetary Proportionate Share Mitigation**"); and

WHEREAS, the School Board, at its meeting of December 2, 2015 (Agenda Item F-2), authorized entering into a Public School Concurrency Proportionate Share Mitigation Development Agreement between the School Board, the City of Miami Beach and 500 ALTON ROAD VENTURES, LLC, a Delaware Limited Liability Company; SOUTH BEACH HEIGHTS I, LLC, a Delaware Limited Liability Company, 1220 SIXTH, LLC, a Delaware Limited Liability Company, and KGM EQUITIES, LLC, a Delaware Limited Liability Company (collectively, "**600 Alton**"), which agreement is

effective March _____ 2016, and is incorporated herein by reference (and hereinafter defined as the “600 Alton Agreement”); and

WHEREAS, as a part of the 600 Alton Agreement, the School Board authorized the creation of a Mitigation Bank containing sixteen (16) high school seats, available for purchase by other developers once 600 Alton fully funds the bank, and all other provisions under the 600 Alton Agreement have been satisfied, but in no event later than June 2, 2016 (hereinafter referred to as “**Mitigation Bank**” or “**Mitigation Bank #2015-003**”); and

WHEREAS, to satisfy its Monetary Proportionate Share Mitigation requirement, the Applicant has expressed a preference to purchase two (2) high school seats from the proposed Mitigation Bank #2015-003. Since Mitigation Bank #2015-003 has not yet been fully established, and in the event it is not in place by June 2, 2016, the Parties have agreed that the Applicant will provide the full capital cost of a twenty-five (25) seat high school classroom (“**School Project**”) which will be added to the first three (3) years of the School District’s Facilities Work Program, as further described below; and

WHEREAS, the Parties further agree that the Applicant shall pay Monetary Proportionate Share Mitigation funding as further stipulated herein; and

WHEREAS, The School Board of Miami-Dade County, Florida, has authorized the execution of this Agreement in accordance with Board Item F-1, Board Action No. _____, at its meeting of March 9, 2016; and

WHEREAS, the City of Miami Beach, at its meeting of March 9, 2016, duly passed and adopted on that date, Resolution No. _____, authorizing the appropriate City officials to enter into this Agreement; and

WHEREAS, the Applicant has duly approved this Agreement, and represented to the School Board and to the City, and hereby confirms, that Sergio Jalife, has been and is hereby fully authorized to execute this Agreement on behalf of 3425 COLLINS, LLC, a Delaware limited liability company, pursuant to that certain Written Consent of the Managers of 3425 Collins LLC adopted on January 20, 2016, attached hereto and incorporated herein by reference.

NOW, THEREFORE, in Consideration of the Sum of Ten Dollars (\$10.00), the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, hereby agree as follows:

1. **INCORPORATION OF RECITALS.** The foregoing recitals are true and correct and are hereby incorporated into this Agreement by this reference as if fully set forth herein.

2. **DEFINITION OF MATERIAL TERMS.** Any terms that are not defined herein are defined as set forth in the ILA or in the 600 Alton Agreement. In the event of a conflict between the ILA, the 600 Alton Agreement and this Agreement, the ILA shall control.

3. **LEGALLY BINDING COMMITMENT.** The Parties agree that this Agreement constitutes a legally binding commitment by the Applicant to provide Monetary Proportionate Share Mitigation for the Development Proposal for the Property sought to be approved by the City.

4. **MONETARY PROPORTIONATE SHARE MITIGATION ALTERNATIVES AND ESCROW AGREEMENT.**

A. **Mitigation Alternatives:** The Parties agree that the Applicant shall satisfy its Monetary Proportionate Share Mitigation requirement under this Agreement through one of the following two mitigation alternatives. As a condition of this Agreement, the Developer will deposit the sum of Six Hundred Ninety-Eight Thousand, Four Hundred Seventy-Five Dollars (\$698,475.00) (“**Monetary Proportionate Share Mitigation Payment**”) into an Escrow Account, to be held by the School Board Attorney’s Office, as Escrow Agent, in compliance with the provisions set forth in that certain escrow agreement, attached hereto and incorporated herein as **Exhibit “C”** (“**Escrow Agreement**”), in order to ensure funds are available to cover the creation of either the School Project or the cost of banked seats, as further described below:

Alternative #1: Purchase of available Capacity Credits from Mitigation Bank #2015-003: The School District shall be the sole authority to determine that Mitigation Bank #2015-003 has been fully funded by 600 Alton and that Banked Seats are available for purchase by other developers. If Mitigation Bank #2015-003 **is established** by June 2, 2016, the Applicant shall purchase student stations (“**Capacity Credits**” or “**Banked Seats**”), to satisfy the Applicants Monetary Proportionate Share Mitigation requirement

under this Agreement. The purchase price of the Banked Seat(s) has been established at \$ 31,546 (Thirty One Thousand Five Hundred Forty Six Dollars) per seat. As such, the amount of the Monetary Proportionate Share Mitigation cost under this option shall be Sixty Three Thousand Ninety Two Dollars (\$63,092).

Alternative #2: Provide full capital cost of a public school project: The School District shall be the sole authority to determine that Mitigation Bank #2015-003 has been fully funded by 600 Alton and that Banked Seats are available for purchase by other developers. If Mitigation Bank #2015-003 *is not established* by June 2, 2016, then the Parties agree that the Applicant shall provide the full capital cost of one (1) senior high school classroom of twenty-five (25) student stations, which will be added to the first three (3) years of the School District's Facilities Work Program. The Monetary Proportionate Share Mitigation cost under this Option is Six Hundred Ninety Eight Thousand Four Hundred Seventy-Five Dollars (\$698,475), as set forth below. These Monetary Proportionate Share Mitigation funds shall be used by the School District to provide for the creation of the School Project.

B. Issuance of Finding: Upon the full execution of this Agreement by all appropriate Parties and receipt of the Monetary Proportionate Share Mitigation Payment, the School District shall issue a Finding of Available School Facility Capacity ("**Finding**") pursuant to the ILA. The duration and effect of this Finding shall be in accordance with the ILA. However, in no event shall this Finding, or any allocation of student seats based on this Finding ("**School Concurrency Allocation**"), continue to be effective if the Applicant fails to perform his/her/its obligations under this Agreement.

Conversely, once Applicant has completely performed his/her/its obligations under this

Agreement, Applicant shall be entitled to rely on the Finding and School Concurrency Allocation to the extent of the School Capacity provided by the Monetary Proportionate Share Mitigation. Delivery of the Monetary Proportionate Share Mitigation payment shall be made by the Applicant within thirty (30) calendar days following the full and proper execution of this Agreement, unless otherwise extended at the sole and absolute discretion of the School Board or designee (defined hereinafter as Effective Date).

C. Escrow Agreement: The Applicant will fund the Escrow Account in accordance with this Agreement. Delivery of the Monetary Proportionate Share Mitigation Payment in the amount of Six Hundred Ninety-Eight Thousand Four Hundred Seventy-Five Dollars (\$698,475) shall be made by wire transfer or any other method of payment acceptable to the School Board's Office of Treasury Management, and Escrow Agent is hereby authorized to disburse escrowed funds in accordance with terms and conditions set forth in Exhibit "C" hereof.

If the Applicant purchases two (2) Banked Seats from Mitigation Bank 2015-003 under Alternative #1, at the established price of \$31,546 per seat (total \$63,092), all subject to Board and City approval, the Applicant will be eligible to receive Educational Facilities Impact Fee Credits up to the amount of the total purchase price of the Banked Seats. As further detailed in Section 5, below, the Applicant has already paid Educational Facilities Impact Fees in the amount of \$90,175, which exceeds the purchase price of the Banked Seats. In this event, the Escrow Agent is hereby authorized to disburse the full amount held in Escrow to the Applicant, less any fees and costs.

Under Alternative #2, the Applicant has agreed to provide the full monetary contribution

equal to the cost of one senior high school classroom containing twenty-five (25) student stations, less any Educational Facilities Impact Fee Credits assessed or paid to Miami-Dade County (“County”). The cost of the School Project has been established at \$788,650, which was derived based on the cost per student station, as published by the State of Florida DOE, for October of 2017 (the anticipated commencement date of construction). If the School Project is to be constructed, then a line item in the amount of \$788,650 will be added to the District’s Facilities Work Program as part of the next update, for the creation of twenty-five (25) student stations at Miami Beach Senior High School, as contained in the Board approved Work Program.

As stated above, the Developer has already paid Educational Facilities Impact Fees in the amount of \$90,175. As such, the Monetary Proportionate Share Mitigation Payment of \$698,475 (capital construction cost of \$788,650 less impact fee credits of \$90,175) will be retained by the District for construction of the School Project. In this event, the Escrow Agent is hereby authorized to disburse the full amount held in Escrow to The School Board of Miami-Dade County, Florida, to be designated for the School Project.

In the event Applicant fails to pay the Monetary Proportionate Share Mitigation Payment as provided for herein, the School District, at its sole option, may cancel this Agreement and may credit the reserved seats to the Concurrency Service Area from which they were reserved. Issuance of a Finding by the School District shall be a pre-condition to issuance of building permits by the City for the subject Development Proposal.

5. **EDUCATIONAL FACILITIES IMPACT FEE CREDIT.** As consideration for the Applicant’s Monetary Proportionate Share Mitigation specified

herein, and as further elaborated in Section 6(c) of this Agreement, the Parties agree that the School District shall provide a credit of Ninety Thousand One Hundred Seventy Five Dollars (\$90,175), which is the Educational Facilities Impact Fees imposed by County and paid by the Applicant for construction of the Development Proposal (“**Impact Fee Credit**”). The Impact Fee Credit amount was determined by the County, pursuant to the then current Miami-Dade County Educational Facilities Impact Fee Ordinance (Chapter 33K, of Miami-Dade County Code of Ordinances), the Interlocal Agreement Between Dade County and The School Board of Dade County, Florida, relating to Educational Facilities Impact Fee Monies, and the Metropolitan Dade County Educational Facilities Impact Fee Administrative Procedures Manual, as each may have been amended or may be amended from time to time. The amount of the Impact Fee Credit does not include any administrative or other fees which the County may impose as part of its administrative process, and has been rounded-off to the nearest dollar amount.

6. **MITIGATION BANKING.** In the event that Alternative #2 is triggered, the Applicant will provide for the cost of construction by the School District of twenty-five (25) high school seats, resulting in twenty three (23) seats in excess of the two (2) seats needed to be mitigated by the Applicant. As such, the Applicant has the right to transfer the excess twenty three (23) seats (“**New Capacity Credits**”) to future residential developments, as set forth in this Agreement. In order for the School District to manage and transfer New Capacity Credits for the Applicant, a mitigation bank shall be established in connection with this Development Proposal (“**New Mitigation Bank**”) for the School Project. The School District shall create and administer the New Mitigation Bank as follows:

a. **Monetary Proportionate Share Mitigation Cost.** The Monetary Proportionate Share Mitigation amount of Seven Hundred Eighty Eight Thousand Six Hundred Fifty Dollars (\$788,650) is the cost of the senior high school classroom, and is derived by multiplying the total number of student stations to be constructed (25 seats), by the student station cost of \$31,546, which is the construction cost projected by the Florida Department of Education to be in place at the time of construction of the School Project (October 2017) (i.e. 25 student stations x \$31,546 cost per station = \$788,650). In this Agreement, “student station” and “seat” shall be used interchangeably unless otherwise specified.

b. **Number of New Banked Seats.** The number of New Banked Seats shall be established by determining the excess number of school seats, if any, resulting from construction of the School Project (“New Banked Seats”), to wit: the number of seats to be constructed (25), less the number of seats needed to be mitigated (2), resulting in twenty three (23) New Banked Seats for the subject Development Proposal (i.e. 25 seats constructed – 2 mitigated seats = 23 New Banked Seats). In this Agreement, “New Banked Seats” and “New Capacity Credits” shall be used interchangeably unless otherwise specified.

c. **Estimated Educational Facilities Impact Fee Credits.** Pursuant to the Miami-Dade County Educational Facilities Impact Fee Ordinance, the Applicant has paid Educational Facilities Impact Fee(s) (“Impact Fee”) for the subject Development Proposal. The Impact Fee in the amount of \$90,175

(rounded-off to the nearest dollar) has been paid by Applicant to Miami-Dade County for the subject Development Proposal. The Impact Fee payment does not include any administrative or other fees, which the County may have imposed as part of its administrative process.

d. **Mitigation Banking Cost.** The Mitigation Banking Cost of \$698,475 is the total combined value of the twenty three Banked Seats, which will be eligible and available for transferring New Capacity Credits to future residential development applicants (“**Mitigation Banking Cost**”). The Mitigation Banking Cost is derived by subtracting the Impact Fee paid (\$90,175) from the Monetary Proportionate Share Mitigation amount (\$788,650), resulting in \$698,475 (i.e. $\$788,650.00 - \$90,175 = \$698,475$).

e. **Reimbursable Value of new Banked Seats.** At the time that the Monetary Proportionate Share Mitigation payment is made by the Applicant, and after clearance of all funds, the School District shall issue written confirmation to the Applicant validating the number of New Banked Seats available for transfer. New Capacity Credits may only be transferred to future residential development proposals within the same Concurrency Service Area or adjacent Concurrency Service Areas, and within the same Geographic Area. For purposes of crediting the Applicant for each New Banked Seat, the reimbursable value of each New Banked Seat has been established at \$25,415 (“**Reimbursable Value**”). This Reimbursable Value is obtained by subtracting the Mitigation Banking Cost (\$698,475), less the value of the two mitigated seats (\$63,092), and dividing the result by the twenty-five (25) seats

to be created as a result of School Project, resulting in an individual Reimbursable Value of \$25,415 per Banked Seat (i.e. \$698,475 less \$63,092 = \$635,383 divided by 25 seats = \$25,415). Applicant hereby authorizes the School District to enter into any required agreement with future developers who may desire to purchase New Capacity Credits from the New Mitigation Bank, under the terms and conditions set forth herein, and to effectuate the transfer of New Capacity Credits accordingly. Payment by the School District to the Applicant for the Final Reimbursable Value of the new Banked Seats purchased shall be made within thirty (30) days after the final reconciliation of funds is completed by the School District.

f. **Expiration of New Capacity Credits.** New Capacity Credits may be purchased by future applicant(s) within six (6) years from the date the School Board authorized the execution of this Agreement, which in this instance, is hereby established as March 9, 2016, and subject to expiration of timeframe set forth under Section 17 hereof. After 5:00 PM (Miami Time), March 8, 2022, any remaining New Capacity Credits created by the Monetary Proportionate Share Mitigation option shall be deemed expired, and any New Banked Seat(s) not yet transferred will be returned to the Concurrency Service Area where the School Project was constructed.

g. **Purchasing of New Capacity Credits by Future Applicants.** The School District agrees to make known to all future residential development applicants within the Concurrency Service Area or Adjacent Concurrency Service Areas within the same Geographic Area, the option to purchase New

Capacity Credits from this New Mitigation Bank. Future applicants may purchase New Capacity Credit(s) only if the Mitigation Bank(s) has sufficient number of available seats to provide for the entire school capacity deficiency.

h. **Priority of Capacity Credit Transfers.** In the event multiple mitigation banks are created by other applicants, for the same Concurrency Service Area or Adjacent Concurrency Service Areas within the same Geographic Area, the Capacity Credits shall be made available for transfer to future applicants in the order in which the Mitigation Bank has been established and the Banked Seats are readily available for transfer to another residential developer applicant, as set forth in Section 17 of this Agreement.

i. **Annual Reports.** The School District will provide annual reports to the Applicant (“**Annual Reports**”), containing the balance of New Banked Seats remaining, if any, and New Capacity Credit transfers, if any, prior to July 1 of each year. The School District shall charge an annual administrative fee as may be established in the Procedures Manual for Implementing the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County. The annual administrative fee shall be paid by the Applicant to the School District prior to issuance of the Annual Report. Upon expiration or transfer of all New Capacity Credits, the School District shall issue a final report to Applicant (“**Final Report**”).

7. **SCHOOL CAPACITY IMPROVEMENT.** The School District agrees to apply the Monetary Proportionate Share Mitigation payment made by the Applicant

toward the School Projects described under Section 4 of this Agreement. The School Project will include the Monetary Proportionate Share Mitigation, which will be reflected in the District's Facilities Work Program at the time of its next annual update following the execution of this Agreement and receipt of the Monetary Proportionate Share Mitigation payment as set forth herein.

8. **EFFECTIVE DATE.** This Agreement shall take effect upon the last of the Parties signing this Agreement, but in no event later than April 8, 2016. Failure to deliver this Agreement to the School Board executed by the Applicant by March 8, 2016 and by the City by March 18, 2016 may, in the sole discretion of the School District, result in the revocation of the Concurrency Determination issued by the School District on August 25, 2015, incorporated herein by reference.

9. **TERM.** This Agreement shall expire upon the Parties' completion of their performance of all obligations herein or within six (6) years from Effective Date, whichever comes first.

10. **STATUTORY COMPLIANCE.** The Parties agree that this Agreement satisfies the requirements for a binding Proportionate Share Mitigation agreement in Section 163.3180(6)(h)2, Florida Statutes and as provided for in the ILA.

11. **NOTICES AND DELIVERABLES.**

A. All notices or communications and deliverables under this Agreement by any Party to the others shall be sufficiently given or delivered if dispatched by (a) certified U.S. mail, postage pre-paid, return receipt requested, (b) hand

delivery, (c) Federal Express or other comparable overnight mail service, (d) telephone facsimile transmission with transmission receipt, or (e) electronic mail to the following addresses, or as the same may be changed in writing from time to time. Whenever any of the Parties desires to give notice to the others, such notice must be in writing, addressed to the Party for whom it is intended at the place last specified. The place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. Until otherwise designated by amendment to this Agreement, the Parties designate the following as the respective places for giving notice (“Notice”):

In the case of Notice or communication to the School Board:

The School Board of Miami-Dade County, Florida
c/o Superintendent of Schools
1450 N.E. Second Avenue, Room 912
Miami, Florida 33132

With copies to:

Miami-Dade County Public Schools
Facilities Planning
Attn: Deputy Chief Facilities & Eco-Sustainability Officer
1450 N.E. Second Avenue, Room 525
Miami, Florida 33132
Arijo@dadeschools.net; and concurrency@dadeschools.net

The School Board of Miami-Dade County, Florida
c/o School Board Attorney
1450 NE 2 Avenue, Suite 400
Miami, Florida 33132
Walter.Harvey@dadeschools.net
Acraft@dadeschools.net

In the case of Notice or communication to the Applicant:

Mr. Sergio Jalife, Manager
3425 Collins, LLC
3201 Collins Avenue
Miami Beach, FL 33140

With copy to:

Neisen Kasdin, Esquire
Akerman LLP
Brickell City Centre
98 SE 7th Street
Miami, Florida 33131
Fax: (305) 374-5095
Email: neisen.kasdin@akerman.com

In the case of Notice or communication to the City:

Michael Belush, AICP, Principal Planner
Planning Department, City of Miami Beach
1700 Convention Center Dr., Miami Beach, FL 33139
Fax: 305-673-7559
michaelbelush@miamibeachfl.gov

With a copy to:

Raul Aguila, City Attorney
OFFICE OF THE CITY ATTORNEY
1700 Convention Center Dr., Miami Beach, FL 33139
RaulAguila@miamibeachfl.gov

- B. For purposes of this Agreement, the Superintendent of Schools or his/her designee shall be the Party designated by the School Board to grant or deny any and all approvals required under this Agreement, including, without limitation, issuance of reports, as provided herein.

C. Except as otherwise provided in this Agreement, any Notice or deliverable shall be deemed received only upon actual delivery at the address set forth above. Notices or deliverables delivered after 5:00 PM (at the place of delivery) or on a non-business day, shall be deemed received on the next business day. If any time for giving Notice contained in this Agreement would otherwise expire on a non-business day, the Notice period shall be extended to the next succeeding business day. “Day” as used in this Agreement shall be defined as calendar day, unless otherwise provided. Counsel for the School Board, counsel for the City and counsel for the Applicant may deliver Notice on behalf of the School Board, the City and the Applicant, respectively. Any Party or other person to whom Notices are to be sent or copied may notify the other Parties of any change in name or address to which Notices shall be sent by providing the same pursuant to this provision.

12. **RELEASE.** When all of the Parties’ obligations set forth herein are fully paid and performed, each Party shall release all other Parties from this Agreement, and all Parties shall release all other Parties from any and all future claims, costs or liabilities arising out of the provision of Monetary Proportionate Share Mitigation in accordance with this Agreement. These releases shall be simultaneously exchanged and shall be recorded in the Official Records of Miami-Dade County, Florida, evidencing such performance.

13. **VENUE; CHOICE OF LAW; ATTORNEY’S FEES.** This

Agreement shall be interpreted and construed in accordance with and governed by the

laws of the State of Florida without regard to its conflicts of laws provisions. Any controversies or legal issues arising out of this Agreement, and any action involving the enforcement or interpretation of any rights hereunder, shall be submitted to the jurisdiction of the State Court of the 11th Judicial Circuit, in and for, Miami-Dade County, Florida. The Parties agree that in the event of any dispute of whatever nature relating to this Agreement, venue shall be in Miami-Dade County, Florida. The Parties further agree that, in the event of a dispute among the Parties, each Party shall be responsible for its own attorney's fees and costs through all appeals.

14. **CAPTIONS AND PARAGRAPH HEADINGS.** Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend or limit the scope or intent of this Agreement.

15. **NO WAIVER.** No waiver of any provision of this Agreement shall be effective unless it is in writing, and signed by the Party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates, and shall not be deemed to be a continuing or future waiver. The failure of any Party to insist upon strict performance of any of the covenants, provisions or conditions of this Agreement shall not be construed as waiving or relinquishing any such covenants, provisions or conditions, but the same shall continue and remain in full force and effect.

16. **EXHIBITS.** All Exhibits attached hereto contain additional terms of this Agreement, and are incorporated herein by reference.

17. **AMENDMENTS AND ENCUMBRANCE OF PROPORTIONATE SHARE MITIGATION PAYMENT.** No modification, amendment, or alteration

in the terms or conditions contained herein shall be effective, unless contained in a written document prepared, in recordable form, with the same formality as this Agreement and duly executed by all the Parties to this Agreement. Additionally, this Agreement may be modified only until the earliest of the following times: (a) issuance of the first principal building permit for the Development Project; or (b) the School District Encumbers (“**Encumbers**” shall mean monies committed by contract or purchase order in a manner that obligates the School Board to expend the funded amount upon delivery of goods or the rendering of services provided by a vendor, supplier or contractor for the School Project) any portion of the Monetary Proportionate Share Mitigation payment; or (c) six (6) months after the date that this Agreement is authorized by the School Board; or (d) the Applicant provides written notice to the Parties advising that the New Mitigation Bank is to be established and the School District may immediately transfer New Banked Seats to other residential development applicants, as set forth in Section 6 of this Agreement. No refunds shall be made thereafter.

18. **COVENANT RUNNING WITH THE LAND.** This Agreement shall constitute a covenant running with the land and shall be recorded by the School Board, at the Applicant’s expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Applicant, and its heirs, successors and assigns, until such time as the same expires in accordance with the provisions hereof, or is otherwise modified or released pursuant to an instrument executed on behalf of the Parties.

19. **ASSIGNMENT.** The Applicant may assign its rights, obligations and responsibilities under this Agreement to a third party purchaser of all or any part of fee

simple title to the Property. Any such assignment shall be in writing and shall require the prior written consent of all of the Parties, such consent not to be unreasonably withheld. At the election of the School District, such consent may be conditioned upon the written agreement of the assignee to assume all of Applicant/Assignor's duties and obligations under this Agreement and to comply with conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Monetary Proportionate Share Mitigation under this Agreement. The Assignor under such assignment shall furnish the Parties with a copy of the duly executed assignment, in recordable form, within ten (10) days of the date of execution of same. The Parties further agree that an assignment of this Agreement shall only be permitted where (a) the Applicant/Assignor has mitigated for the public school impacts of the subject Property with Monetary Proportionate Share Mitigation payment having been made, (b) this Agreement is being assigned to the purchaser of the subject Property, and (c) the assigned Monetary Proportionate Share Mitigation continues to be used for the subject Property.

20. **DEFAULT.** If any Party fails to perform or observe any of the material terms and conditions of this Agreement for a period of thirty (30) calendar days after receipt of written notice of such default from another Party, the Party giving notice of default may terminate this Agreement by providing the parties with ten (10) days additional written notice. Failure of any Party to exercise its rights in the event of any breach by one or more other Parties shall not constitute a waiver of such rights. No Party shall be deemed to have waived any failure to perform by another Party unless such waiver is in writing and signed by the other Parties. Such waiver shall be limited to the terms specifically contained therein.

21. **COUNTERPARTS.** This Agreement may be executed in three (3) counterparts, each of which when executed and delivered shall be deemed to be an original; however, all such counterparts together shall constitute but one and the same instrument. Signature and acknowledgment pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document. The School Board shall be the last party to execute this Agreement.

22. **RECORDING OF DOCUMENTS.** The School District shall record this Agreement and any related documentation, including without limitation, Assignments, if any, and Releases, within thirty (30) days after proper execution thereof and receipt of the document and recordation costs, in the Public Records of Miami-Dade County, Florida. The Applicant shall pay all recordation costs to the School District.

23. **SEVERABILITY.** If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

24. **WAIVER OF TRIAL BY JURY. THE PARTIES WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY ANY PARTY AGAINST ANY OTHER PARTY OR PARTIES WITH RESPECT TO ANY MATTER ARISING UNDER THIS AGREEMENT.**

25. **TIME IS OF THE ESSENCE.** Time is of the essence in the performance of this Agreement.

26. **MERGER CLAUSE.** This Agreement and all Exhibits thereto set forth the entire agreement among the Parties, and it supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, among the Parties.

[SIGNATURE PAGES FOLLOW]

SCHOOL BOARD

**THE SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA**

WITNESSES:

By: _____ (Seal)

Alberto M. Carvalho,
Superintendent of Schools

Print Name: _____

____ day of _____, 201_.

Print Name: _____

RECOMMENDED:

TO THE SCHOOL BOARD:

Approved as to Form and legal sufficiency:

Jaime G. Torrens
Chief Facilities Officer

School Board Attorney

ACKNOWLEDGMENT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) **SS:**

The foregoing instrument was acknowledged before me this ____ day of _____, 201_, by ALBERTO M. CARVALHO, as Superintendent of Schools, acting on behalf of THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a public body corporate and politic existing under the laws of the State of Florida, who personally appeared before me, and is [x] personally known to me or [] produced _____ as identification, and who further acknowledged that he signed the above instrument with full authority, as set forth therein, on behalf of The School Board of Miami-Dade County, Florida.

[NOTARY SEAL]

Notary: _____
Print Name: _____
My Commission expires: _____

CITY OF MIAMI BEACH:

WITNESSES:

City of Miami Beach:

Print Name: _____

By: _____

_____, Mayor

Print Name: _____

___ day of _____, 201_.

ATTEST:

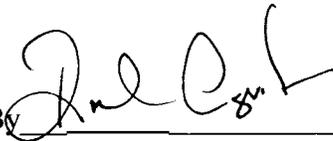
_____, Clerk

By: _____

Acting Planning Director

ATTEST

**APPROVED AS TO FORM AND
LANGUAGE AND FOR
EXECUTION:**

By:  _____

City Attorney *PHS*

Date: 2-26-16 _____

ACKNOWLEDGMENT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) **SS:**

The foregoing instrument was acknowledged before me this ____ day of _____, 201_, by _____ as Mayor, acting on behalf of City of Miami Beach, a Municipal Corporation, existing under the laws of the State of Florida. He/she personally appeared before me, and is [x] personally known to me or [] produced _____ as identification, , and who acknowledged that he/she signed the above instrument with full authority, as set forth therein, on behalf of City of Miami Beach, Florida.

[NOTARY SEAL]

Notary: _____
Print Name: _____
My Commission expires: _____



Exhibit "A"

This is to certify that the following legal description describes a parcel of land located at 3425 Collins Avenue, City of Miami Beach, Florida 33140. Miami-Dade County property folio No. 02-3226-001-1440.

LEGAL DESCRIPTION

FORMER VERSAILLES HOTEL CONDOMINIUM

PARCEL 1

LOTS 1 THROUGH 8, INCLUSIVE, AND THE 16.00 FOOT ALLEY, ALL IN BLOCK 21, OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE SOUTH 82° 33' 12" E, ALONG THE SOUTH LINE OF LOTS 8 AND 1 OF SAID BLOCK 21, A DISTANCE OF 344.00 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 1, BLOCK 21;

THENCE NORTH 06° 49' 29" EAST, ALONG THE EXISTING EAST LINE OF LOTS 1, 2, 3 AND 4 OF SAID BLOCK 21 AND ALSO ALONG THE BULKHEAD LINE, AS SHOWN IN THE PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 200.72 FEET TO THE EXISTING NORTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4, BLOCK 21, A DISTANCE OF 25.57 FEET TO A POINT ON THE EROSION CONTROL LINE, AS SHOWN IN SAID PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE";

THENCE SOUTH 06° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 21 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARCELS 1 AND 2 COLLECTIVELY ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE NORTH 07° 26' 48" EAST, ALONG THE WEST LINE OF LOTS 8, 7, 6 AND 5 OF SAID BLOCK 21, A DISTANCE OF 200.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 21;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE NORTH LINE OF LOTS 5 AND 4, OF SAID BLOCK 21 AND ALONG THE EASTERLY EXTENSION OF SAID LOT 4, A DISTANCE OF 367.39 FEET TO A POINT ON THE EROSION CONTROL LINE, AS SHOWN IN PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE SOUTH 06° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 AND ALONG THE SOUTH LINE OF SAID LOTS 1 AND 8, BLOCK 21 A DISTANCE OF 369.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

AREA PARCEL 1 = 1.5780 ACRES (68,736 SQUARE FEET) MORE OR LESS.

AREA PARCEL 2 = 0.1165 ACRES (5,076 SQUARE FEET) MORE OR LESS

TOTAL AREA (PARCELS 1 AND 2) = 1.6945 ACRES (73,812 SQUARE FEET) MORE OR LESS.

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY STONER & ASSOCIATES, INC. AND IS NOT BASED ON A TITLE SEARCH.

OWNERSHIP NOTE:

PARCEL 1:

PARCEL 1, SHOWN HEREON IS COMPRISED OF LOTS 1 THRU 8, INCLUSIVE AND THE 16.00 FOOT ALLEY, ALL IN BLOCK 21, OF AMENDED MAP OF OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THE OWNERSHIP OF PARCEL 1 IS VESTED IN 3425 COLLINS, LLC, AS SHOWN IN THE "GENERAL WARRANTY DEED", RECORDED IN OFFICIAL RECORDS BOOK 28768, PAGE 1588, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

PARCEL 2, SHOWN HEREON IS COMPRISED OF THE AREA OF LAND LYING BETWEEN THE BULKHEAD LINE AND THE EROSION CONTROL LINE, BOTH SHOWN ON THE PLAT ENTITLED "EROSION CONTROL LINE", RECORDED IN PLAT BOOK 105, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND THE NORTH LINE OF LOT 4 AND THE SOUTH LINE OF LOT 1, BOTH LINES EXTENDED EAST TO THE EROSION CONTROL LINE. PARCEL 2 IS ADDED TO THE UPLAND PROPERTY PURSUANT FLORIDA STATUTES, TITLE XI, CHAPTER 161 BEACH AND SHORE PRESERVATION, s.s. 161-141-161.211.

ss. 161.141 PROPERTY RIGHTS OF STATE AND PRIVATE UPLAND OWNERS IN BEACH RESTORATION PROJECT AREAS. ...ANY ADDITIONS TO THE UPLAND PROPERTY LANDWARD OF THE ESTABLISHED LINE OF MEAN HIGH WATER WHICH RESULT FROM THE RESTORATION PROJECT REMAIN THE PROPERTY OF THE UPLAND OWNER SUBJECT TO ALL GOVERNMENTAL REGULATIONS AND ARE NOT TO BE USED TO JUSTIFY INCREASED DENSITY OR THE RELOCATION OF THE COASTAL CONSTRUCTION CONTROL LINE AS MAY BE IN EFFECT FOR SUCH UPLAND PROPERTY.

s.s. 161.151 DEFINITIONS. (3) "EROSION CONTROL LINE" MEANS THE LINE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF ss. 161.141-161.211 WHICH REPRESENTS THE LANDWARD EXTENT OF THE CLAIMS OF THE STATE IN ITS CAPACITY AS SOVEREIGN TITLEHOLDER OF THE SUBMERGED BOTTOMS AND SHORES OF THE ATLANTIC OCEAN, THE GULF OF MEXICO, AND THE BAYS, LAGOONS AND OTHER TIDAL REACHES THEREOF ON THE DATE OF THE RECORDING OF THE SURVEY AS AUTHORIZED IN s. 161.181.

WALTER DE LA ROCHA

WALTER DE LA ROCHA, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER NO. 6081
STATE OF FLORIDA
STONER & ASSOCIATES, INC., L.B. 6633

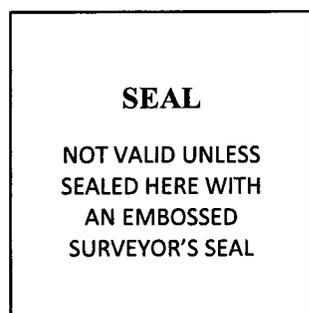
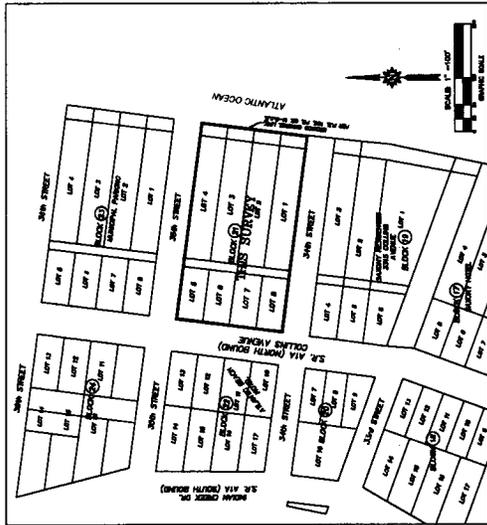
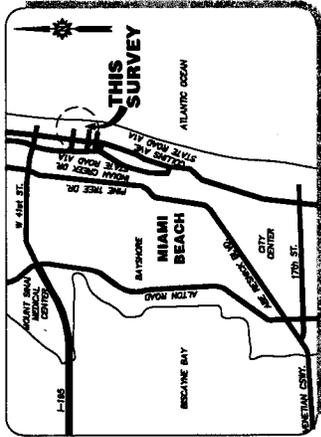


EXHIBIT "B"

BOUNDARY, TOPOGRAPHIC AND SPECIFIC PURPOSE SURVEY

REDUCED COPY
DO NOT SCALE



LEGAL DESCRIPTION (SEE OWNERSHIP NOTE BELOW):
FORMER VENTURES HOTEL CONDOMINIUM

PARCEL 1
 LOTS 1 THROUGH 6, INCLUDING AND THE EAST PORTION OF LOT 7, AS SHOWN ON MAP OF THE FORMER VENTURES HOTEL CONDOMINIUM, COUNTY OF DADE, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2
 LOTS 7 THROUGH 12, INCLUDING AND THE EAST PORTION OF LOT 13, AS SHOWN ON MAP OF THE FORMER VENTURES HOTEL CONDOMINIUM, COUNTY OF DADE, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 3
 LOTS 13 THROUGH 18, INCLUDING AND THE EAST PORTION OF LOT 19, AS SHOWN ON MAP OF THE FORMER VENTURES HOTEL CONDOMINIUM, COUNTY OF DADE, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 4
 LOTS 19 THROUGH 24, INCLUDING AND THE EAST PORTION OF LOT 25, AS SHOWN ON MAP OF THE FORMER VENTURES HOTEL CONDOMINIUM, COUNTY OF DADE, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

OWNERSHIP NOTE:
 THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

COMMENTS TO ITEMS NOTED UNDER EASEMENT ONLY REPORT:
 THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARCEL 1: THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2: THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARCEL 3: THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARCEL 4: THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARTY NOTES:
 THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S REFERENCES:
 1. MAP OF THE FORMER VENTURES HOTEL CONDOMINIUM, COUNTY OF DADE, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:
 THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

ADDITIONAL NOTES:
 THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

CONCLUSION:
 THE SURVEY IS CONDUCTED FOR THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

BOUNDARY, TOPOGRAPHIC AND SPECIFIC PURPOSE SURVEY OF A PORTION OF THE FORMER VENTURES HOTEL CONDOMINIUM

STONER & ASSOCIATES, INC.
 SURVEYORS - MAPPERS
 4341 S.W. 82ND AVENUE, TOWN OF DAVIE, FLORIDA 33314
 (954) 966-9877
 (954) 966-3827
 FAX (954) 966-9877

PROJECT: 14-8029
SHEET NO.: 1 OF 2

DATE: 03/25/14

SCALE: AS SHOWN ON MAP

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

Exhibit “C”

Escrow Agreement

Pursuant to Public School Concurrency Proportionate
Share Mitigation Development Agreement by and between
The School Board of Miami-Dade County, Florida
and 3425 Collins, LLC

ESCROW AGREEMENT
Relating to Public School Concurrency Proportionate Share
Mitigation Development Agreement
by and between
The School Board of Miami-Dade County, Florida
and
3425 Collins, LLC

THIS ESCROW AGREEMENT dated this ____ day of _____, 2016 (the "**Escrow Agreement**"), is entered into by and among **THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the State of Florida ("**Board**" or "**School Board**" or "**School District**"), whose business address is 1450 NE 2 Avenue, Room 923, Miami, Florida 33132, and **3425 COLLINS, LLC**, a Delaware limited liability company ("**Applicant**" or "**Developer**"), authorized to do business in the State of Florida, whose business address is 3201 Collins Avenue, Miami Beach, Florida 33140, collectively known as the "**Parties**," and individually, a "**Party**", and the SCHOOL BOARD ATTORNEY'S OFFICE, as escrow agent ("**Escrow Agent**").

RECITALS

WHEREAS, the Applicant is the fee simple owner of that certain tract of land (consisting of Folio # 0232260011440) located in the City of Miami Beach, Florida, (the "**City**") more particularly described in **Exhibit "A"**, attached hereto and incorporated herein (the "**Property**"). The legal description and location of the Property are both described in Exhibit "A"; and

WHEREAS, the Applicant has submitted an application seeking approval to develop no more than 67 multifamily residential dwelling units on the Property (the "**Development Proposal**"); and

WHEREAS, the School Board and the City entered into that certain Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, dated December 12, 2007 (adopted and executed by the City on February 13, 2008), to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities ("**ILA**"), incorporated herein by reference; and

WHEREAS, the Historic Preservation Board of the City of Miami Beach, Florida, granted a Certificate of Appropriateness (HPB File No. 7490) on November 18, 2014 (incorporated herein by reference), approving Applicant's Development Proposal, subject to conditions, one of which is Applicant's compliance with school concurrency requirements; and

WHEREAS, the Parties agree that since adequate School Facility Capacity is not available for two (2) of the senior high school students generated under the

Development Proposal, a Proportionate Share Mitigation Option must be selected to mitigate the lack of available capacity at the senior high school level; and

WHEREAS, the Parties have executed a Public School Concurrency Proportionate Share Mitigation Development Agreement ("**Mitigation Agreement**"), incorporated herein by reference, and executed concurrently with this Escrow Agreement; and

WHEREAS, as a part of the 600 Alton Agreement, as defined in the Mitigation Agreement, the School Board authorized the creation of a Mitigation Bank containing sixteen (16) high school seats, available for purchase by other developers once 600 Alton fully funds the bank, and all other provisions under the 600 Alton Agreement have been satisfied, ***but in no event earlier*** than June 2, 2016 (hereinafter referred to as "**Mitigation Bank #2015-003**"); and

WHEREAS, the Applicant has expressed a preference to purchase two (2) high school seats from Mitigation Bank #2015-003 to satisfy its Monetary Proportionate Share Mitigation requirement ("**Banked Seats**"). However, since Mitigation Bank #2015-003 has not yet been fully established, and in the event it is not in place by June 2, 2016, the Parties have agreed that the Applicant will provide the full capital cost of a twenty-five (25) seat high school classroom ("**School Project**"). The foregoing alternatives are defined as "**Alternative #1**" and "**Alternative #2**", respectively; and

WHEREAS, the Applicant agrees to fund its obligation under either scenario by depositing the amount of \$698,475 with The School Board of Miami-Dade County, Florida, in order to ensure funds are available to cover the creation of either the School Project, or the cost of the Banked Seats ("**Escrow Account**"); and

WHEREAS, the Parties agree that the School Board Attorney's Office shall serve as Escrow Agent and, as such, shall manage the Escrow Account in accordance with the terms and conditions of this Escrow Agreement.

NOW THEREFORE, in Consideration of the Sum of Ten and No/100 (\$10.00) Dollars and of the promises and agreements of the Parties contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties and the Escrow Agent agree as follows:

ARTICLE 1 RECITALS

Section 1.1 Incorporation of recitals.

The above recitals are true and correct and are incorporated herein by reference.

ARTICLE 2 ESCROW DEPOSIT

Section 2.1. Purpose. The purpose of the Escrow Agreement is to ensure that sufficient funding, in the amount of \$ 698,475.00, is available to cover the creation of either the School Project or the cost of Banked Seats, in accordance with the Mitigation Agreement, and allowing the Escrow Agent to disburse said funds as directed herein.

Section 2.2. Responsibility of Applicant/ Receipt of Escrow Property.

Within thirty (30) calendar after execution hereof, Applicant shall deliver to the The School Board of Miami-Dade County, Florida, via wire transfer or any other method set forth in the Mitigation Agreement, the Sum of Six Hundred Ninety-Eight Thousand, Four Hundred Seventy-Five Dollars (\$698,475.00) (the "**Escrow Property**"), in immediately available funds to be held in escrow by the School Board Attorney's Office in compliance herewith. Time is of the essence.

The Parties agree that if Applicant fails to pay the Monetary Proportionate Share Mitigation Payment, as provided for in the Mitigation Agreement and herein, the School District, at its sole discretion, may cancel the Mitigation Agreement. In that event, this Escrow Agreement shall be deemed automatically terminated and of no further force and effect.

Section 2.3. Disbursements of Escrow Property.

Section 2.3.1. The Escrow Agent is hereby authorized to disburse the Escrow Property in accordance with a payment authorization form depicted in **Exhibit B-1** executed by the Superintendent or his designee as Authorized Signatories, as defined below, and in accordance with the terms and conditions set forth in this Escrow Agreement ("**Payment Authorization Form**"). The District shall deliver to Escrow Agent the Payment Authorization Form by June 3, 2016, instructing Escrow Agent to disburse in accordance with Alternative #1 or Alternative #2, both defined below.

Section 2.3.2. The Mitigation Agreement provides that the School District shall be the sole authority to determine that Mitigation Bank #2015-003 has been fully funded by 600 Alton and that Banked Seats, as defined therein, are available for purchase by other developers. The Parties hereby agree that Escrow Agent shall have two alternatives to disburse the Escrow Property, as follows: **Alternative #1:** If the School District determines that Mitigation Bank #2015-003 has been established, by June 2, 2016, then the Parties agree that the Applicant will purchase Banked Seats to satisfy the Applicant's Monetary Proportionate Share Mitigation requirement under the Mitigation Agreement; or **Alternative #2:** If the

School District determines that the Mitigation Bank #2015-003 ***has not*** been established by June 2, 2016, then the Parties agree that the Escrow Property shall be used to provide for the creation of the School Project.

Section 2.3.3. Alternative #1 – Disburse to Applicant. Under Alternative #1, the Applicant would be able to Purchase available Capacity Credits from Mitigation Bank#2015-003. In this event, the Escrow Agent is hereby authorized to disburse, within thirty (30) calendar days following June 3, 2016, the full amount of the Escrow Property to the Applicant, less any fees and costs.

Section 2.3.4. Alternative #2 – Disburse to the School Board. Under Alternative #2, the Applicant has agreed to provide the full monetary contribution for the creation of the School Project. In this event, the Escrow Agent is hereby authorized to disburse, within thirty (30) calendar days following June 3, 2016, the full amount of the Escrow Property to The School Board of Miami-Dade County, Florida, to be designated for the School Project.

Section 2.4. Tax Reporting.

Along with the delivery of the sums to be placed in escrow, Applicant shall provide the Escrow Agent with its certified tax identification number and any other reasonably appropriate forms and documents that the Escrow Agent may request. The Parties understand that if such tax reporting documentation is not provided to the Escrow Agent, the Escrow Agent may be required by the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder, to withhold a portion of any interest or other income earned on the Escrow Property, if applicable.

Section 2.5. Termination.

This Escrow Agreement shall automatically terminate on the date upon which the Escrow Property is fully disbursed by the Escrow Agent in accordance with the terms of this Escrow Agreement, whereupon this Escrow Agreement shall be of no further force and effect except that the provisions of Sections 4.1, 4.4, 5.3 and 5.4 hereof shall survive such termination. In addition, failure by Applicant to deposit funds in accordance with Section 2.2 of this Agreement shall automatically terminate this Escrow Agreement, and the Escrow Agent shall be relieved from all responsibility hereunder.

**ARTICLE 3
DUTIES OF THE ESCROW AGENT**

Section 3.1. Scope of Responsibility.

Notwithstanding any provision to the contrary, the Escrow Agent is obligated only to perform the duties specifically set forth in this Escrow Agreement, which shall be

deemed purely ministerial in nature. The Escrow Agent will not be responsible or liable for the failure of any Party to perform in accordance with this Escrow Agreement. The Escrow Agent shall neither be responsible for, nor chargeable with, knowledge of the terms and conditions of any other agreement, instrument, or document other than this Escrow Agreement, whether or not an original or a copy of such agreement has been provided to the Escrow Agent; and the Escrow Agent shall have no duty to know or inquire as to the performance or nonperformance of any provision of any such other agreement, instrument, or document. References in this Escrow Agreement to any other agreement, instrument, or document are for the convenience of the Parties, and the Escrow Agent has no duties or obligations with respect thereto. This Escrow Agreement sets forth all matters pertinent to the escrow contemplated hereunder, and no additional obligations of the Escrow Agent shall be inferred or implied from the terms of this Escrow Agreement or any other agreement.

Section 3.2. Attorneys and Agents.

The Escrow Agent shall be entitled to rely on and shall not be liable for any action reasonably taken in accordance with the advice of competent counsel or other professionals retained or consulted by the Escrow Agent. The Escrow Agent may perform any and all of its duties through its agents, representatives, attorneys, custodians, and/or nominees.

Section 3.3. Reliance.

The Escrow Agent shall not be liable for any action taken or not taken by it in accordance with the direction or consent of the Parties or their respective agents, representatives, successors, or assigns. The Escrow Agent shall not be liable for acting or refraining from acting upon any notice, request, consent, direction, requisition, certificate, order, affidavit, letter, or other paper or document believed by it, in good faith, to be genuine and correct and to have been signed or sent by the proper person or persons, without further inquiry into the person's or persons' authority. Concurrent with the execution of this Escrow Agreement, the Parties shall deliver to the Escrow Agent an authorized signatories' form, as depicted in **Exhibit B-2** attached hereto and made a part hereof ("**Authorized Signatories**"). Consequently, the Parties agree that the Escrow Agent may rely on Payment Authorization Form, depicted in Exhibit B-2, duly executed by Authorized Signatories in accordance with Exhibit B-1 in disbursement of Escrow Property.

Section 3.4. Right Not Duty Undertaken.

The permissive rights of the Escrow Agent to do things enumerated in this Escrow Agreement shall not be construed as duties.

Section 3.5. No Financial Obligation.

No provision of this Escrow Agreement shall require the Escrow Agent to risk or advance its own funds or otherwise incur any financial liability or potential financial liability in the performance of its duties or the exercise of its rights under this Escrow Agreement.

Section 3.6. Attorney-Client Relationship with the School Board.

The Parties hereto acknowledge that the Escrow Agent has an attorney-client relationship with the School Board. Applicant hereby waives any claim or defense that Escrow Agent is engaged in a conflict of interest by virtue of its service as Escrow Agent under this Agreement and Applicant further agrees not to assert in any future litigation that Escrow Agent should be prohibited, by reason of acting as Escrow Agent, from providing representation and legal services to or for the benefit of the School Board, including but not limited to representation of the School Board in litigation adverse to Applicant.

**ARTICLE 4
PROVISIONS CONCERNING THE ESCROW AGENT**

Section 4.1. Limitation of Liability.

The Escrow Agent shall not be liable, directly or indirectly, for any (i) damages, losses or expenses arising out of the services provided hereunder, other than damages, losses or expenses, subject to and within the limitations of section 768.28, F.S., which have been finally adjudicated to have directly resulted from the Escrow Agent's gross negligence or willful misconduct, or (ii) special, indirect or consequential damages or losses of any kind whatsoever (including without limitation lost profits), even if the Escrow Agent has been advised of the possibility of such losses or damages and regardless of the form of action.

Section 4.2. Resignation or Removal.

The Escrow Agent may resign by furnishing written notice of its resignation to the Parties, and the Parties may remove the Escrow Agent by furnishing to the Escrow Agent a joint written notice of its removal along with payment of all expenses to which it is entitled under this Agreement through the date of termination. Such resignation or removal, as the case may be, shall be effective thirty (30) days after the delivery of such notice or upon the earlier appointment of a successor, and the Escrow Agent's sole responsibility thereafter shall be to safely keep the Escrow Property and to deliver the same to a successor escrow agent as shall be appointed by the Parties, as evidenced by a joint written notice filed with the Escrow Agent or in accordance with a court order. If the Parties have failed to appoint a successor escrow agent prior to the expiration of thirty (30) days following the delivery of

such notice of resignation or removal, the Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor escrow agent or for other appropriate relief, and any such resulting appointment shall be binding upon the Parties.

Section 4.3. Compensation.

Unless otherwise provided for herein, the Escrow Agent shall not receive any compensation for its services as Escrow Agent.

Section 4.4. Disagreements.

If any conflict, disagreement or dispute arises between, among, or involving any of the Parties hereto concerning the meaning or validity of any provision hereunder or concerning any other matter relating to this Escrow Agreement, or the Escrow Agent is in doubt as to the action to be taken hereunder, the Escrow Agent may, at its option, retain the Escrow Property until the Escrow Agent (i) receives a final non-appealable order of a court of competent jurisdiction or a final non-appealable arbitration decision directing delivery of the Escrow Property, (ii) receives a written agreement executed by each of the Parties involved in such disagreement or dispute directing delivery of the Escrow Property, in which event the Escrow Agent shall be authorized to disburse the Escrow Property in accordance with such final court order, arbitration decision, or agreement, or (iii) files an interpleader action in any court of competent jurisdiction, and upon the filing thereof, the Escrow Agent shall be relieved of all liability as to the Escrow Property and shall be entitled to recover reasonable, actual out of pocket attorneys' fees, expenses and other costs incurred by it in commencing and maintaining any such interpleader action. The Escrow Agent shall be entitled to act on any such agreement, court order, or arbitration decision without further question, inquiry, or consent.

Section 4.5. Attachment of Escrow Property; Compliance with Legal Orders.

In the event that any Escrow Property shall be attached, garnished or levied upon by any court order, or the delivery thereof shall be stayed or enjoined by an order of a court, or any order, judgment or decree shall be issued by any court order affecting the Escrow Property, the Escrow Agent is hereby expressly authorized, in its reasonable discretion, to respond as it deems appropriate or to comply with all writs, orders or decrees so issued. In the event that the Escrow Agent obeys or complies with any such writ, order or decree it shall not be liable to any of the Parties or to any other person, firm or corporation, should, by reason of such compliance notwithstanding, such writ, order or decree be subsequently reversed, modified, annulled, set aside or vacated.

Section 4.6 Force Majeure.

The Escrow Agent shall not be responsible or liable for any failure or delay in the performance of its obligation under this Escrow Agreement arising out of or caused,

directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fire; flood; wars; acts of terrorism; civil or military disturbances; sabotage; epidemic; riots; interruptions, loss or malfunctions of utilities, computer (hardware or software) or communications service interruptions; accidents; labor disputes; acts of civil or military authority; governmental action; or School District recess, it being understood that the Escrow Agent shall use commercially reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as reasonably practicable under the circumstances.

ARTICLE 5 MISCELLANEOUS

Section 5.1. Successors and Assigns.

This Escrow Agreement shall be binding on and inure to the benefit of the Parties and the Escrow Agent and their respective successors and permitted assigns. No other persons shall have any rights under this Escrow Agreement. No assignment of the interest of any of the Parties hereunder shall be binding unless and until (i) written notice of such assignment shall be delivered to the other Party and the Escrow Agent and (ii) the Party requesting such assignment shall have received the prior written consent of the other Party and the Escrow Agent (such consent not to be unreasonably withheld).

Section 5.2. Escheat.

The Parties are aware that under applicable state law, property which is presumed abandoned may under certain circumstances escheat to the applicable state. The Escrow Agent shall have no liability to the Parties, their respective heirs, legal representatives, successors and assigns, or any other party, should any or all of the Escrow Property escheat by operation of law.

Section 5.3. Notices.

All notices, requests, demands, and other communications required under this Escrow Agreement shall be in writing, in English, and shall be deemed to have been duly given if delivered (i) personally, (ii) by overnight delivery with a reputable national overnight delivery service (iii) by mail or by certified mail, return receipt requested, and postage prepaid or (iv) by electronic mail. A notice shall be deemed given on the date it is received by the other Party. If notice is given to a Party, it shall be given at the address for such Party set forth below. It shall be the responsibility of the Parties, or their respective counsels, to notify the Escrow Agent and the other Party in writing of any name or address changes. In the case of communications delivered to the Escrow Agent, such communications shall be deemed to have been given on the date received by the Escrow Agent.

If to the School Board:

The School Board of Miami-Dade County, FL
1450 NE 2nd Avenue, Room 912
Miami, FL 33132
Attention: Superintendent of Schools

Copy to: The School Board of Miami-Dade County, FL
1450 NE 2nd Avenue, Room 923
Miami, FL 33132
Attention: Chief Facilities Officer
JTorrens@dadeschools.net

Copy to: The School Board of Miami-Dade County, FL
1450 NE 2nd Avenue, Room 400
Miami, FL 33132
Attention: School Board Attorney's Office
Walter.Harvey@dadeschools.net

If to 3425 Collins, LLC:

Mr. Sergio Jalife, Manager
3425 Collins, LLC
3201 Collins Avenue
Miami Beach, FL 33140

Copy to: Neisen Kasdin, Esquire
Akerman LLP
1 S.E. 3rd Avenue, 25th Floor
Miami, Florida 33131
Fax: (305) 374-5095
Email: neisen.kasdin@akerman.com

If to the Escrow Agent:

The School Board of Miami-Dade County, FL
1450 NE 2nd Avenue, Room 400
Miami, FL 33132
Attention: School Board Attorney's Office
Walter.Harvey@dadeschools.net **and**
Acraft@dadeschools.net

Section 5.4. Governing Law, Attorney's Fees and Venue.

This Escrow Agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event of litigation, each Party shall be responsible for its own attorney's fees and costs through all appeals. Irrespective of conflict of laws, venue shall be in Miami-Dade County, Florida.

Section 5.5. Entire Agreement.

This Escrow Agreement and the Mitigation Agreement by and between The School Board of Miami-Dade County, FL and 3425 Collins, LLC, set forth the entire agreement and understanding of the Parties related to the Escrow Property.

Section 5.6. Effective Date/ Amendment.

This Escrow Agreement shall be effective concurrently with Effective Date of the Mitigation Agreement, and it shall remain in effect until the Escrow Property has been duly disbursed in accordance herewith or earlier, as provided for under Section 2.5 hereof. Unless otherwise provided for herein under Article 2, this Escrow Agreement may be amended, modified, superseded, rescinded, or canceled only by a written instrument executed by the Parties and the Escrow Agent.

Section 5.7. Waivers.

The failure of any Party to this Escrow Agreement at any time or times to require performance of any provision under this Escrow Agreement shall in no manner affect the right at a later time to enforce the same performance. A waiver by any Party to this Escrow Agreement of any such condition or breach of any term, covenant, representation, or warranty contained in this Escrow Agreement, in any one or more instances, shall neither be construed as a further or continuing waiver of any such condition or breach nor a waiver of any other condition or breach of any other term, covenant, representation, or warranty contained in this Escrow Agreement.

Section 5.8. Headings.

Section headings of this Escrow Agreement have been inserted for convenience of reference only and shall in no way restrict or otherwise modify any of the terms or provisions of this Escrow Agreement.

Section 5.9. Joint Participation.

All of the Parties to this Agreement have participated fully in the negotiation and preparation hereof and accordingly this Escrow Agreement shall not be more strictly construed against any one of the Parties hereto.

Section 5.10. Sovereign Immunity.

None of the provisions contained in this Escrow Agreement shall be deemed as waiver of Sovereign Immunity by the School Board.

Section 5.11. Counterparts.

This Escrow Agreement may be executed in one or more counterparts, each of which when executed shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, this Escrow Agreement has been duly executed as of the date first written above.

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

WITNESSES:

Print Name: _____

By: _____

Name: Alberto M. Carvalho

Title: Superintendent of Schools

**TO THE SCHOOL BOARD:
APPROVED AS TO FORM AND LEGAL
SUFFICIENCY & ACCEPTED BY AS
ESCROW AGENT:**

Print Name: _____

By: _____

Name: Walter J. Harvey

Title: School Board Attorney

RECOMMENDED:

By: _____

Name: _____

Title: Chief Facilities Officer

**APPROVED AS TO FINANCIAL
SUFFICIENCY:**

By: _____

Name: _____

Title: Treasurer

[3425 COLLINS, LLC]

3425 COLLINS, LLC, a Delaware limited liability Company ("Applicant")

By: _____

Date: _____

Print Name: _____

Title: _____

Authorized Signatory pursuant to that certain
Written Consent of the Managers of 3425 Collins, LLC,
dated January 20, 2016

Witness: _____

Print Name: _____

Witness: _____

Print Name: _____

TO 3425 COLLINS, LLC:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

BY: _____

COUNSEL FOR APPLICANT

EXHIBIT "A"
TO
ESCROW AGREEMENT

LEGAL DESCRIPTION & LOCATION SKETCH

[Consisting of 5 pages]

This is to certify that the following legal description describes a parcel of land located at 3425 Collins Avenue, City of Miami Beach, Florida 33140. Miami-Dade County property folio No. 02-3226-001-1440.

LEGAL DESCRIPTION

FORMER VERSAILLES HOTEL CONDOMINIUM

PARCEL 1

LOTS 1 THROUGH 8, INCLUSIVE, AND THE 16.00 FOOT ALLEY, ALL IN BLOCK 21, OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE SOUTH 82° 33' 12" E, ALONG THE SOUTH LINE OF LOTS 8 AND 1 OF SAID BLOCK 21, A DISTANCE OF 344.00 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 1, BLOCK 21;

THENCE NORTH 06° 49' 29" EAST, ALONG THE EXISTING EAST LINE OF LOTS 1, 2, 3 AND 4 OF SAID BLOCK 21 AND ALSO ALONG THE BULKHEAD LINE, AS SHOWN IN THE PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 200.72 FEET TO THE EXISTING NORTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4, BLOCK 21, A DISTANCE OF 25.57 FEET TO A POINT ON THE EROSION CONTROL LINE, AS SHOWN IN SAID PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE";

THENCE SOUTH 06° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 21 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

PARCELS 1 AND 2 COLLECTIVELY ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE NORTH 07° 26' 48" EAST, ALONG THE WEST LINE OF LOTS 8, 7, 6 AND 5 OF SAID BLOCK 21, A DISTANCE OF 200.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 21;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE NORTH LINE OF LOTS 5 AND 4, OF SAID BLOCK 21 AND ALONG THE EASTERLY EXTENSION OF SAID LOT 4, A DISTANCE OF 367.39 FEET TO A POINT ON THE EROSION CONTROL LINE, AS SHOWN IN PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED IN PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE SOUTH 06° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 AND ALONG THE SOUTH LINE OF SAID LOTS 1 AND 8, BLOCK 21 A DISTANCE OF 369.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

AREA PARCEL 1 = 1.5780 ACRES (68,736 SQUARE FEET) MORE OR LESS.

AREA PARCEL 2 = 0.1165 ACRES (5,076 SQUARE FEET) MORE OR LESS

TOTAL AREA (PARCELS 1 AND 2) = 1.6945 ACRES (73,812 SQUARE FEET) MORE OR LESS.

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY STONER & ASSOCIATES, INC. AND IS NOT BASED ON A TITLE SEARCH.

OWNERSHIP NOTE:

PARCEL 1:

PARCEL 1, SHOWN HEREON IS COMPRISED OF LOTS 1 THRU 8, INCLUSIVE AND THE 16.00 FOOT ALLEY, ALL IN BLOCK 21, OF AMENDED MAP OF OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THE OWNERSHIP OF PARCEL 1 IS VESTED IN 3425 COLLINS, LLC, AS SHOWN IN THE "GENERAL WARRANTY DEED", RECORDED IN OFFICIAL RECORDS BOOK 28768, PAGE 1588, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

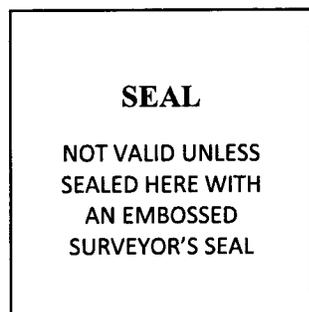
PARCEL 2, SHOWN HEREON IS COMPRISED OF THE AREA OF LAND LYING BETWEEN THE BULKHEAD LINE AND THE EROSION CONTROL LINE, BOTH SHOWN ON THE PLAT ENTITLED "EROSION CONTROL LINE", RECORDED IN PLAT BOOK 105, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND THE NORTH LINE OF LOT 4 AND THE SOUTH LINE OF LOT 1, BOTH LINES EXTENDED EAST TO THE EROSION CONTROL LINE. PARCEL 2 IS ADDED TO THE UPLAND PROPERTY PURSUANT FLORIDA STATUTES, TITLE XI, CHAPTER 161 BEACH AND SHORE PRESERVATION, s.s. 161-141-161.211.

ss. 161.141 PROPERTY RIGHTS OF STATE AND PRIVATE UPLAND OWNERS IN BEACH RESTORATION PROJECT AREAS. ...ANY ADDITIONS TO THE UPLAND PROPERTY LANDWARD OF THE ESTABLISHED LINE OF MEAN HIGH WATER WHICH RESULT FROM THE RESTORATION PROJECT REMAIN THE PROPERTY OF THE UPLAND OWNER SUBJECT TO ALL GOVERNMENTAL REGULATIONS AND ARE NOT TO BE USED TO JUSTIFY INCREASED DENSITY OR THE RELOCATION OF THE COASTAL CONSTRUCTION CONTROL LINE AS MAY BE IN EFFECT FOR SUCH UPLAND PROPERTY.

s.s. 161.151 DEFINITIONS. (3) "EROSION CONTROL LINE" MEANS THE LINE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF ss. 161.141-161.211 WHICH REPRESENTS THE LANDWARD EXTENT OF THE CLAIMS OF THE STATE IN ITS CAPACITY AS SOVEREIGN TITLEHOLDER OF THE SUBMERGED BOTTOMS AND SHORES OF THE ATLANTIC OCEAN, THE GULF OF MEXICO, AND THE BAYS, LAGOONS AND OTHER TIDAL REACHES THEREOF ON THE DATE OF THE RECORDING OF THE SURVEY AS AUTHORIZED IN s. 161.181.

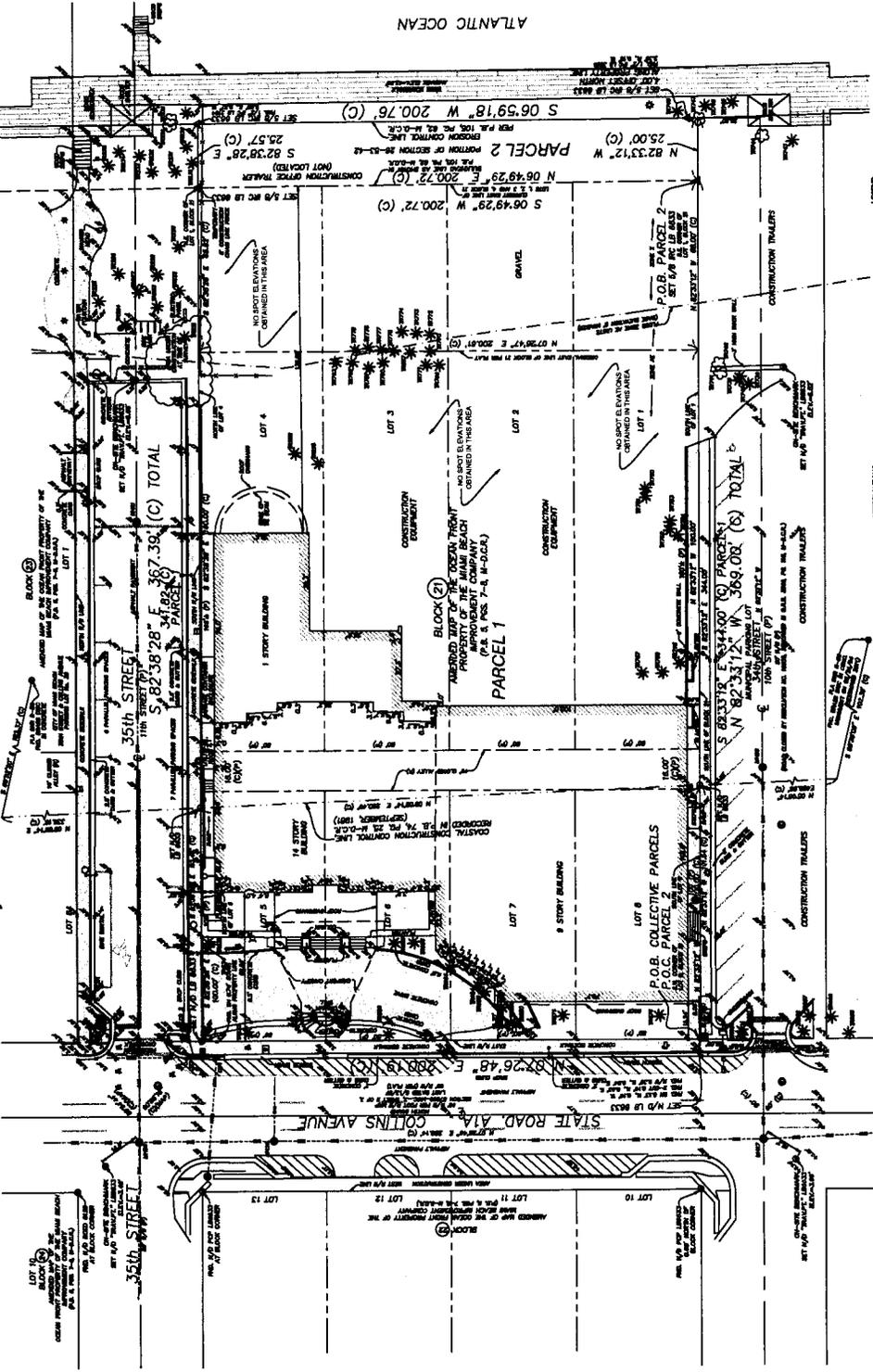
WALTER DE LA ROCHA

WALTER DE LA ROCHA, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER NO. 6081
STATE OF FLORIDA
STONER & ASSOCIATES, INC., L.B. 6633



REDUCED COPY
DO NOT SCALE

BOUNDARY, TOPOGRAPHIC AND SPECIFIC PURPOSE SURVEY



NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.
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18. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.

PARCEL	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	1,234,567	1.23%
2	1,234,567	1.23%
3	1,234,567	1.23%
4	1,234,567	1.23%
5	1,234,567	1.23%
6	1,234,567	1.23%
7	1,234,567	1.23%
8	1,234,567	1.23%
9	1,234,567	1.23%
10	1,234,567	1.23%
11	1,234,567	1.23%
12	1,234,567	1.23%
13	1,234,567	1.23%

LOT	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	1,234,567	1.23%
2	1,234,567	1.23%
3	1,234,567	1.23%
4	1,234,567	1.23%
5	1,234,567	1.23%
6	1,234,567	1.23%
7	1,234,567	1.23%
8	1,234,567	1.23%
9	1,234,567	1.23%
10	1,234,567	1.23%
11	1,234,567	1.23%
12	1,234,567	1.23%
13	1,234,567	1.23%

NO.	DESCRIPTION	DATE
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STONER & ASSOCIATES, INC.
SURVEYORS - MAPPERS
4341 S.W. 62nd Avenue, Town of Dade, Florida 33146
TEL: (305) 395-5977
FAX: (305) 395-5977

BOUNDARY, TOPOGRAPHIC AND SPECIFIC PURPOSE SURVEY OF A PORTION OF PARCELS 1 & 2, PARCELS 1 & 2, FORMER VERSAILLES HOTEL CONDOMINIUM
JAMES COLLINS AVENUE, MIAMI BEACH, FL 33140

PROJECT: 14-8029
SHEET NO.: 2 OF 2

EXHIBIT "B-1"
TO
ESCROW AGREEMENT

PAYMENT AUTHORIZATION FORM

TO: Walter J. Harvey, Esquire
School Board Attorney's Office
1450 NE 2nd Avenue, #430
Miami, FL 33132

FROM: Mr. Jaime G. Torrens
Chief Facilities Officer
Miami Dade County Public Schools
1450 NE 2nd Avenue, #912
Miami, FL 33132

SUBJECT: REQUEST FOR DISBURSEMENT FROM
ESCROW ACCOUNT RELATING TO
3425 COLLINS, LLC

DATE: June 3, 2016

We hereby instruct you, Escrow Agent in the referenced matter pursuant to that certain Escrow Agreement dated _____ by and between The School Board of Miami-Dade County, Florida and 3425 Collins, LLC, to disburse the full amount of the Escrow Property, as defined therein, as follows: [only box marked "X" applies]

- Alternative #1 - \$ _____ to the Applicant; or
- Alternative #2 - \$ _____ to the School Board

Approved by:

Name:
Title: Chief Facilities Officer
Date: _____

We hereby approve disbursement of Escrow Property in accordance with Alternative # _____ above and instruct Treasurer for The School Board of Miami-Dade County, Florida to disburse the Escrow Property to: _____

Approved by:
School Board Attorney's Office,
as Escrow Agent:

Name:
Title: _____
Date: _____

EXHIBIT "B-2"
TO
ESCROW AGREEMENT

**CERTIFICATE AS TO AUTHORIZED SIGNATURES
AUTHORIZING REQUESTS FOR DISBURSEMENT
PURSUANT TO ESCROW AGREEMENT**

The specimen signatures shown below are the specimen signatures of the individuals who have been designated as authorized representatives of THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FL, authorized to initiate and approve disbursements pursuant to the Escrow Agreement to which this Exhibit B-2 is attached, on behalf of THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA. At a minimum, the signatures of the Chief Facilities Officer or designee, and the School Board Attorney or designee, are required.

Name / Title	<u>Specimen Signature</u>
_____ Name Chief Facilities Officer	_____ Signature
_____ Name Deputy Chief Facilities Officer	_____ Signature
_____ Title	
_____ Name School Board Attorney	_____ Signature
_____ Name Assistant School Board Attorney	_____ Signature
_____ Title	

Exhibit “D”

Written Consent of the Managers of 3425 Collins, LLC
dated January 20, 2016

**WRITTEN CONSENT OF THE MANAGERS OF
3425 COLLINS LLC**

The undersigned, constituting one of the Class A Managers (the "Class A Manager") and the sole Class B Manager (the "Class B Manager") and, collectively with the Class A Manager, the "Managers") of 3425 COLLINS LLC, a Delaware limited liability company (the "Company"), do hereby consent in writing to the following resolutions as of January 20, 2016, and direct that this action be filed with the records of the Company.

WHEREAS, reference is hereby made to that certain Public School Concurrency Proportionate Share Mitigation Development Agreement as of the date hereof (the "School Concurrency Agreement") by and among the Company, The School Board of Miami-Dade County, Florida, a body corporate and political subdivision of the State of Florida (the "School Board"), and the City of Miami Beach, Florida, a municipal corporation of the State of Florida (the "City");

WHEREAS, in connection with School Concurrency the Agreement, the Company may enter into, execute and deliver certain other documents, agreements, assignments, indemnities, certificates, affidavits, acknowledgements and other instruments as may be required by the School Board and/or the City (collectively, the "Other Documents");

WHEREAS, the Managers, on behalf of the Company, have determined that it is in the best interests of the Company to enter into and execute the School Concurrency Agreement and the Other Documents (collectively, the "Transaction Documents").

NOW, THEREFORE, BE IT RESOLVED, that the Managers do hereby waive all formal requirements, including the necessity of holding a formal or informal meeting, and any requirement that notice of such meeting be given; and

RESOLVED FURTHER, that each of the Transaction Documents and all of the transactions contemplated thereby, be, and each of them hereby is, approved, ratified and adopted in all respects; and

RESOLVED FURTHER, that Sergio Jalife, as Manager of the Company (the "Authorized Signatory"), be, and hereby is, authorized, empowered and directed to enter into and deliver, the Transaction Documents on behalf of the Company; and

RESOLVED FURTHER, that the Authorized Signatory be, and hereby is, authorized and directed to pay such fees as the Authorized Signatory, in his sole and absolute discretion, determines to be appropriate or desirable to carry out and perfect all of the terms and provisions of the Transaction Documents, and to consummate the transactions contemplated therein and thereby; and

RESOLVED FURTHER, that the execution of any document authorized by the foregoing resolutions, or any document executed in the accomplishment of any action or actions so authorized, is (or shall become upon delivery) the enforceable and binding act and obligation of the Company, without the necessity of the signature or attestation of any other authorized signatory or the affixing of any company seal; and

RESOLVED FURTHER, that all actions previously taken by the Authorized Signatory in furtherance of the foregoing resolutions are hereby ratified, approved and confirmed in all respects; and

RESOLVED FURTHER, that the omission from these resolutions of any agreement or other arrangement contemplated by any of the agreements or instruments described in the foregoing resolutions

{37187047;3}

or any action to be taken in accordance with any requirement of any of the agreements or instruments described in the foregoing resolutions shall in no manner derogate from the authority of the Authorized Signatory to take all actions necessary, desirable, advisable or appropriate to consummate, effectuate, carry out or further the transactions contemplated by, and the intent and purposes of, the foregoing resolutions; and

RESOLVED FURTHER, that this Written Consent may be executed by one or more of the signatories hereto in any number of separate counterparts, each of which shall be deemed an original and all of which, taken together, shall be deemed to constitute one and the same instrument.

[Signature(s) on following page(s).]

{37187047;3}

IN WITNESS WHEREOF, the undersigned has executed this Written Consent as of the date first above written.

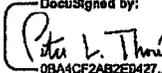
CLASS A MANAGER:

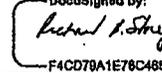


Sergio Jalife

CLASS B MANAGER:

ACCESS INDUSTRIES MANAGEMENT
LLC,
a Delaware limited liability company

DocuSigned by:

By: _____
Name: Peter L. Thorén
Title: Executive Vice President

DocuSigned by:

By: _____
Name: Richard B. Storey
Title: Executive Vice President

COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing Amendment No. 2 To The Development Agreement Between The City And Jameck Development, Inc. (Jameck Or Developer), Dated July 23, 2014, For The Design, Development, And Construction Of Certain Streetscape Improvements In The City's Right Of Way, At The Portion Of Euclid Avenue Between Lincoln Road And Lincoln Lane South (The Project); Said Amendment Approving A City Requested Change Order, In The Amount Of \$13,498.88, Relating To The Landscaping For The Project; Providing The Developer Shall Be Responsible For The Unforeseen Environmental Studies And Remediation Relating To The Project, In The Amount Of \$2,810, As Well As Any Additional Environmental Costs Which May Arise Relating To The Project; And Increasing The Guaranteed Maximum Price (GMP) Of The Project From \$806,340 To \$819,838.88 In Connection With Said Change Order And The Additional Environmental Costs; And Increasing The City's Budgeted Costs For The Project, From \$458,820 To \$466,500.86, To Include The Cost Of The Change Order; And Further Authorizing The Mayor And City Clerk To Execute Amendment No. 2.

Key Intended Outcome Supported:

Ensure well designed quality capital projects -- Increase Community Satisfaction with City Services

Supporting Data (Surveys, Environmental Scan, etc.): Based on the 2014 community survey, recently completed capital projects were highly rated by both residents and businesses.

Item Summary/Recommendation:

Jameck Development, Inc. (Developer) approached the City to enter into a development agreement for the closure of a portion of Euclid Avenue, between Lincoln Road and Lincoln Lane South, to vehicular traffic, as part of an extension of the Lincoln Road pedestrian mall, and the construction of streetscape improvements in the City's right-of-way (the Project). This Project will benefit the public in the following ways: (a) by removing delivery vehicles at the end of Euclid Avenue just south of Lincoln Road and establishing a delivery vehicle loading zone at Lincoln Lane South that will permit such vehicles to travel east or west through Lincoln Lane South instead of having to back up and turn around to exit on Euclid Avenue; (b) by providing the Flamingo Park residents with an entrance to Lincoln Road off Euclid Avenue; and (c) by creating more space for performances at the Euclid Oval.

On September 2, 2015, pursuant to Resolution Number 2015-29127, the Mayor and City Commission approved Amendment No 1 to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$786,200; with the Developer paying for any Project costs in excess of the City's cost.

On October 14, 2015, pursuant Resolution 2015-29158, the Mayor and City Commission approved Amendment to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$806,340; due to bond insurance requirements with the Developer paying for any Project costs in excess of the City's cost.

Thereafter, the City requested the developer leave the existing Copper pod trees at their current location, which in consequence requires additional landscape work. The total cost of the Landscape work is in the amount of \$13,498.88, and the City's proportionate contribution (56.90%) of this cost is \$7,680.86. This change increases the GMP total amount from \$806,340 to \$819,838.88. The total cost of the City's contribution would be increased to \$466,500.86 if this resolution is approved.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:	Amount	Account
1	\$7,681	365-2767-069351
Total	\$7,681	

Financial Impact Summary: Funds for this project were approved by the City Commission as part of the City Center Redevelopment District Funds (City Center RDA) in the FY 2012/13 and FY 2013/14 Capital Budget.

City Clerk's Office Legislative Tracking: Bruce Mowry, Ext. 6565

Sign-Offs:

Department Director JJF	Assistant City Manager ETC	City Manager 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: March 09, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AMENDMENT NO. 2 TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND JAMECK DEVELOPMENT, INC. (JAMECK OR DEVELOPER), DATED JULY 23, 2014, FOR THE DESIGN, DEVELOPMENT, AND CONSTRUCTION OF CERTAIN STREETScape IMPROVEMENTS IN THE CITY'S RIGHT OF WAY, AT THE PORTION OF EUCLID AVENUE BETWEEN LINCOLN ROAD AND LINCOLN LANE SOUTH (THE PROJECT); SAID AMENDMENT APPROVING A CITY REQUESTED CHANGE ORDER, IN THE AMOUNT OF \$13,498.88, RELATING TO THE LANDSCAPING FOR THE PROJECT; PROVIDING THAT DEVELOPER SHALL BE RESPONSIBLE FOR THE UNFORESEEN ENVIRONMENTAL STUDIES AND REMEDIATION RELATING TO THE PROJECT, IN THE AMOUNT OF \$2,810, AS WELL AS ANY ADDITIONAL ENVIRONMENTAL COSTS WHICH MAY ARISE RELATING TO THE PROJECT; AND INCREASING THE GUARANTEED MAXIMUM PRICE (GMP) OF THE PROJECT FROM \$806,340 TO \$819,838.88 IN CONNECTION WITH SAID CHANGE ORDER AND THE ADDITIONAL ENVIRONMENTAL COSTS; AND INCREASING THE CITY'S BUDGETED COSTS FOR THE PROJECT, FROM \$458,820 TO \$466,500.86, TO INCLUDE THE COST OF THE CHANGE ORDER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 2.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure well designed quality capital projects
Increase Community Satisfaction with City Services

FUNDING

\$ 7,681 365-2767-069358

\$ 7,681 Total

BACKGROUND

Jameck Development, Inc. (Developer) approached the City to enter into a development agreement for the closure of a portion of Euclid Avenue, between Lincoln Road and Lincoln Lane South, to vehicular traffic, as part of an extension of the Lincoln Road pedestrian mall, and the construction of streetscape improvements in the City's right-of-way (the Project).

This Project will benefit the public in the following ways: (a) by removing delivery vehicles at the end of Euclid Avenue just south of Lincoln Road and establishing a delivery vehicle loading zone at Lincoln Lane South that will permit such vehicles to travel east or west through Lincoln Lane South instead of having to back up and turn around to exit on Euclid Avenue; (b) by providing the Flamingo Park residents with an entrance to Lincoln Road off Euclid Avenue; and (c) by creating more space for performances at the Euclid Oval.

On June 5, 2013, the Mayor and City Commission adopted Resolution No. 2013-28236, approving the Conceptual Plan and authorizing the City Manager to enter into negotiations with the Developer to design and build the Project.

At its June 11, 2014 meeting, the City Commission approved Resolution No. 2014-28628, approving the Development Agreement between Jameck and the City on first reading.

At its July 23, 2014 meeting, the Mayor and City Commission approved Resolution No. 2014-28673 approving the Development Agreement on second and final reading.

The Project had a total budgeted cost to the City of \$485,820 (City's cost), with any additional funds for the Project to be covered by the Developer. Such City funds were appropriated from Miami Beach Redevelopment Agency (Historic Convention Village/City Center RDA) Funds.

ANALYSIS

On September 2, 2015, pursuant to Resolution Number 2015-29127, the Mayor and City Commission approved Amendment No 1 to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$786,200; with the Developer paying for any Project costs in excess of the City's cost.

On October 14, 2015, pursuant Resolution 2015-29158, the Mayor and City Commission approved Amendment to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$806,340; due to bond insurance requirements with the Developer paying for any Project costs in excess of the City's cost.

Thereafter, the City requested the developer leave the existing Copper pod trees at their current location, which in consequence requires additional landscape work. The total cost of the Landscape work is in the amount of \$13,498.88, and the City's proportionate contribution (56.90%) of this cost is \$7,680.86. This change increases the GMP total amount from \$806,340 to \$819,838.88. The total cost of the City's contribution would be increased to \$466,500.86 if this resolution is approved.

CONCLUSION

The Administration recommends amending Resolution Number 2015-29127, correcting the GMP Project cost to reflect \$819,838.88, the City's total contribution increasing to \$466,500.86 with the Developer assuming the GMP costs above the City's Contribution, and reflecting the inclusion of the Additional work in Amendment No. 2 to the Development Agreement.

JLM/ETC/JJF/BAM/WRB/JR 

RESOLUTION TO BE SUBMITTED

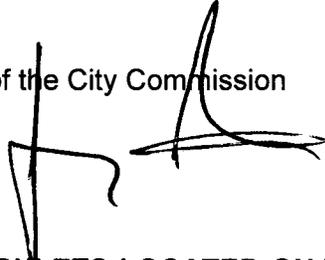
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MIAMI BEACH

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: March 9, 2016

SUBJECT: **A RESOLUTION EXEMPTING PARKLETS LOCATED ON WASHINGTON AVENUE BETWEEN 6TH STREET AND LINCOLN ROAD FROM CONCURRENCY REQUIREMENTS.**

ADMINISTRATION RECOMMENDATION

Approve a Resolution authorizing Parklets located on Washington Avenue between 6th Street and Lincoln Road with an application date between March 19, 2016 and March 31, 2017 to be exempt from the concurrency requirements Chapter 122 of the City Code.

BACKGROUND

On April 29, 2015, the Washington Avenue Blue Ribbon Panel presented its final report and recommendations to the Mayor and City Commission. Following the presentation, the Mayor and City Commission held a discussion regarding the potential expansion of sidewalk cafés into the existing parking lane to create an opportunity for outdoor cafés in “parklets.” The Mayor and City Commission directed staff to establish a program and guidelines for the design and approval of parklets on a temporary basis.

At the December 9, 2015 City Commission meeting, the Mayor and City Commission approved a Washington Avenue Pilot Parklet Program, to be administered by the Public Works Department. In addition, the City Commission directed the Administration to prepare the necessary ordinances to waive concurrency and sidewalk café fees for the Washington Avenue Pilot Parklet Program.

Prior to approving the attached resolution, the City Commission must adopt an ordinance amending Section 122-5 of the City Code, pertaining to “Exemptions from Concurrency”, to include temporary uses in the public right of way that are located on Washington Avenue between 6th Street and Lincoln Road. If adopted ordinance would require that a resolution of the City Commission specifying geographic areas, criteria, and duration of exemption be adopted in order for the exemption to take effect.

The concurrency fee is a one-time fee and is not assessed yearly, but runs with the use as long as it continues. The concurrency fee is based on the number of peak-hour trips the establishment generates; in the case of sidewalk cafes, the calculation is based on the number of seats. The concurrency fee is based on the costs to the City to mitigate each additional trip in three geographical areas: South Beach, below Dade Boulevard; Middle Beach, between Dade Boulevard and 63rd Street; and North Beach, between 63rd Street and City Line at 87th Terrace.

ANALYSIS

The primary use that is likely to be located on a parklet is a sidewalk café. Sidewalk café permits are temporary uses in the public rights-of way, which are renewed annually through the Public Works Department. Presently, the concurrency fee is \$454.61 per seat in the South Beach Transportation Concurrency Management Area, plus an administration fee, which ranges from \$275 to \$510. For a small business, this can be a substantial investment.

The proposed resolution, would positively impact the areas where it is proposed to be enacted by incentivizing and encouraging economic growth. The Planning Department believes that the further activation of storefronts and sidewalks will create more activity on the street, which cuts down on petty crime and provides a more walkable area that promotes destination dining and shopping.

SUMMARY / UPDATE

Attached

CONCLUSION

The Administration recommends that the City Commission approve the attached Resolution, exempting uses on parklets located on Washington Avenue between 6th Street and Lincoln Road with an application date between March 19, 2016 and March 31, 2017 from the concurrency requirements of Chapter 122 of the City Code.

JLM/SMT/TRM/RAM

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXEMPTING USES ON PARKLETS LOCATED ON WASHINGTON AVENUE BETWEEN 6TH STREET AND LINCOLN ROAD WITH AN APPLICATION DATE BETWEEN MARCH 19, 2016 AND FEBRUARY 28, 2017 FROM THE CONCURRENCY REQUIREMENTS OF CHAPTER 122 OF THE CITY CODE.

WHEREAS, the City of Miami Beach ("City") Land Development Regulations, at Chapter 122, establish the City's procedure for concurrency management; and

WHEREAS, Section 122-5 of the City Code creates exemptions from the City's concurrency requirements for certain developments and uses; and

WHEREAS, such exempt developments and uses are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate from the City; and

WHEREAS, on March 9, 2016, the City Commission adopted an Ordinance that modifies the list of exemptions from concurrency to include temporary uses in public rights-of-way located on Washington Avenue between 6th Street and Lincoln Road, as determined by the City Commission by resolution, specifying the geographic areas, criteria, and duration of the exemption; and

WHEREAS, a parklet is a small "park," plaza, or creative public space that is physically installed in an on-street parking space; and

WHEREAS, parklets are temporary uses permitted and located in public rights-of-way; and

WHEREAS, pursuant to the recommendations of the Mayor's Blue Ribbon Panel for Washington Avenue, the Mayor and City Commission seek to encourage the establishment of parklets along Washington Avenue in order to stimulate economic development and further activate the Washington Avenue corridor; and

WHEREAS, on December 9, 2015, the Mayor and City Commission approved the creation of the Washington Avenue Pilot Parklet Program, in order to allow businesses located along Washington Avenue to install parklets for sidewalk cafe use in public rights-of-way on a temporary basis, subject to certain requirements and criteria; and

WHEREAS, this exemption from the City's concurrency requirements would not decrease the quality of life for the residents.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that uses on parklets located on Washington Avenue between 6th Street and Lincoln Road with an application date between March 19, 2016 and March 31, 2017 are hereby exempt from the concurrency requirements of Chapter 122 of the City Code.

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting An Agreement Between The City Of Miami Beach And The Florida Department Of Transportation (FDOT) For The Cost Sharing Of A Construction Project On Indian Creek Drive, Between 26th And 41st Streets, For The Construction Of A Seawall, Improving Street Drainage And Road Elevation, In The Amount Of \$5.5 Million Dollars (Of A \$25 Million Dollar Project)

Key Intended Outcome Supported:

Item Summary/Recommendation:

Indian Creek Drive is considered one of the City's main corridors, forming a southbound artery between North/Mid Beach and South Beach. Indian Creek as a major commuter road which runs through residential areas where the City provides emergency services and is also a hurricane evacuation route.

During the extreme high tide events in the spring and fall, Indian Creek Drive consistently floods between 26th and 34th Streets. Over the years, these flooding events have worsened due to higher tides which are expected to escalate with sea level rise. This leaves City staff with no choice but to close the roads multiple times each year, two times each day coincident with high tides. The majority of flooding has been controlled by the extraordinary installation of a temporary flood barrier and several pumps at significant cost. Correcting this flooding would entail major construction at this location, including building a crash barrier wall to serve as a seawall in order to maintain street drainage during high tides, as well as increase the road elevation.

Last year, Mayor Levine along with City Administration traveled to Tallahassee to meet with the Secretary of Transportation to discuss these concerns, and to present him with a video documenting such flooding. At the end of the presentation, potential solutions were offered to Secretary Boxold including:

- Concepts of building a seawall from 26 to 41st Street, approximately 4,000 feet in length, at a 5.7 NAVD elevation (City standard). The proposed seawall would be constructed over a 20 feet deep sheet pile wall that would eliminate water from flowing underground and from flowing over the wall and flooding the street;
- The installation of a 72 inch drainage line beginning south of 26th Street and continuing all the way to 41st Street, connecting at the drainage system on 41st Street;
- The construction of a pump station on the 32nd Street end, that would have the capacity to pump the 72 inch drainage line and maintain the proper capacity in the system;
- As part of the project, the City recommended raising the roads to a 3.7 NAVD elevation. However, prior to doing so, the City would conduct field surveys of the project area to ensure businesses would not be adversely impacted and be able to establish a transition.

Since Indian Creek falls within the Florida Department of Transportation (FDOT) jurisdiction, City Administration met with FDOT District Six staff to discuss the sharing of the costs for this proposed project. At this meeting, it was agreed upon that FDOT would be responsible for the base cost of draining their roadways and the City would be responsible for the costs necessary to accommodate the additional capacity in the system for City streets.

The approximate base cost for this project is \$22 million, and the approximate cost for additional flows due to the City streets is \$3.4 million. Since the City owns approximately 30% of land along Indian Creek Drive and adding accommodations of street ends and City parking lots, the City agreed to accept part of the cost of the barrier wall itself, plus the difference between capacity. The construction cost of the wall is estimated at \$7 million. The City's share will be \$2.1 million, which totals \$5.5 million of the total \$25 million project.

Should FDOT take the lead, they anticipated it would take them a year before they could prepare a set of documents, followed by a project bid process. Should the City take the lead, a design build and a fast track system would be utilized, following a procurement process. However, the City would propose to reduce the time necessary to develop the drawings and start construction as early as summer 2016, enabling enough of the system to help during the high tides this fall. The City would then complete the project over next year by finalizing the elevations and any additional work necessary. FDOT is currently developing a draft agreement to this project.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Funds:	Amount	Account	Approved
OBPI	1		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Eric Carpenter, Public Works X6012

Sign-Offs:

Department Director JJF	Assistant City Manager ETC	City Manager JLM
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COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE COST SHARING OF A CONSTRUCTION PROJECT ON INDIAN CREEK DRIVE, BETWEEN 26TH AND 41ST STREETS, FOR THE CONSTRUCTION OF A SEAWALL BARRIER WALL, IMPROVING STREET DRAINAGE AND RAISING THE ROAD ELEVATION, IN THE AMOUNT OF \$5.5 MILLION DOLLARS (OF A TOTAL \$25 MILLION DOLLAR PROJECT).**

BACKGROUND

Indian Creek Drive is considered one of the City's main corridors, forming a southbound artery between North/Mid Beach and South Beach. Indian Creek as a major commuter road which runs through residential areas where the City provides emergency services and is also a hurricane evacuation route.

During the extreme high tide events in the spring and fall, Indian Creek Drive consistently floods between 26th and 34th Streets. Over the years, these flooding events have worsened due to higher tides which are expected to escalate with sea level rise. This leaves City staff with no choice but to close the roads multiple times each year, two times each day coincident with high tides. The majority of flooding has been controlled by the extraordinary installation of a temporary flood barrier and several pumps at significant cost. Correcting this flooding would entail major construction at this location, including building a crash barrier wall to serve as a seawall in order to maintain street drainage during high tides, as well as increase the road elevation.

Last year, Mayor Levine along with City Administration traveled to Tallahassee to meet with the Secretary of Transportation to discuss these concerns, and to present him with a video documenting such flooding. At the end of the presentation, potential solutions were offered to Secretary Boxold including:

- Concepts of building a seawall from 26 to 41st Street, approximately 4,000 feet in length, at a 5.7 NAVD elevation (City standard). The proposed seawall would be constructed over a 20 feet deep sheet pile wall that would eliminate water from flowing underground and from flowing over the wall and flooding the street;
- The installation of a 72 inch drainage line beginning south of 26th Street and continuing all the way to 41st Street, connecting at the drainage system on 41st Street;

- The construction of a pump station on the 32nd Street end, that would have the capacity to pump the 72 inch drainage line and maintain the proper capacity in the system;
- As part of the project, the City recommended raising the roads to a 3.7 NAVD elevation. However, prior to doing so, the City would conduct field surveys of the project area to ensure businesses would not be adversely impacted and be able to establish a transition.

Since Indian Creek falls within the Florida Department of Transportation (FDOT) jurisdiction, City Administration met with FDOT District Six staff to discuss the sharing of the costs for this proposed project. At this meeting, it was agreed upon that FDOT would be responsible for the base cost of draining their roadways and the City would be responsible for the costs necessary to accommodate the additional capacity in the system for City streets.

The approximate base cost for this project is \$22 million, and the approximate cost for additional flows due to the City streets is \$3.4 million. Since the City owns approximately 30% of land along Indian Creek Drive and adding accommodations of street ends and City parking lots, the City agreed to accept part of the cost of the barrier wall itself, plus the difference between capacity. The construction cost of the wall is estimated at \$7 million. The City's share will be \$2.1 million, which totals \$5.5 million of the total \$25 million project.

Should FDOT take the lead, they anticipated it would take them a year before they could prepare a set of documents, followed by a project bid process. Should the City take the lead, a design build and a fast track system would be utilized, following a procurement process. However, the City would propose to reduce the time necessary to develop the drawings and start construction as early as summer 2016, enabling enough of the system to help during the high tides this fall. The City would then complete the project over next year by finalizing the elevations and any additional work necessary.

FDOT is currently developing a draft agreement to this project.

CONCLUSION

The administration recommends approving the Resolution.

Attachment: Draft Agreement

JLM/ETC/JJF/FRS

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RESOLUTION TO BE SUBMITTED

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION BY 5/7THS VOTE AND WAIVING THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST IN THE CITY, AND AUTHORIZING THE ADMINISTRATION TO FINALIZE NEGOTIATIONS WITH TYLER TECHNOLOGIES INC. (PREVIOUSLY NEW WORLD SYSTEMS CORPORATION) AND, IF SUCH NEGOTIATIONS ARE SUCCESSFUL, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A STANDARD SOFTWARE MAINTENANCE AGREEMENT FOR A TERM OF TWO YEARS, WITH UP TO THREE ONE-YEAR RENEWAL TERMS, IN AN AMOUNT NOT TO EXCEED \$1,739,796.

Key Intended Outcome Supported:

N/A

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

N/A

Item Summary/Recommendation:

In February 2008, the City of Miami Beach ("City") entered into a five (5) year Standard Software Maintenance Agreement with New World Systems Corporation (NWS). This Contract covered software maintenance for all aspects of the Computer Aided Dispatch (CAD) system. A two-year extension was negotiated in 2013 and expired at midnight on December 31, 2015; however, the Maintenance Contract has since continued on a month-to-month basis as approved by the City Commission on December 9, 2015.

Effective maintenance of the CAD system is critical to the operational and planning activities of the Police Department, Fire Department and Emergency Management. Accordingly, the Administration believes it is critical to negotiate with Tyler Technologies, Inc., the producer of the City's current NWS CAD system, for a successor contract. In addition to the required ongoing maintenance, the Fire Department requires Effective Response Force (ERF) functionality to be implemented as soon as possible. ERF is an asset monitoring and utilization tool that is required by the Fire Department in order to maintain its national accreditation.

The belief among the City's public safety departments (Police, Fire and Emergency Management) is that replacing the CAD system with another provider's system at this time would be highly disruptive to the City's public safety operations. Therefore, to secure a mutually beneficial contract for ongoing support and maintenance of the current CAD system, representatives from the relevant departments (Police, Fire and Emergency Management) have been conducting extensive negotiations with Tyler Technologies, Inc. regarding a new Maintenance Contract, with the inclusion of the ERF functionality. The Standard Software Maintenance Agreement the City entered into with NWS in 2008 has met the general requirements of the City. The new contract includes all necessary amendments and undertakings to meet the needs of all relevant departments for the term of the contract. The Administration recommends that the Mayor and City Commission adopt the Resolution approving the new contract.

CITY MANAGER'S RECOMMENDATION

Based on the foregoing, I recommend that the Mayor and City Commission of the City of Miami Beach, Florida, approve the resolution authorizing the Administration to finalize negotiations with Tyler Technologies for the New World Systems computer aided dispatch system; further authorizing the Mayor and City Clerk to execute the Agreement upon successful negotiations.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:		Amount	Account
	1		
OBPI	Total		

Financial Impact Summary: NA

City Clerk's Office Legislative Tracking:

Chief Oates, Chief Fernandez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DC [Signature] VF [Signature] AD [Signature]	MT [Signature]	JLM [Signature]

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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: March 9, 2016

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION BY 5/7THS VOTE AND WAIVING THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST IN THE CITY, AND AUTHORIZING THE ADMINISTRATION TO FINALIZE NEGOTIATIONS WITH TYLER TECHNOLOGIES INC. (PREVIOUSLY NEW WORLD SYSTEMS CORPORATION) AND, IF SUCH NEGOTIATIONS ARE SUCCESSFUL, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A STANDARD SOFTWARE MAINTENANCE AGREEMENT FOR A TERM OF TWO YEARS, WITH UP TO THREE ONE-YEAR RENEWAL TERMS, IN AN AMOUNT NOT TO EXCEED \$1,739,796.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

HISTORY/BACKGROUND

In February 2008, the City of Miami Beach ("City") entered into a five (5) year Standard Software Maintenance Agreement with New World Systems Corporation (NWS). This Contract covered software maintenance for all aspects of the Computer Aided Dispatch (CAD) system. A two-year extension was negotiated in 2013 and expired at midnight on December 31, 2015; however, the Maintenance Contract has since continued on a month-to-month basis as approved by the City Commission on December 9, 2015.

Effective maintenance of the CAD system is critical to the operational and planning activities of the Police Department, Fire Department and Emergency Management. Accordingly, the Administration believes it is critical to negotiate with Tyler Technologies, Inc., the producer of the City's current NWS CAD system, for a successor contract. In addition to the required ongoing maintenance, the Fire Department requires Effective Response Force (ERF) functionality to be implemented as soon as possible. ERF is an asset monitoring and utilization tool that is required by the Fire Department in order to maintain its national accreditation.

The belief among the City's public safety departments (Police, Fire and Emergency Management) is that replacing the CAD system with another provider's system at this time would be highly disruptive to the City's public safety operations. Therefore, to secure a mutually beneficial contract for ongoing support and maintenance of the current CAD system, representatives from the relevant departments (Police, Fire and Emergency Management) have been conducting extensive negotiations with Tyler Technologies, Inc. regarding a new Maintenance Contract, with the inclusion of the ERF functionality. Key elements to the new negotiations include:

- 1 Reducing the annual contract increase from 5% to 3%.
- 2 Adding 24/7 emergency support for the Law Enforcement Records Management System (LERMS).
- 3 Developing and implementing an Effective Response Force (ERF) function for the Fire Department. ERF is an asset monitoring and utilization tool that is required by the Fire Department in order to maintain its national accreditation. The enhancement to the software system relating to the ERF function will incur an additional cost of \$45,000. This amount was previously approved by, and budgeted within, the Information Technology Steering Committee.
- 4 Enhancement of the system to facilitate Pulsepoint Interface Email Software.
- 5 An option to cancel, at any time, without cause, with 90 days' written notice.
- 6 An option at the end of Year 2 to terminate the Contract if the ERF enhancement is not implemented by Tyler Technologies, Inc. in the 12 month development period as promised by Tyler Technologies, Inc. and accepted by the Fire Department.
- 7 Three (3) further one-year extensions beyond Year 2, conditional upon successful implementation of the ERF function and continued operational effectiveness.

The Standard Software Maintenance Agreement the City entered into with NWS in 2008 has met the general requirements of the City. The new contract includes all necessary amendments and undertakings to meet the needs of all relevant departments for the term of the contract. The Administration recommends that the Mayor and City Commission adopt the Resolution approving the new contract.

CITY MANAGER'S RECOMMENDATION

Based on the foregoing, I recommend that the Mayor and City Commission of the City of Miami Beach, Florida, approve the resolution authorizing the Administration to finalize negotiations with Tyler Technologies for the New World Systems computer aided dispatch system; further authorizing the Mayor and City Clerk to execute the Agreement upon successful negotiations.

JLM:DJO:DW

T:\agenda\2016\MARCH\Procurement\Com_memo-NWScontract2016

RESOLUTION TO BE SUBMITTED

R9

**NEW BUSINESS
AND
COMMISSION REQUESTS**

R9

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
 From: Rafael Granado, City Clerk 
 Date: March 09, 2016
 Subject: BOARDS AND COMMITTEES

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

ANALYSIS:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC	Page #
Ad Hoc Host 2017 U.S. Conference of Mayors	10	Mayor Philip Levine	10	1
Affordable Housing Advisory Committee	18	City Commission	3	2
Audit Committee	7	Commissioner Ricky Arriola	1	5
Budget Advisory Committee	9	City Commission	1	9
Committee for Quality Education in Miami Beach	9	Commissioner Michael Grieco	1	10
		Commissioner Ricky Arriola	1	10
Committee on the Homeless	9	Commissioner Michael Grieco	1	12
		Mayor Philip Levine	1	12
Design Review Board	8	City Manager Jimmy L. Morales	1	14
Housing Authority	5	Mayor Philip Levine	1	21
Production Industry Council	7	Commissioner Ricky Arriola	1	42

VACANCY REPORT

Appointor Name	Board Name	Vacancy	Total Members
City Commission			
	Affordable Housing Advisory Committee	3	18
	Budget Advisory Committee	1	9
City Manager Jimmy L. Morales			
	Design Review Board	1	8
Commissioner Michael Grieco			
	Committee for Quality Education in Miami Beach	1	9
	Committee on the Homeless	1	9
Commissioner Ricky Ariola			
	Audit Committee	1	7
	Committee for Quality Education in Miami Beach	1	9
	Production Industry Council	1	7
Mayor Philip Levine			
	Ad Hoc Host 2017 U.S. Conference of Mayors	10	10
	Committee on the Homeless	1	9
	Housing Authority	1	5

Ad Hoc Host 2017 U.S. Conference of Mayors

2016-29276

Composition:

1. The City of Miami Beach's hosting of the June 2017 United States Conference of Mayors Annual Meeting in the City of Miami Beach serves a public purpose.
2. An Ad Hoc Host Committee for said 2017 Annual Meeting is hereby created, whose purpose is to raise funds for the City's costs in hosting the 2017 Annual Meeting
3. The Ad Hoc Host Committee shall be composed of up to ten (10) members to be direct appointees of the Mayor.
4. Ad Hoc Host Committee member terms shall commence on January 14, 2016 for an initial one year term, followed by an additional term through and including June 30, 2017 (subject to earlier or later sunset by the City Commission).
5. The City is hereby authorized to accept donations for this public purpose, and the City Manager, or his designee, is authorized to make such expenditures and/or reimbursements from the donations in furtherance of and consistent with the aforesaid public purpose served by the City's hosting of 2017 United States Conference of Mayors Annual Meetings.

City Liaison:

Vacancy:

Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine
Vacant	06/30/2017	Mayor Philip Levine

Members:

Affordable Housing Advisory Committee

Sec. 2-167

Composition:

The Committee shall consist of eighteen (18) voting members with two-year terms.

Seven (7) members of the Affordable Housing Advisory Committee shall be direct appointments, one made by the Mayor and each Commissioner.

The direct appointee shall either be:

- (i) a resident of a locally designated community development target area for a minimum of six months; or
- (ii) demonstrate ownership/interest for a minimum of six months in a business established in a locally designated community development target area for a minimum of six months.

The remaining eleven (11) members shall be appointed at-large by a majority vote of the Mayor and City Commission, as follows:

1. One citizen actively engaged in the residential home building industry in connection with affordable housing;
2. One citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing;
3. One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
4. One citizen actively engaged as an advocate for low-income persons in connection with affordable housing;
5. One citizen actively engaged as a for-profit provider of affordable housing;
6. One citizen actively engaged as a not-for-profit provider of affordable housing;
7. One citizen actively engaged as a real estate professional in connection with affordable housing;
8. One citizen who actively serves on the local planning agency pursuant to Florida Statute §163.3174 (Planning Board member);
9. One citizen who resides within the jurisdiction of the local governing body making the appointments;
10. One citizen who represents employers within the jurisdiction;
11. One citizen who represents essential services personnel, as defined in the local housing assistance plan.

If the City, due to the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

City Liaison: Richard Bowman

Vacancy:

Vacant	(11) Represents Essential Services Personnel	12/31/2016	City Commission	
To replace Robert Saland	(1) Residential Home Building	12/31/2015	City Commission	
To replace David Smith	(3) Represents Areas of Labor In Connection with Affordable Housing	12/31/2015	City Commission	12/31/2020

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Sarah	Leddick		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Alexander	Orlofsky		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Allison	Stone	(5) For Profit Provider	12/31/2016	City Commission	12/31/2020
Beth	Butler	(10) Represents Employers With Jurisdiction	12/31/2017	City Commission	12/31/2021
David	Smith	(2) Actively Engaged in Banking/Mortgage Industry	12/31/2016	City Commission	12/31/2020
Francis	Trullenque	(4) Low-Income Advocate	12/31/2017	City Commission	12/31/2021
Jeffrey	Feldman	(8) Actively Serves on Local Planning Agency	12/31/2017	City Commission	12/31/2019
Karen	Fryd		12/31/2017	Commissioner Joy Malakoff	12/31/2021
Matthew	Land		12/31/2017	Commissioner John Alemán	12/31/2023

MIAMI BEACH

Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Mayela	Mueller		12/31/2016	Mayor Philip Levine	12/31/2021
Michael	Feldman	(9) Resides with Jurisdiction of Local Governing Body	12/31/2016	City Commission	12/31/2022
Roger	Shields		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Seth	Feuer		12/31/2016	Commissioner Michael Grieco	12/31/2021
Sixto	Acea	(6) Not for Profit	12/31/2017	City Commission	12/31/2021
Suzanne	Hollander	(7) Real Estate Professional	12/31/2017	City Commission	12/31/2019

Applicants

Barbara Gotlinsky
 Craig Smith
 Dr. Barry Ragone
 Francis Trullenue
 Howard Weiss
 Jackson Keddell
 Jordan Nadel
 Josephine Pampanas
 Juan Rojas
 Lisett Fernandez
 Miguel Brizuela
 Stanley Shapiro
 Stephen Bernstein

Applicants

Britta Hanson
 Dale Gratz
 Eric Lawrence
 Guy Simani
 Ian Bacheikov
 Janie Hayes
 Joseph Landesman
 Josephine Pampanas
 Lawrence Raab
 Mendy Lieberman
 Prakash Kumar
 Stephanie Berman

Art in Public Places Committee

Sec. 82-561

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) members to be appointed by a majority of the entire City Commission, and who shall possess a high degree of competence in evaluation of art history and architectural history, art, architecture, sculpture, painting, artistic structure design and other appropriate art media for display or integration in public places.

City Liaison: Dennis Leyva

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Cathy	Byrd		12/31/2016	City Commission	12/31/2019
Chana	Sheldon		12/31/2017	City Commission	12/31/2021
Janda	Wetherington TL		12/31/2016	City Commission	12/31/2016
Megan	Riley TL		12/31/2016	City Commission	12/31/2016
Ombretta	Agro Andruff		12/31/2017	City Commission	12/31/2019
Patricia	Frost		12/31/2017	City Commission	12/31/2019
Susan	Caraballo		12/31/2016	City Commission	12/31/2018

Applicants

Adrian Gonzalez
 Alexander Orlofsky
 Calvin Kohli
 Chana Sheldon
 Craig Garmendia
 Dale Stine
 Eric Montes de Oca
 Francis Trullenque
 Laura Levey
 Leslie Tobin
 Michael McManus
 Mirta Limonta
 Nancy Bernstein
 Roger Baumann
 Susan Schemer
 Vanessa Menkes

Applicants

Adrienne Krieger
 Allee Newhoff
 Carolyn Baumel
 Cindy Brown
 Craig Garmendia
 Elizabeth Schwartz
 Francinelee Hand
 Keren Bajaroff
 Laurence Moser
 Marjorie O'Neill-Buttler
 Michelle Ricci
 Monica Matteo-Salinas
 Roger Baumann
 Scott Robins
 Thomas Musca
 Veronica Camacho-Krieger

Boards and Committees Current Members

Audit Committee

FS 218.391 & 218.39

Composition:

The members of this Committee shall consist of seven (7) voting members, one each to be directly appointed by the Mayor and each City Commissioner. The primary purpose of the Committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in FS 218.39; however, the Audit Committee may serve other audit oversight purposes as determined by the entity's governing body.

Under FS 218.391 the committee shall:

1. Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm;
2. Evaluate proposals provided by qualified firms; and
3. Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services.

City Liaison: James Sutter

Vacancy:

To replace Dana Kaufman CPA 12/31/2015 Commissioner Ricky Arriola

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	CPA	12/31/2017	Commissioner Joy Malakoff	FS.218.391
Bryan	Rosenfeld	CPA	12/31/2017	Commissioner John Alemán	FS.218.391
Marc	Gidney	CPA	12/31/2017	Commissioner Micky Steinberg	FS.218.391
Michael	Weil		12/31/2016	Mayor Philip Levine	FS.218.391
Patricia	Valderrama		12/31/2017	Commissioner Kristen Rosen Gonzalez	FS.218.391
Ronald	Starkman		12/31/2016	Commissioner Michael Grieco	FS.218.391

Applicants

Bryan Rosenfeld
Patricia Valderrama
Richard Comisky

Applicants

Deede Weithorn
Richard Comisky

Beachfront Management Plan Ad-Hoc Advisory Group

Florida Statute §259.032(10)

Composition:

The City of Miami Beach leases the property eastward of the erosion control line (ECL) from the State of Florida. This lease agreement requires the City to submit an updated land management plan every 10 years for the State's approval. The City's land management plan, also known as the City's Beachfront Management Plan, must outline the property's uses, management activities, and planned projects.

In accordance with Section 259.032(10) of the Florida Statutes, the City must create an advisory group of community stakeholders to review the updated Beachfront Management Plan and to provide comments. The advisory group shall include representatives of: the lead land managing agency, the co-managing entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official.

The terms of the Beachfront Management Plan Ad-Hoc Advisory Group, pursuant to Resolution 2015-29009, shall commence June 1, 2015 and expire on June 1, 2016. At the April 15, 2015 City Commission meeting, the City Commission appointed Commissioner Michael Grieco as the local elected official to the ad-hoc advisory group. The other members of the ad-hoc advisory group shall be as follows:

Representing the lead managing agency: 1) The City's Tourism, Cultural, and Economic Development Department Director, or his designee; 2) The City's Environment and Sustainability Division head, or her designee; 3) The City's Ocean Rescue Division Chief, or his designee.

Representing Miami-Dade County, a co-managing agency: 1) An appointee of the County's Beach Operations program; and 2) An appointee of the County's Beach Re-nourishment program.

Representing the State of Florida, a co-managing agency: 1) An appointee of the Florida Department of Environmental Protection's Coastal Construction Control Line Program.

Representing local private property owners: 1) A member of the Sustainability Committee; 2) The Chairman of the Marine Authority and Waterfront Protection Committee; and 3) An appointee of the Boucher Brothers.

Representing the appropriate soil and water conservation district: 1) An appointee of the South Dade Soil and Water Conservation District.

Representing a local conservation organization: 1) Urban Conservation Director at The Nature Conservancy.
City Liaison: Elizabeth Wheaton

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Greg	Guannel TL	The Nature Conservancy Urban Conservation Director	06/01/2016		06/01/2016
Elizabeth	Wheaton	Environment & Sustainability Division Head or designee	06/01/2016		
Vincent	Canosa TL	Ocean Rescue Division Chief	06/01/2016		06/01/2016
Steve	Boucher TL	Boucher Brothers appointee	06/01/2016		06/01/2016
John	Ripple TL	Miami-Dade County's Beach Operations Program	06/01/2016		06/01/2016
Lisa	Spadafina TL	Miami-Dade County's Beach Renourishment Program	06/01/2016		06/01/2016
Christian	Lambright TL	FLA Dept./Environmental Protection's Coastal Construction Control Line	06/01/2016		06/01/2016
Daniel	Kipnis TL	Marine Authority & Waterfront Protection Committee Chairman	06/01/2016		06/01/2016
Max	Sklar TL	Tourism, Culture & Economic Development Director	06/01/2016		06/01/2016

MIAMI BEACH

Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Michael	Grieco	Local Elected Official			
Steve	Vincenti TL	Sustainability Committee Member	06/01/2016		06/01/2016

Board of Adjustment

RSA I-2 Sec 118-131

Composition:

Two (2) year term.

Appointed by a 5/7th vote.

Seven (7) voting members composed of two members appointed as citizens at-large and five members shall be appointed from each of the following categories (no more than one per category), namely: Law, Architecture, Engineering, Real Estate Development, Certified Public Accountant, Financial Consultation, and General Business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community; the member representing the field of financial consultation shall be a Certified Public Accountant, Chartered Financial Analyst, Certified Financial Planner, a Chartered Financial Consultant or investment advisor registered with the Securities and Exchange Commission, or someone recognized as having similar credentials and duly licensed by the State of Florida.

Members shall be appointed for a term of two years by a 5/7th vote of the City Commission. Members of the Board of Adjustment must be either residents of or have their principal place of business in Miami Beach; provided, however, that this amendment shall not affect the term of existing members of the Board of Adjustment.

City Liaison: Michael Belush

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Barton	Goldberg	Financial Advisor	12/31/2017	City Commission	12/31/2019
Daniel	Nagler	General Business	12/31/2017	City Commission	12/31/2021
Heidi	Tandy	At-Large	12/31/2017	City Commission	12/31/2019
James	Orlowsky	CPA	12/31/2017	City Commission	12/31/2021
Noah	Fox	Real Estate Developer	12/31/2016	City Commission	12/31/2018
Richard	Baron	At-Large	12/31/2016	City Commission	12/31/2021
Richard	Segal	Law	12/31/2016	City Commission	12/31/2021

Applicants

Aaron Davis
 Bradley Colmer
 David Wieder
 Frank Del Vecchio
 Ian Bacheikov
 Jack Benveniste
 JAMES ORLOWSKY
 James Silvers
 Jeff Cynamon
 Jonathan Beloff
 Kristen Rosen Gonzalez
 Lawrence Seitz
 Muayad Abbas
 Ray Breslin
 Roberta Gould
 Victor Ballestas

Applicants

Andres Asion
 Brian Ehrlich
 Deborah Castillo
 Gabriel Paez
 Ian Bacheikov
 JAMES ORLOWSKY
 JAMES ORLOWSKY
 Jared Galbut
 Jeffrey Feldman
 Kathleen Phang
 Lawrence Seitz
 Mark Alhadeff
 Nelson Fox
 Ray Breslin
 Seth Frohlich

Committee for Quality Education in Miami Beach

Sec. 2-190.134

Composition:

The Committee shall consist of fifteen (15) voting members and three non-voting ex-officio members to be comprised as follows.

A representative from each of the following eight schools, selected by the Parent Teacher Association:

North Beach Elementary,
 Biscayne Elementary,
 Feinberg-Fisher K-8 Center,
 South Pointe Elementary,
 Nautilus Middle School,
 Miami Beach High School,
 Ruth K. Broad K-8 Center,
 Treasure Island Elementary School,

and seven (7) members of the public with knowledge or expertise with regard to education issues who shall be direct appointments by the Mayor and City Commissioners with no more than three who can be employed or contracted by Miami-Dade County public schools.

The City Commission shall designate two (2) of its members to serve as City Commission liaisons, who shall report to the City Commission actions of the Committee for Quality Education. The City Manager shall further designate a member of City staff to serve as a liaison who shall report the Committee's actions to the City Manager.

City Liaison: Dr. Leslie Rosenfeld

Vacancy:

To replace Marina Aviles	12/31/2016	Commissioner Michael Grieco	12/31/2022
To replace Richard Hull	12/31/2016	Commissioner Ricky Arriola	12/31/2022

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Betsy	Mateu		12/31/2016	Mayor Philip Levine	12/31/2021
John	Alemán	City Commission Designee	11/30/2019	City Commission	11/30/2019
Judith	Berson-Levinson		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Karen	Edelstein		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Micky	Steinberg	City Commission Designee	11/30/2017	City Commission	
Tiffany	Heckler		12/31/2017	Commissioner John Alemán	12/31/2023
Yvette	Tache		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Beth	Edwards	PTA Representative-Nautilus Middle School 06.30.15	06/30/2016		
Beverly	Heller	PTA Rep. -North Beach Elementary School 06.30.15	06/30/2016		
Elisa	Leone	PTA Rep. - Biscayne Elementary 06.30.14	06/30/2016		
Ivette	Birba	PTA Rep.-Feinberg Fisher K-8 06.30.15	06/30/2016		
Jordan	Leonard	PTA Rep. - Ruth K. Broad K-8 06.30.15	06/30/2016		
Kayla	Rynor	PTA Rep.- Miami Beach Sr. High School 06.30.15	06/30/2016		
Rosa	Neely	PTA Rep. -Treasure Island Elementary 06.30.14	06/30/2016		

MIAMI BEACH

Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Faiza	Liban	PTA Rep. South Pointe Elementary 6.30.15	06/30/2016		

Applicants

Elsa Orlandini
Hicham Moujahid
Ivan Montes
Jessica Burns
Keren Bajaroff
Laurie Kaye Davis
Marjorie York
Melissa Sheppard-Broad
Peter Matos
Tashaunda Washington

Applicants

Eric Montes de Oca
Ivan Montes
Janet Horwitz
Joanna-Rose Kravitz
Kristen Rosen Gonzalez
Lynette Long
Mary Keinath
Pamela Brumer
Richard Hull
Yvette Tache

Boards and Committees Current Members

Committee on the Homeless

Sec. 2-161

Composition:

The Committee shall consist of nine (9) members, three (3) to be appointed by the Mayor and each Commissioner to appoint one (1).

Each member of the Committee shall be selected from membership in an organization such as, but not limited to the following:

Service Providers:

Douglas Gardens Community Mental Health,
 Salvation Army,
 Better Way,
 Miami-Dade County Homeless Trust;

Civic Representation: North Beach (North Beach Development Corporation), 41st Street (Middle Beach Partnership), Lincoln Road (Marketing Council), Washington Avenue (Miami Beach Development Corporation and/or Washington Avenue Task Force), Ocean Drive (Ocean Drive Improvement Association), Collins Avenue (Hotel Association), South Pointe (South Pointe Advisory Board to the Redevelopment Agency); member of the general public with personal experience with homeless issues; CDBG Project Coordinator (ESG Emergency Shelter Grant Provider), City officials, representative from the Police Department and the City Attorney's Office as ex-officio members.

City Liaison: Alba Tarre

Vacancy:

Vacant	12/31/2017	Mayor Philip Levine	
To replace Jonathan Kroner	12/31/2015	Commissioner Michael Grieco	12/31/2017

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Lourdes	Oroza		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Calvin	Kohli		12/31/2016	Commissioner Joy Malakoff	12/31/2022
Debra	Schwartz		12/31/2017	Mayor Philip Levine	12/31/2021
Dona	Zemo		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Freddy	Funes		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Gail	Harris TL		12/31/2016	Mayor Philip Levine	12/31/2016
Valerie	Navarrete		12/31/2017	Commissioner John Alemán	12/31/2022

Applicants

Dale Gratz
 Deborah Robins
 Helen Swartz
 Luz Diaz
 Marina Aviles
 Monica Casanova
 Patricia Valderrama
 Rocio Sullivan
 Stanley Shapiro
 Zeiven Beitchman

Applicants

Darren Cefalu
 Eda Valero-Figueira
 Lior Leser
 Magui Benitez
 Mark Wylie
 Muayad Abbas
 Robert Gonzalez
 Rosalie Pincus
 Stephanie Berman

Convention Center Advisory Board

Sec. 2-46

Composition:

The Board shall consist of seven (7) voting members.
 The Mayor and each Commissioner shall make one (1) direct appointment.
 The Chairperson of the Board of Directors of the Miami Beach Chamber of Commerce or his/her designee shall serve as a non-voting ex-officio member.
 The Chairperson of the Board of Directors of the Greater Miami Convention and Visitors Bureau or his designee shall serve as a non-voting ex-officio member.
 Administrative representatives from the management group, Greater Miami Convention and Visitors Bureau, and the City Manager's office shall serve as non-voting ex-officio members.

City Liaison: Max Sklar

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Andres	Asion		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Brian	Gilderman		12/31/2016	Mayor Philip Levine	12/31/2022
Elizabeth	Resnick		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2020
Laurence	Herrup		12/31/2017	Commissioner Joy Malakoff	12/31/2023
Lior	Leser		12/31/2017	Commissioner John Alemán	12/31/2023
Michael	Goldberg		12/31/2016	Commissioner Michael Grieco	12/31/2021
Peter	Matos		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Ita	Moriarty	Ex-officio, GMCVB Admin. Rep.			
Joshua	Levy	Ex-officio, Chair Bd. Dir. MBCC			
Matt	Hollander	Ex-officio, Global Spectrum Admin. Rep.			

Applicants

Adam Kravitz
 Carl Linder
 David Kahn
 Howard Weiss
 Jared Galbut
 Karen Brown
 Laurence Moser
 Lee Zimmerman
 lior Ieser
 Mark Wylie
 Michael Bernstein
 Tiva Leser

Applicants

Barbara Gotlinsky
 Carl Linder
 Gayle Durham
 James Weingarten
 John Lee
 Keren Bajaroff
 Lawrence Raab
 Leslie Coller
 Mark Wohl
 Mendy Lieberman
 Nawaz Gilani
 Victor Ballestas

Design Review Board

Sec. 118.71

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) regular members shall consist of:

1. Two architects registered in the United States;
2. An architect registered in the State of Florida or a member of the faculty of the school of architecture, urban planning, or urban design in the State, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture, or a professional practicing in the fields of architectural design, or urban planning;
3. One landscape architect registered in the State of Florida;
4. One architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning, or a resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and
5. Two citizens at-large.

One person appointed by the City Manager from an eligibility list provided by the Disability Access Committee shall serve in an advisory capacity with no voting authority. The Planning Director or designee, and the City Attorney or designee, shall serve in an advisory capacity.

Residency and place of business in the county. The two (2) citizens at-large members, one of the registered landscape architects, registered architects, professional designers and/or professional urban planners shall be residents of the City.

City Liaison: Deborah Tackett

Vacancy:

Vacant	Ex-Officio/Disability Access Committee	12/31/2016	City Manager Jimmy L. Morales
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Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Annabel	Delgado-Harrington	Registered Architect	12/31/2017	City Commission	12/31/2019
Carol	Housen TL	At-large	12/31/2016	City Commission	12/31/2016
Deena	Bell	Landscape Architect	12/31/2017	City Commission	12/31/2020
Elizabeth	Camargo	Registered Architect	12/31/2017	City Commission	12/31/2019
John	Turchin	At-Large	12/31/2017	City Commission	12/31/2019
Kathleen	Phang	Attorney	12/31/2016	City Commission	12/31/2019
Michael	Steffens	Registered Architect	12/31/2016	City Commission	12/31/2020
Eve	Boutsis	Advisory/City Attorney Designee			
Thomas	Mooney	Advisory/Planning Dept. Director			

Applicants

Andres Asion
 Bradley Colmer
 Bryan Rosenfeld
 Clotilde Luce
 David Smith
 Deborah Castillo

Applicants

Alexander Orlofsky
 Andres Asion
 Brian Ehrlich
 Christina LaBuzetta
 Daniel Hertzberg
 David Kahn
 Francinelee Hand

MIAMI BEACH

Boards and Committees Current Members

Jack Finglass

Jeffrey Cohen

Joseph Furst

Lawrence Seitz

Manuel (Mickey) Minagorri

Marvin Weinstein

Michael Barrineau

Nelson Fox

Ruben Conitzer

Seth Wasserman

Suzanne Hollander

Victor Morales

Jean-Francois Lejeune

Jeffrey Feldman

Kirk Paskal

Lawrence Seitz

Marina Novaes

Matthew Krieger

Neal Deputy

Richard Baron

Seth Frohlich

Stacy Kilroy

Terry Bienstock

Victor Ballestas

Disability Access Committee

2006-3500 S 2-31

Composition:

The disability access committee shall be composed of 14 voting members; the mayor and each city commissioner shall make two direct appointments. A quorum shall consist of eight members. Formal action of the board shall require at least eight votes. Consideration shall be given, but not be limited to, the following categories:

Persons having mobility impairment;
 Deaf and/or hard-of-hearing persons in the community;
 Blind and/or vision-impaired persons in the community;
 Mental, cognitive or developmental disabilities; and
 The industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation).
 The city attorney's office shall provide legal counsel.
 City Liaison: Valeria Mejia

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
David	McCauley		12/31/2016	Commissioner Joy Malakoff	12/31/2020
Eddie	Sierra		12/31/2017	Commissioner John Alemán	12/31/2023
Elsa	Orlandini		12/31/2016	Commissioner Michael Grieco	12/31/2021
Gloria	Salom		12/31/2016	Commissioner Kristen Rosen Gonzalez	12/31/2023
Helen	Swartz		12/31/2017	Commissioner Joy Malakoff	12/31/2018
Lawrence	Fuller		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Michael	Bernstein		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Nancy	Soler-Rammos		12/31/2017	Commissioner John Alemán	12/31/2023
Oliver	Stern		12/31/2016	Commissioner Michael Grieco	12/31/2021
Roger	Abramson		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Russell	Hartstein		12/31/2017	Mayor Philip Levine	12/31/2019
Sabrina	Cohen		12/31/2016	Commissioner Ricky Arriola	12/31/2017
Susana	Maroder- Rivera		12/31/2016	Commissioner Micky Steinberg	12/31/2019
Wendy	Unger TL		12/31/2016	Mayor Philip Levine	12/31/2016

Applicants

Allison Stone
 David New
 Jared Plitt
 Jarred Relling
 Rafael Trevino

Applicants

Britta Hanson
 Gloria Salom
 Jarred Reiling
 Maria Koller
 Zachary Cohen

Health Advisory Committee

Sec. 2-81 2002-3358

Composition:

Eleven (11) voting members appointed by the City Commission at-large upon recommendations of the City Manager:

One (1) member shall be the Chief Executive Officer (CEO's) or a designated administrator from Mount Sinai Medical Center;

One (1) member shall be the Chief Executive Officer (CEO) from Miami Beach Community Health Center or his/her designee administrator;

Two (2) members shall be an administrator from an Adult Congregate Living Facility (ACLF), and/or an Assisted Living Facility (ALF);

One (1) member shall be a representative from the nursing profession;

One (1) member shall be a health benefits provider;

Two (2) members shall be physicians;

Two (2) members shall be consumers consisting of:

1. One (1) individual from the corporate level and;

2. One (1) private individual;

One member shall be a physician or an individual with medical training or experience.

There shall be one (1) non-voting ex-officio representative from each of the following: The Miami-Dade County Health Department, the Health Council of South Florida, and the Fire Rescue Department. The director of the Office of the Children's Affairs shall be added as a non-voting ex-officio member of the board.

City Liaison: Sonia Bridges

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Francois	Betancourt	Ex-Officio Fire Rescue Department	12/31/2018		
Alan	Nieder	Private Individual	12/31/2017	City Commission	12/31/2021
Anthony	Japour TL	ACLF	12/31/2016	City Commission	12/31/2016
Dr. Todd	Narson TL	Health Provider	12/31/2016	City Commission	12/31/2016
Jeremy	Green	Physician	12/31/2017	City Commission	12/31/2019
Karen	Rivo	Nursing Profession	12/31/2017	City Commission	12/31/2021
Marisel	Losa	Ex-Officio, Miami-Dade County Health Department	12/31/2016	City Commission	
Mark	Rabinowitz	CEO, Miami Beach Community Health	12/31/2016	City Commission	
Rachel	Schuster TL	ACLF	12/31/2016	City Commission	12/31/2016
Richard	Cuello-Fuentes	Physician	12/31/2017	City Commission	12/31/2022
Richard	Awdeh	Corporate Individual	12/31/2017	City Commission	12/31/2020
Stacey	Kruger TL	Physician	12/31/2016	City Commission	12/31/2016
Steven	Sonenreich	CEO, Mt. Sinai Medical Center (NTL)	12/31/2016	City Commission	12/31/2020
Maria	Ruiz	Ex-Officio, Director of Children's Affairs			

Applicants

Christine Butler
 Craig Garmendia
 Janie Hayes
 Kara White
 Michael Hall
 Zachary Cohen

Applicants

Craig Garmendia
 David Berger
 Jared Plitt
 Maura Shiffman
 Sixto Acea

Health Facilities Authority Board

Sec. 2-111

Composition:

Four (4) year terms.

Five (5) members shall consist of:

Two (2) health providers;

One (1) individual in the field of general business who possesses good standing in the community;

One (1) accountant; and

One (1) attorney;

The Chairperson of the Health Advisory Board shall serve as a non-voting advisor to the Authority. Members shall be residents of the City.

Florida Statute 154.207 No term Limits.

City Liaison: Juan Rodriguez

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	Accountant	06/19/2016	City Commission	FS.154.207
Mark	Sinnreich	Health Provider	06/19/2016	City Commission	FS.154.207
Michael	Hall	Health Provider	06/19/2018	City Commission	FS.154.207
Robert	Hertzberg	Attorney	06/19/2017	City Commission	FS.154.207
Sidney	Goldin	General Business	06/19/2018	City Commission	FS.154.207
Steven	Sonenreich	Chairperson, Health Advisory Board	12/31/2016		FS.154.207

Applicants

Alan Nieder

Elsa Orlandini

Richard Cuello-Fuentes

Zachary Cohen

Applicants

Dr. David Farcy

Rachel Schuster

Rosalie Pincus

MIAMI BEACH

Boards and Committees Current Members

Hispanic Affairs Committee

Sec. 2-190.21

Composition:

The Committee shall consist of seven (7) members, with the Mayor and each Commissioner making one (1) appointment.

City Liaison: Katherine Gonzalez

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Alex	Fernandez		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2021
Ana Cecilia	Velasco		12/31/2016	Commissioner Michael Grieco	12/31/2021
Christina	LaBuzetta		12/31/2016	Mayor Philip Levine	12/31/2021
Heriberto (Herb)	Sosa		12/31/2016	Commissioner John Alemán	12/31/2023
Luz	Diaz		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Miguel	Brizuela		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Regina	Suarez		12/31/2017	Commissioner Joy Malakoff	12/31/2023

Applicants

Antonio Purrinos
Eneida Mena
Josephine Pampanas
Leonor Fernandez
Rafael Trevino
Wil Martinez

Applicants

David Cardenas
Israel Sands
Josephine Pampanas
Lisett Fernandez
Sixto Acea

Historic Preservation Board

Sec. 118-101

Composition:

Two (2) year term, appointed by a minimum of four (4) votes.

Seven (7) members with one member from each of the following categories:

1. A representative from the Miami Design Preservation League (MDPL) selected from three names nominated by the League;
2. A representative from Dade Heritage Trust (DHT) selected from three names nominated by the Trust;
3. Two at-large members who have resided in one of the City's historic districts for at least one year, and have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings;
4. An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures;
5. An architect registered in the United States, a landscape architect registered in the State of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed to practice in the United States, or an engineer licensed in the State of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation;
6. A member of the faculty of a school of architecture in the State of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.

All members of the Board except the architect, engineer, landscape architect, professional practicing in the field of architectural or urban design or urban planning and university faculty members of the Board, shall be residents of the City; however, the City Commission may waive this requirement by a 5/7th vote, in the event a person not meeting these residency requirements is available to serve on the Board and is exceptionally qualified by training and/or experience in historic preservation matters.

City Liaison: Deborah Tackett

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Dominique	Bailleul TL	At Large	12/31/2016	City Commission	12/31/2016
Jack	Finglass	At Large	12/31/2017	City Commission	12/31/2021
Jane	Gross TL	Dade Heritage	12/31/2016	City Commission	12/31/2016
John	Stuart	Registered Architect	12/31/2017	City Commission	12/31/2019
Scott	Needelman	MDPL	12/31/2016	City Commission	12/31/2020
Stevan	Pardo	Attorney	12/31/2017	City Commission	12/31/2021
Wyn	Bradley	Faculty Member	12/31/2017	City Commission	12/31/2019

Applicants

Andrew Nelson
 Bradley Colmer
 Dona Zemo
 Jean-Francois Lejeune
 Jennifer Lampert
 Kirk Paskal
 Lawrence Seitz
 Mark Alhadeff
 Michael Steffens
 Morris Sunshine
 Raymond Adrian
 Roger Baumann
 Stephen Sauls
 William Lane

Applicants

Bradford Bonessi
 Deborah Castillo
 Elizabeth Camargo
 Jeffrey Cohen
 Kathleen Phang
 Lawrence Seitz
 Marina Novaes
 Mendy Lieberman
 Michael Barrineau
 Neal Deputy
 Roger Baumann
 Samuel Rabin, Jr.
 Stevan Pardo

MIAMI BEACH

Boards and Committees Current Members

Housing Authority

Reso 7031 421.05 FS

Composition:

Four year appointment.

Five (5) members appointed by the Mayor.

Appointments must be confirmed by the City Commission.

At least one (1) member shall be a resident who is current in rent in a housing project, or a person of low or very low income who resides within the Housing Authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the Housing Authority, which member shall be appointed at the time a vacancy exists.

City Liaison: Maria Ruiz

Vacancy:

To replace Peter Chevalier Housing Authority Commissioner 10/11/2015 Mayor Philip Levine

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
David	Greeff	Housing Authority Commissioner	10/11/2016	Mayor Philip Levine	
Dr. Barry	Ragone	Housing Authority Commissioner	10/11/2017	Mayor Philip Levine	
Eugenio	Cabreja	Tenant Commissioner	10/11/2016	Mayor Philip Levine	
Leonor	Fernandez	Housing Authority Commissioner	10/11/2017	Mayor Philip Levine	

Applicants

Barbara Gotlinsky
Jay Dermer
Prakash Kumar

Applicants

Christina LaBuzetta
Peter Chevalier
Stephen Bernstein

MIAMI BEACH

Boards and Committees Current Members

LGBT Advisory Committee

2015-3931

Composition:

The Committee shall consist of fifteen (15) voting members, with three (3) members to be directly appointed by the Mayor, and two (2) members to be directly appointed by each City Commissioner. Notwithstanding the preceding sentence, the initial membership of the Committee shall be comprised of those current members of the Mayor's Gay Business Development Committee, choosing to serve on the Committee, with any additional members (as required to complete the total number of members of the Committee) to be appointed at-large by a majority vote of the City Commission.

City Liaison: Daphne Saba

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Craig	Garmendia		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Dale	Stine		12/31/2016	Commissioner Joy Malakoff	12/31/2017
David	Lancz		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
David	Leeds		12/31/2016	Mayor Philip Levine	12/31/2021
Edison	Farrow		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Elizabeth	Schwartz		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Gayle	Durham		12/31/2017	Commissioner Michael Grieco	12/31/2022
Jorge	Richa		12/31/2017	Mayor Philip Levine	12/31/2017
Laura	Veitia TL		12/31/2016	Commissioner Michael Grieco	12/31/2016
Lynare	Robbins		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Mark	Wylie		12/31/2017	Mayor Philip Levine	12/31/2021
Michael	Bath		12/31/2016	Commissioner Micky Steinberg	12/31/2017
Robin	Schwartz		12/31/2017	Commissioner John Alemán	12/31/2022
Stephen	Fox, Jr.		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Tony	Lima		12/31/2016	Commissioner John Alemán	12/31/2023

Applicants

Bryan Rosenfeld
 Craig Garmendia
 Heriberto (Herb) Sosa
 Jorge Richa
 Kenneth Wilcox
 Nelida Barrios
 Rafael Trevino
 Robert Gonzalez
 Ronald Wolff
 Walker Burttschell

Applicants

Craig Smith
 Eric Hirsch
 Jarred Relling
 Karen Brown
 Laurence Moser
 Otiss (Arah) Lester
 Rebecca Boyce
 Ronald Wolff
 Steven Adkins

Marine and Waterfront Protection Authority

Sec. 2-190.46

Composition:

The Marine and Waterfront Protection Authority shall consist of fourteen (14) voting members, who shall be direct appointments with the Mayor and City Commissioners, each having two (2) direct appointments.

Appointments to the Authority shall consist of a combination of individuals who have had previous experience in:

1. The operation or inspection of marine facilities, including experience in various types of marine vessels and boating activities; and/or
2. Who have an interest in preservation of the City's beaches and waterfronts.

The members of the Authority shall have the right and duty to consult with any member of the City Administration for technical or other information pertaining to the matters before them.

City Liaison: Mercedes Carcasses

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Albert	Parron		12/31/2017	Mayor Philip Levine	12/31/2021
Barbara	Herskowitz		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Caitlin	Pomerance		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Christian	De La Iglesia		12/31/2016	Commissioner Micky Steinberg	12/31/2022
Daniel	Kipnis		12/31/2016	Mayor Philip Levine	12/31/2022
Joel	Aberbach		12/31/2016	Commissioner Ricky Arriola	12/31/2023
John	Lee		12/31/2017	Commissioner John Alemán	12/31/2023
Manon "Marie"	Hernandez		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2022
Morris	Sunshine		12/31/2016	Commissioner Michael Grieco	12/31/2021
Robert	Schwartz		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Robert	Christoph, Jr.		12/31/2016	Commissioner Michael Grieco	12/31/2022
Robert	Rabinowitz		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Ronald	Shane		12/31/2017	Commissioner Joy Malakoff	12/31/2021
Sasha	Boulanger		12/31/2016	Commissioner John Alemán	12/31/2018
Stg. Luis	Sanchez	ex-officio MB Marine Patrol			

Applicants

Adrian Gonzalez
 Darren Cefalu
 Gloria Salom
 Jack Benveniste
 John Kanter
 Ilior Ileser
 Luz Diaz
 Mayela Mueller
 Michael Tenzer
 Michael Hall
 Robert Rabinowitz

Applicants

Bruce Bennett
 Eric Lawrence
 Isaiah Mosley
 Jennifer Lampert
 Julio Magrisso
 Lizette Lopez
 Maurice Goodbeer
 Meryl Wolfson
 Michael Levine
 Michael Ritger
 Stephen Bernstein

Yael Sade

Mayor's Blue Ribbon Panel on Sea Level Rise

2-23(b)

Composition:

The Mayor's Blue Ribbon Panel on Sea Level Rise is created pursuant to the Mayor's authority to establish blue ribbon panels under Section 2-23 (b) of the City Code. The purpose of the Panel is to continue to monitor the progress of the City's stormwater management program and comprehensive flood management plan. In order to complement the flood management program, the Panel is additionally tasked with the following:

To study and recommend options pertaining to urban design and historic preservation in the face of climate change;

To evaluate and make recommendations related to current floor to area ratio (FAR) and building heights in light of the need for climate adaptation and for the resiliency of the City of Miami Beach;

To provide resident and business subject matter expertise and input into the development of the citywide Resiliency Strategy;

To study and recommend options for green infrastructure solutions in addition to traditional grey infrastructure investments.

The Panel shall initially consist of three (3) members, all of whom shall be appointed by the Mayor to serve for a term of one (1) year.

The membership of the Panel may be increased to five (5) total members, at the discretion of the Mayor.

City Liaison: Lynn Bernstein

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Scott	Robins		01/06/2017	Mayor Philip Levine	01/06/2017
Michael	De Filippi		01/06/2017	Mayor Philip Levine	01/06/2017
Wyn	Bradley		01/06/2017	Mayor Philip Levine	01/06/2017

Mayor's North Beach Master Plan Steering Committee

2-17(b)(2)

Composition:

The Mayor's North Beach Master Plan Steering Committee (the "Steering Committee") is hereby created pursuant to the Mayor's authority to establish Mayor's boards and committees under Section 2-17(b)(2) of the City Code. The Steering Committee will serve as an advisory group to the North Beach Master Plan consultant team and City staff during the development of the Plan with the purpose of providing insight into issues and items of concern to the North Beach Community.

The Steering Committee shall consist of no more than seven (7) members, all of who shall be appointed by the Mayor to serve for a term of not more than one year or until the final presentation of the North Beach Master Plan to the Mayor and City Commission, whichever is less.

City Liaison: Jeff Oris

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Margueritte	Ramos	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Carolina	Jones	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Kirk	Paskal	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Betsy	Perez	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Bradford	Bonessi	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Daniel	Veitia	TL	12/31/2016	Mayor Philip Levine	12/31/2016
Nancy	Liebman	TL	12/31/2016	Mayor Philip Levine	12/31/2016

MIAMI BEACH

Boards and Committees Current Members

Miami Beach Commission For Women

2007-3570 S 2190-1

Composition:

Twenty-one (21) members.

Each of the seven (7) members of the City Commission shall appoint three (3) members.

City Liaison: Grethel Aguiar, Bonnie Stewart

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Adrienne	Krieger		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Barbara	Kaufman		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Carrie	Wiesenfeld		12/31/2016	Commissioner Michael Grieco	12/31/2021
Corey	Narson		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Dara	Schoenwald		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Debra (Debie)	Quade		12/31/2017	Commissioner Micky Steinberg	12/31/2019
Francinelee	Hand TL		12/31/2016	Commissioner Joy Malakoff	12/31/2016
Jill	Shockett		12/31/2016	Commissioner Joy Malakoff	12/31/2022
Kathy	Andersen		12/31/2017	Commissioner John Alemán	12/31/2023
Laurie Kaye	Davis		12/31/2016	Mayor Philip Levine	12/31/2021
Lindsay	Genet		12/31/2016	Commissioner Michael Grieco	10/31/2021
Lizette	Lopez		12/31/2017	Commissioner Micky Steinberg	12/31/2023
Loretta	Ciraldo		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Marjorie	York		12/31/2016	Commissioner Kristen Rosen Gonzalez	12/31/2023
Melissa	Sheppard- Broad		12/31/2017	Mayor Philip Levine	12/31/2023
Mercedes	Carlson		12/31/2016	Commissioner Michael Grieco	12/31/2018
Regina	Berman		12/31/2016	Mayor Philip Levine	12/31/2017
Sara	Fuchs		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Tiffany	Lapciuc		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2017
Tiva	Leser		12/31/2017	Commissioner John Alemán	12/31/2023
Veronica	Camacho- Krieger		12/31/2017	Commissioner John Alemán	12/31/2023

Applicants

Adriana Pampanas
Beth Butler
Christina LaBuzetta
Dale Gratz
Eda Valero-Figueira
Eneida Mena
Jenifer Caplan
Jessica Conn
Josephine Pampanas

Applicants

Allee Newhoff
Bonnie Crabtree
Clare McCord
Deborah Robins
Elizabeth Resnick
Helen Swartz
Jennifer Lampert
Joanna Popper
Joyce Garret

MIAMI BEACH

Boards and Committees Current Members

Karen Rivo

Laura Levey

Lynette Long

Melissa Sheppard-Broad

Monica Casanova

Pan Rogers

Patricia Valderrama

Robin Schwartz

Samantha Bratter

Tashaunda Washington

Kathy Andersen

Lynare Robbins

Marina Aviles

Meryl Wolfson

Monica Matteo-Salinas

Patricia Valderrama

Rebecca Boyce

Rocio Sullivan

Tamra Sheffman

Miami Beach Cultural Arts Council

Sec. 2-55

Composition:

The cultural arts council shall consist of eleven (11) members to be appointed at large by a majority vote of the mayor and city commission. The members of the Council shall be appointed at-large by majority vote of the Mayor and City Commission. The term of office for each member shall be three (3) years. Additionally, effective December 31, 2002, no Council member may serve more than six consecutive years; this provision shall be measured retroactively from the date of the initial appointments to the Council. No Council member who serves the maximum proscribed term limitations shall be appointed to the Council during the two year period following the expiration of his/her term.

City Liaison: Gary Farmer

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Britta	Hanson		12/31/2017	City Commission	12/31/2021
Charles	Million		12/31/2016	City Commission	12/31/2017
Dale	Gratz		12/31/2016	City Commission	12/31/2020
Dawn	McCall		12/31/2016	City Commission	02/11/2020
Israel	Sands		12/31/2016	City Commission	12/31/2020
Laurence	Moser		12/31/2017	City Commission	12/31/2021
Merle	Weiss		12/31/2017	City Commission	12/31/2017
Peter	Martin		12/31/2017	City Commission	12/31/2021
Roger	Baumann		12/31/2017	City Commission	12/31/2021
Samuel	Rabin, Jr.		12/31/2016	City Commission	12/31/2020
Susan	Schemer		12/31/2016	City Commission	12/31/2019

Applicants

Adriana Pampanas
 Andrew Nelson
 Bradley Ugent
 Daniel Novela
 Eleanor Ellix
 Elliott Richard Alhadeff
 Ivan Montes
 Janda Wetherington
 Jessica Conn
 Joanna Popper
 Kenneth Wilcox
 Lynette Long
 Mark Balzli
 Monica Harvey
 Otiss (Arah) Lester
 Ray Breslin
 Roger Baumann
 Thomas Musca

Applicants

Allee Newhoff
 Beth Emerson
 Calvin Kohli
 Dr. Daniel Nixon
 Eliane Soffer-Siegel
 Eugenio Cabreja
 Jackson Keddell
 Jenna Ward
 Jill Shockett
 Kara White
 Kevin Kelsick
 Marian Del Vecchio
 Michael McManus
 Monica Matteo-Salinas
 Pedro Menocal
 Ray Breslin
 Suely Suchodolski
 Vanessa Menkes

Wesley Castellanos

Miami Beach Human Rights Committee

2010-3669

Composition:

The Committee shall consist of a minimum of five (5) and a maximum of eleven (11) members, with one (1) out of every five (5) members to be a direct appointment by the Mayor, and with the remaining members to be at-large appointments of the City Commission.

The members of the Committee shall reflect, as nearly as possible, the diversity of individuals protected under the City's Human Rights Ordinance. In keeping with this policy, not less than two (2) months prior to making appointments or re-appointments to the Committee, the City Manager shall solicit nominations from as many public service groups and other sources, which he/she deems appropriate, as possible.

At least one (1) of the Committee members shall possess, in addition to the general qualifications set forth herein for members, a license to practice law in the State of Florida; be an active member of and in good standing with the Florida Bar, and have experience in civil rights law. The attorney member shall also serve as Chair of the Committee.

City Liaison: Erick Chiroles, Cilia Maria Ruiz-Paz

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Alan	Fishman TL	Law	12/31/2016	City Commission	12/31/2016
Amy	Rabin		12/31/2016	City Commission	12/31/2019
Bradley	Ugent		12/31/2017	City Commission	12/31/2018
Clare	McCord		12/31/2017	City Commission	12/31/2021
Darren	Cefalu		12/31/2016	Mayor Philip Levine	12/31/2022
Ivan	Cano		12/31/2017	City Commission	12/31/2019
Jarred	Relling		12/31/2017	City Commission	12/31/2021
Kenny	Swartz		12/31/2017	Mayor Philip Levine	12/31/2021
Monica	Harvey		12/31/2016	City Commission	12/31/2018
Rachel	Umlas		12/31/2016	City Commission	12/31/2018
William	Warren Jr.		12/31/2017	City Commission	12/31/2019

Applicants

Adriana Pampanas
Christine Butler
Dr. Andrew Nullman
Gia Kastelic
Ivan Montes
Jay Dermer
Kenneth Wilcox
Michael Levine
Robin Schwartz
Tony Lima

Applicants

Andrea Travaglia
David Mardini
Elizabeth DiBernardo
Hicham Moujahid
Jarred Relling
Jessica Conn
Lisa Almy
Rafael Leonor
Stephen Fox, Jr.
Walker Burttschell

Miami Beach Sister Cities Program

Sec. 2-181

Composition:

The Coordinating Council is the governing body of the overall Sister Cities Program. The Council shall consist of:

1. One (1) representatives per Sister City affiliation; and
2. Nine (9) other members.

All of these members are appointed by the Mayor.

The members of the Coordinating Council shall be persons who are interested in furthering the purpose of the Program. Any person interested in furthering the purpose of the Program may become a member of an individual Sister City Committee upon approval by the Coordinating Council. To qualify, the person shall present a resume and a letter of interest to the Committee Chairperson.

These members are appointed by the Mayor of the City of Miami Beach for two (2) years.

City Liaison: Tathiane Trofino, Danila Bonini

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Betsy	Perez	Rio de Janeiro, Brazil	12/31/2017	Mayor Philip Levine	12/31/2023
Carolyn	Baumel	Brampton, Canada	12/31/2017	Mayor Philip Levine	12/31/2021
Deborah	Robins	Almonte, Spain	12/31/2017	Mayor Philip Levine	12/31/2021
George	Neary TL	Other	12/31/2016	Mayor Philip Levine	12/31/2016
Harvey	Burstein	Fujisawa, Japan	12/31/2017	Mayor Philip Levine	12/31/2021
Howard	Weiss	Other	12/31/2016	Mayor Philip Levine	12/31/2021
Jacquelynn	Powers	Nahariya, Israel	12/31/2016	Mayor Philip Levine	12/31/2021
Janet	Horwitz	Pescara, Italy	12/31/2017	Mayor Philip Levine	12/31/2023
Jessica	Londono	Other	12/31/2017	Mayor Philip Levine	12/31/2021
Joyce	Garret	Ica, Peru	12/31/2016	Mayor Philip Levine	12/31/2021
Kathryn	Orosz	Basel, Switzerland	12/31/2017	Mayor Philip Levine	12/31/2023
Laura	Colin	Other	12/31/2017	Mayor Philip Levine	12/31/2022
Lidia	Resnick	Santa Marta, Colombia	12/31/2016	Mayor Philip Levine	12/31/2021
Lisa	Desmond	Other	12/31/2017	Mayor Philip Levine	12/31/2021
Magui	Benitez	Other	12/31/2017	Mayor Philip Levine	12/31/2021
Maria	Maltagliati	Fortaleza, Brazil	12/31/2016	Mayor Philip Levine	12/31/2021
Nuccio	Nobel TL	Cozumel, Mexico	12/31/2016	Mayor Philip Levine	12/31/2016
Omar	Caiola	Other	12/31/2016	Mayor Philip Levine	12/31/2021
Samantha	Bratter	Other	12/31/2016	Mayor Philip Levine	12/31/2021
Steven	Adkins	Other	12/31/2016	Mayor Philip Levine	12/31/2022

Applicants

Bernardo Collado
 Christopher Pace
 Darin Feldman
 Elizabeth Camargo
 Gabriel Paez
 Joseph Hagen
 Marjorie O'Neill-Buttler
 Raymond Adrian
 Rocio Sullivan

Applicants

Charles Million
 Christopher Todd
 Dr. Andrew Nullman
 Faye Goldin
 Israel Sands
 Laura Levey
 Monica Fluke
 Rebecca Boyce
 Tamra Sheffman

Tiffany Heckler

Wesley Castellanos

MIAMI BEACH

Boards and Committees Current Members

Normandy Shores Local Government Neighborhood Improvement

Sec 34-175

Composition:

The Advisory Council shall be appointed by the Board of Directors (City Commission) and composed of three members of the Executive Committee of the Normandy Shores Homeowners Association. On behalf of the Board of Directors, the City Clerk shall solicit from the Executive Committee the eligibility list of its members for appointment consideration. The Advisory Council shall be composed of three (3) members of the Executive Committee of the Normandy Shores Homeowners Association, as per Resolution No. 97-22449 adopted July 2, 1997.

City Liaison: Ramon Suarez

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Brett	Harris		12/31/2016	City Commission	12/31/2022
Carmen	Browne		12/31/2016	City Commission	12/31/2022
John	Bowes		12/31/2016	City Commission	12/31/2018

Applicants

Gloria Salom

Applicants

Lori Nieder

Parks and Recreational Facilities Board

Sec. 2-171

Composition:

The Parks and Recreational Facilities Board shall be comprised of thirteen (13) voting members:

Seven (7) direct appointments made by the Mayor and each Commissioner.

Six (6) at-large appointments as follows:

Youth Center: Two (2) members having an affiliation with the City's youth centers, with one member affiliated with the Scott Rakow Youth Center, and one member with the North Shore Park Youth Center.

Golf: Two (2) members who have demonstrated a high degree of interest, participation and/or expertise in the sport of golf.

Tennis: Two (2) members who have demonstrated a high degree of interest, participation and/or expertise in the sport of tennis.

Members of the board shall demonstrate interest in the City's parks and recreational facilities and programs through their own participation or the participation of a member of their immediate family. Consideration should also be given to individuals who have special knowledge or background related to the field of parks and recreation.

City Liaison: Elizabeth Valera

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Carolina	Jones		12/31/2017	Commissioner Michael Grieco	12/31/2023
Chris	Growald	Tennis	12/31/2016	City Commission	12/31/2021
Dana	Turken	Scott Rakow Youth Center	12/31/2017	City Commission	12/31/2019
David	Berger	Tennis	12/31/2017	City Commission	12/31/2019
Eliane	Soffer-Siegel		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Jenifer	Caplan	Golf	12/31/2017	City Commission	12/31/2019
Jonathan	Groff		12/31/2017	Commissioner John Alemán	12/31/2017
Lee	Zimmerman		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Lori	Nieder		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Paul	Stein		12/31/2016	Mayor Philip Levine	12/31/2021
Robert	Gonzalez		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Stephanie	Rosen	No. Shore Park Youth Center	12/31/2016	City Commission	12/31/2019
Wil	Martinez	Golf	12/31/2016	City Commission	12/31/2021

Applicants

- Beverly Heller
- Bruce Bennett
- Caitlin Pomerance
- Daniel Nagler
- Eneida Mena
- Isaiah Mosley
- Joseph Hagen
- Leslie Graff
- Mark Balzli

Applicants

- Brett Harris
- Bruce Reich
- Christopher Todd
- Dara Schoenwald
- Ian Bacheikov
- Jackson Keddell
- Joseph Conway
- Lindsay Genet
- Mary Keinath

Boards and Committees Current Members

Mojdeh Khaghan

Nawaz Gilani

Suely Suchodolski

Wesley Castellanos

Nancy Bernstein

Samuel Rabin, Jr.

Tiffany Heckler

MIAMI BEACH

Boards and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7th vote:

1. Six (6) of which shall be citizens of Miami Beach not in the employment of the City, each having a different vocation;
2. Three (3) regular employees of the City of Miami Beach, to be elected by the probationary and regular employees of the City and who shall be elected from the employees of regular status in the respective groups:

Group I shall consist of the employees of the Police Department, Fire Department and Beach Patrol Department;

Group II shall consist of employees who are in clerical and executive positions;

Group III shall consist of all other employees,

The Personnel Director is a non-voting member.

City Liaison: Sylvia Crespo-Tabak

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Florencia	Jimenez-Marcos		12/31/2016	City Commission	12/31/2021
Isabel Ivette	Borrello		12/31/2017	City Commission	12/31/2019
Lori	Gold		12/31/2016	City Commission	12/31/2018
Matthew	Krieger		12/31/2017	City Commission	12/31/2019
Michael	Barrineau		12/31/2017	City Commission	12/31/2021
Mojdeh	Khaghan TL		12/31/2016	City Commission	12/31/2016
Sylvia	Crespo-Tabak	Human Resources Director			
Alex	Bello	Group I	07/31/2017		
Eduardo	Carranza	Group II	07/31/2016		
Evette	Phillips	Group III	07/31/2018		

Applicants

Christine Butler
Elsa Orlandini
Mary Keinath
Nancy Wolcott

Applicants

Eliane Soffer-Siegel
Joseph Landesman
Michael Perlmutter
Richard Preira

Planning Board

Sec. 118-51

Composition:

Two (2) year term appointed by a minimum of four (4) votes.

Seven (7) regular voting members shall have considerable experience in general business, land development, land development practices or land use issues; however, the board shall at a minimum be comprised of:

1. One architect registered in the State of Florida; or a member of the faculty of a school of architecture in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a landscape architect registered in the state of Florida; or a professional practicing in the fields of architectural or urban design, or urban planning;
2. One developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States;
3. One attorney licensed to practice law in the State of Florida who has considerable experience in land use and zoning issues;
4. One person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:
 - a. Has earned a college degree in historic preservation;
 - b. Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or
 - c. Is recognized by the city commission for contributions to historic preservation, education or planning; and
5. Three (3) persons who are citizens at-large or engaged in general business in the City.

No person except a resident of the City, who has resided in the City for at least one year shall be eligible for appointment to the Planning Board. The City Commission may waive the residency requirements by a 5/7th vote in the event a person not meeting these requirements is available to serve on the Board and is exceptionally qualified by training and/or experience.

City Liaison: Michael Belush

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Brian	Elias	General Business	12/31/2017	City Commission	12/31/2019
Jack	Johnson	Historic Preservation	12/31/2016	City Commission	12/31/2018
Jeffrey	Feldman	Developer	12/31/2017	City Commission	12/31/2019
Mark	Meland	Attorney	12/31/2017	City Commission	12/31/2021
Randolph	Gumenick	General Business	12/31/2017	City Commission	12/31/2019
Reagan	Pace	General Business	12/31/2016	City Commission	12/31/2020
Roberto	Rovira	Faculty of a School of Architecture	12/31/2016	City Commission	12/31/2020

Applicants

Aaron Davis
 Andres Asion
 Christine Florez
 Daniel Veitia
 David Kahn
 Dominique Bailleul
 Ian Bacheikov
 Jared Galbut
 Jeffrey Cohen
 Kirk Paskal
 Marina Novaes
 Mark Meland
 Michael Steffens

Applicants

Andres Asion
 Brian Ehrlich
 Daniel Hertzberg
 David Wieder
 David Smith
 Ian Bacheikov
 James Silvers
 Jared Galbut
 Jonathan Fryd
 Madeleine Romanello
 Mark Alhadeff
 Marvin Weinstein
 Muayad Abbas

MIAMIBEACH

Boards and Committees Current Members

Nelson Fox

Richard Baron

Robert Sena

Ruben Conitzer

Suzanne Hollander

Noah Fox

Robert Rabinowitz

Roger Shields

Seth Frohlich

Police/Citizens Relations Committee

Sec. 2-190.36

Composition:

The Committee shall consist of fourteen (14) voting members. The members shall be direct appointments with the Mayor and City Commissioners each making two (2) individual appointments.

As per Sec. 2-190.40, the voting members of the Committee shall have knowledge of and interest in Police Community Relations and their impact on the City of Miami Beach. Recommendation for appointment to all voting and nonvoting membership selected by the Mayor and Commission shall be encouraged to be obtained from the Spanish-American League Against Discrimination (S.A.L.A.D.); the League of United Latin American Citizens (L.U.L.A.C.); the Anti-Defamation League (A.D.L.); the Dade Action Pact; the National Association for the Advancement of Colored People (N.A.A.C.P.); the League of Women Voters and the other organizations deemed appropriate.

City Liaison: Chief Daniel Oates

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Harold	Foster		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Adam	Kravitz		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Bruce	Reich		12/31/2017	Commissioner Micky Steinberg	12/31/2021
Claire	Warren		12/31/2016	Commissioner Michael Grieco	12/31/2021
Daniel	Aronson		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Jack	Benveniste		12/31/2017	Commissioner Joy Malakoff	12/31/2023
John	Kanter		12/31/2017	Mayor Philip Levine	12/31/2022
Leslie	Coller		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Meryl	Wolfson		12/31/2016	Commissioner Joy Malakoff	12/31/2021
Michael	Perlmutter		12/31/2016	Commissioner Michael Grieco	12/31/2020
Monica	Fluke		12/31/2017	Mayor Philip Levine	12/31/2023
Pamela	Brumer		12/31/2016	Commissioner Ricky Arriola	12/31/2023
Richard	Hull		12/31/2016	Commissioner John Alemán	12/31/2023
Steven	Oppenheimer		12/31/2017	Commissioner John Alemán	12/31/2017

Applicants

Alan Nieder
 Antonio Hernandez Jr.
 Daniel Nagler
 Eric Lawrence
 Francis Trulleneue
 Hicham Moujahid
 Jarred Reiling
 Jordan Nadel
 Joyce Garret
 Larry Colin
 Lee Zimmerman
 Leslie Coller

Applicants

Allison Stone
 Clare McCord
 Deborah Ruggiero
 Eugenio Cabreja
 Heather Davis
 Ian Bacheikov
 Jill Shockett
 Joseph Hagen
 Kenny Swartz
 Lawrence Raab
 Leif Bertrand
 Lisett Fernandez

Boards and Committees Current Members

Lori Gold

Marjorie O'Neill-Buttler

Michael Ritger

Nawaz Gilani

Prakash Kumar

Rafael Leonor

Stephen Fox, Jr.

Zeiven Beitchman

Mario Coryell

Melissa Sheppard-Broad

Michael Bernstein

Oren Reich

Rachel Schuster

Richard Preira

Tiva Leser

MIAMI BEACH

Boards and Committees Current Members

Production Industry Council

Sec. 2-71

Composition:

The Council shall consist of seven (7) voting members. The Mayor and each Commissioner shall make one direct appointment. All regular members shall have knowledge of the fashion, film, news media, production, television and or recording industries of the City.

Each of the six (6) industries shall be represented by at least one member, but no more than three (3) members, who are directly involved with that industry.

City Liaison: Graham Winick

Vacancy:

To replace Bruce Orosz Fashion 12/31/2015 Commissioner Ricky Arriola 12/31/2015

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Aleksandar	Stojanovic	Production	12/31/2016	Mayor Philip Levine	12/31/2021
Belkys	Nerey	Production	12/31/2017	Commissioner John Alemán	12/31/2018
Daniel	Davidson	Fashion	12/31/2016	Commissioner Michael Grieco	12/31/2021
Ellen	Marchman	News Media	12/31/2016	Commissioner Joy Malakoff	12/31/2022
Joanna-Rose	Kravitz	Recording Industry	12/31/2017	Commissioner Micky Steinberg	12/31/2021
Thomas	Musca	TV/Film	12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023

Applicants

Bruce Orosz
Francis Trullenu
Pamela Brumer
Samantha Bratter

Applicants

Elizabeth DiBernardo
Joseph Landesman
Peter Matos

Sustainability Committee

2008-3618

Composition:

The Committee shall consist of seven (7) voting members, one each to be directly appointed by the Mayor and each City Commissioner. A Commissioner appointed by the Mayor, shall serve as a non-voting member and shall serve as the Chairperson of the Committee.

The purpose of the Committee is to provide guidance and advice with regard to the City's efforts to provide and promote general environmental improvement trends, or "Green Initiatives," and "Sustainable Development," which is herein defined as a pattern of resource use that aims to meet community needs while preserving the environment so that these needs can be met, not only in the present, but in the indefinite future.

The Committee shall make advisory recommendations to the City Commission and the City Manager to promote Citywide Green Initiatives and to promote and provide plans for Sustainable Development in the City of Miami Beach.

City Liaison: Elizabeth Wheaton

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Cheryl	Jacobs		12/31/2016	Commissioner Joy Malakoff	12/31/2021
David	Doebler		12/31/2017	Commissioner Micky Steinberg	12/31/2020
Michael	De Filippi		12/31/2016	Commissioner Ricky Arriola	12/31/2021
Nancy	Bernstein		12/31/2017	Mayor Philip Levine	12/31/2023
Richard	Conlin		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Scott	Diffenderfer		12/31/2017	Commissioner John Alemán	12/31/2023
Steve	Vincenti		12/31/2016	Commissioner Michael Grieco	12/31/2021

Applicants

Amy Rabin
Beth Butler
Bruce Bennett
Glenn Scott Diffenderfer
Isaiah Mosley
Jenifer Caplan
Leslie Coller
Richard Comisky
Robert Rabinowitz
Walker Burttschell

Applicants

Andrea Travaglia
Brian Gilderman
Caitlin Pomerance
Glenn Scott Diffenderfer
Janet Horwitz
John Lee
Marivi Iglesias
Richard Comisky
Russell Hartstein
Yael Sade

Transportation, Parking, Bicycle-Pedestrian Facilities Committee

Sec. 2-190.91

Composition:

The Committee shall consist of fourteen (14) voting members.

The Mayor and City Commissioners shall each make one (1) direct appointment, with the other seven (7) members of the Committee to be composed of members from the following community organizations, each of which must designate a permanent coordinating representative:

1. Miami Beach Chamber of Commerce's Transportation and Parking Committee (MBCC);
2. Miami Beach Community Development Corporation (MBCDC);
3. Ocean Drive Association (ODA);
4. Miami Design Preservation League (MDPL);
5. North Beach Development Corporation (NBDC);
6. Mid-Beach Neighborhood or Business Association (MBNBA);
7. Lincoln Road Marketing, Inc. (LRMI).

On an annual basis, the members of the Committee shall elect a Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Committee. Seven (7) members of the Committee shall consist of a quorum of the Committee and shall be necessary in order to take any action.

The members of the voting Committee shall have knowledge of and interest in transportation and parking and their impact on the City. The members designated by their respective community organization shall provide a letter from such organization certifying that designation to the City Clerk.

City Liaison: Saul Frances

Vacancy:

Vacant	Member Lincoln Road Marketing Inc.	12/31/2016
To replace Mark Weithorn	Member No. Beach Development Corp.	12/31/2016

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Al	Feola	Member Ocean Drive Association	12/31/2016		
David	Mardini		12/31/2016	Mayor Philip Levine	12/31/2022
Deborah	Ruggiero		12/31/2016	Commissioner Micky Steinberg	12/31/2021
Del	Fruit	Member Mid-Beach Neighborhood or Bus Assc.	12/31/2017		
J.P.	Morgan		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
Jo	Asmundsson	Member MBCDC	12/31/2016		
Leif	Bertrand		12/31/2017	Commissioner Ricky Arriola	12/31/2023
Madeleine	Romanello	Member MBCC	12/31/2016		
Marc	Edelstein		12/31/2017	Commissioner John Alemán	12/31/2023
Ray	Breslin		12/31/2017	Commissioner Joy Malakoff	12/31/2021
Seth	Wasserman TL		12/31/2016	Commissioner Michael Grieco	12/31/2016
William "Bill"	Hahne	Member MDPL	12/31/2016		

Applicants

Aaron Davis
Allison Stone
Dara Schoenwald
Gia Kastelic

Applicants

Adam Kravitz
Beth Emerson
Eric Montes de Oca
Ian Bacheikov

MIAMI BEACH

Boards and Committees Current Members

Ian Bacheikov

Jared Plitt

Jonathan Beloff

Lila Imay

Igor Leser

Marina Aviles

Michael Ritger

Rafael Leonor

Robert Lopez

Suely Suchodolski

Janie Hayes

Jeff Cynamon

Kenny Swartz

Lindsay Genet

Lisa Almy

Mayela Mueller

Nancy Bernstein

Richard Conlin

Stanley Shapiro

Yael Sade

Visitor and Convention Authority

Sec. 102-246

Composition:

Two (2) year term appointed by a minimum of four (4) votes.

Seven (7) members who shall be permanent residents of Miami-Dade County.

The seven (7) members of the authority shall be representative of the community as follows:

1. Not less than two (2) nor more than three (3) members shall be representative of the hotel industry;

2. The remaining members, none of whom shall be representative of the hotel industry, shall represent the community at-large.

Any member of the Authority or employee thereof violating or failing to comply with provisions of this article shall be deemed to have vacated his office or position.

City Liaison: Grisette Roque

Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Aaron	Perry TL	At-Large	12/31/2016	City Commission	12/31/2016
Adrian	Gonzalez	At-Large	12/31/2017	City Commission	12/31/2019
Daniel	Hertzberg	At-Large	12/31/2017	City Commission	12/31/2019
Jeff	Lehman	Hotel Industry	12/31/2016	City Commission	12/31/2021
Margaret (Peggy)	Benua	Hotel Industry	12/31/2016	City Commission	12/31/2017
Stephen	Hertz	At-Large	12/31/2017	City Commission	12/31/2019
Tim	Nardi	Hotel Industry	12/31/2017	City Commission	12/31/2019

Applicants

Charles Million
 Craig Smith
 Heather Davis
 Jeff Lehman
 Jonathan Beloff
 Kristen Rosen Gonzalez
 Mark Tamis
 Roger Shields
 Steven Adkins

Applicants

Christy Farhat
 Dona Zemo
 Jared Galbut
 Jeffrey Graff
 Josephine Pampanas
 Laurence Herrup
 Matthew Krieger
 Seth Feuer

City Commission Committees

Finance & Citywide Projects Committee

Position	Name	Appointed by
Chair	Ricky Arriola	Mayor Levine
Vice-Chair	Commissioner Joy Malakoff	Mayor Levine
Member	John Alemán	Mayor Levine
Alternate	Commissioner Micky Steinberg	Mayor Levine
Liaison	John Woodruff	

Land Use & Development Committee

Position	Name	Appointed by
Chair	Commissioner Joy Malakoff	Mayor Levine
Vice-Chair	Commissioner Michael Grieco	Mayor Levine
Member	John Alemán	Mayor Levine
Alternate	Mayor Philip Levine	Mayor Levine
Liaison	Thomas Mooney	

Neighborhood/Community Affairs Committee

Position	Name	Appointed by
Chair	Commissioner Michael Grieco	Mayor Levine
Vice-Chair	Commissioner Micky Steinberg	Mayor Levine
Member	Kristen Rosen Gonzalez	Mayor Levine
Alternate	John Alemán	Mayor Levine
Liaison	Morgan Goldberg	

Sustainability and Resiliency Committee

Position	Name	Appointed by
Chair	Commissioner Micky Steinberg	Mayor Levine
Vice-Chair	Ricky Arriola	Mayor Levine
Member	Kristen Rosen Gonzalez	Mayor Levine
Alternate	Commissioner Joy Malakoff	Mayor Levine
Liaison	Elizabeth Wheaton	

NON-CITY COMMISSION COMMITTEES

Mayor Philip Levine

- Miami-Dade Metropolitan Planning Organization
- U.S. Conference of Mayors

Commissioner Micky Steinberg

- Director of Miami-Dade County League of Cities

Commissioner Kristen Rosen Gonzalez

- Alternate Director of Miami-Dade County League of Cities

Commissioner Joy Malakoff

- FIU Wolfsonian Advisory Board
- Miami-Dade County Homeless Trust Board

Barbara Herskowitz and Christine Gudaitis

- Public Library Advisory Board

Commissioner Ricky Arriola, Karen Fryd and Larry Colin

- The Adrienne Arsht Center for the Performing Arts Center Trust

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: Rafael E. Granado, City Clerk

DATE: March 9, 2016

SUBJECT: **BOARD AND COMMITTEE APPOINTMENTS – CITY COMMISSION APPOINTMENTS**

ADMINISTRATION RECOMMENDATION

Make appointments as indicated.

ANALYSIS

The applicants that have filed with the Office of the City Clerk for the below At-Large appointments are included in item R9A.

BOARD AND COMMITTEES

1. AFFORDABLE HOUSING ADVISORY COMMITTEE

VACANCIES (3):

- One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- One citizen who represents essential services personnel, as defined in the local housing assistance plan.

2. BUDGET ADVISORY COMMITTEE

VACANCY (1):

- One Certified Public Accountant.

Please see the "Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda Archives website is located at: <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=82117>; thereafter choose the first listed Commission meeting and click on City Commission At-Large Nominations.

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the City Clerk section, located on the bottom right hand side of the webpage, click on the "Agenda Archives" link; thereafter choose the first listed Commission meeting and click on City Commission At-Large Nominations.

R9 - New Business and Commission Requests

- R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)
- R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

AGENDA ITEM R9B1-2
DATE 3-9-16

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Kristen Rosen Gonzalez, Commissioner
DATE: February 1, 2016
SUBJECT: Agenda item for the February 10, 2016 Commission Meeting

Please place on the February 10, 2016 Commission Meeting as a discussion item:

Commissioner Rosen Gonzalez would like to have a representative of the Biscayne Neighborhoods Association present to discuss the Resolution of the Biscayne Neighborhoods Association supporting City of Miami Commissioner and MPO Vice Chair Francis Suarez' idea to reallocate monies being used on a MacArthur Causeway "signature bridge" and instead using these monies to create a Baylink connecting Miami and Miami Beach.

If successful, this would provide a funding source towards creating a true traffic solution and help alleviate the overly congested traffic happening between our two communities.

If you have any questions please do not hesitate to call our office.

Thank you.

Grethel Aguiar
On behalf of Commissioner Rosen Gonzalez

MIAMIBEACH

Grethel Aguiar

Aide to Commissioner KRISTEN ROSEN GONZALEZ

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7000 Ext. 6854 / Fax: 305-673-7096 / www.miamibeachfl.gov

grethelaguiar@miamibeachfl.gov

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

A RESOLUTION OF THE BISCAYNE NEIGHBORHOODS ASSOCIATION URGING GOVERNOR RICK SCOTT AND THE MEMBERS OF THE FLORIDA LEGISLATURE TO REALLOCATE THE MONIES PRESENTLY DESIGNATED FOR A SIGNATURE BRIDGE AT MACARTHUR CAUSEWAY INSTEAD FOR PURPOSES OF CREATING A BAYLINK CONNECTING MIAMI AND MIAMI BEACH AND ASKING THE CITY OF MIAMI CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR RICK SCOTT AND THE MEMBERS OF THE FLORIDA LEGISLATURE.

WHEREAS, there is presently approximately \$600 million dollars allocated towards a signature bridge on the MacCarthur Causeway; and

WHEREAS, on behalf of the approximately eight thousand (8,000) residents of the Biscayne Neighborhoods Association they do not believe that this signature bridge would be the best use of funding; and

WHEREAS, the City of Miami, City of Miami Beach and Miami-Dade County as well as the Metropolitan Planning Organization (MPO) have been working for many years to come up with a plan to create a Baylink to connect the City of Miami with the City of Miami Beach; and

WHEREAS, the issue with not moving forward with Baylink has always been funding; and

WHEREAS, it is believed that the cost of creating a Baylink would be approximately \$600 million dollars; and

WHEREAS, the Baylink project would help alleviate traffic which is the greatest concern of the residents; and

WHEREAS, further, creating a Baylink would be a much better use of public monies to help alleviate traffic; and

WHEREAS, there is an opportunity now to use these monies for a better public purpose and for the State of Florida to take the lead and use already allocated funds to help build the Baylink; and

WHEREAS, in addition, the Baylink serves a much better public purpose than a signature bridge here; and

WHEREAS, City of Miami Commissioner and MPO Vice Chair Francis Suarez has put forth the idea of reallocating these monies for a Baylink; and

WHEREAS, the Biscayne Neighborhoods Association fully supports this proposal; and

WHEREAS, if the State of Florida were not to reallocate these monies for a Baylink it could be quite some time for this much needed traffic project to be completed; and

WHEREAS, the continued traffic would be diminish residents quality of life; and

WHEREAS, for the reasons explained above, this is an opportunity for the State of Florida to use these public monies for a better purpose; and

WHEREAS, traffic between the City of Miami and the City of Miami Beach is one of the biggest issues impacting both quality of life and the tourism industry which provides monies which benefit both the State and local governments; and

WHEREAS, accordingly, the Biscayne Neighborhoods Association wishes to express its strong support for using these monies for Baylink;

NOW, THEREFORE, BE IT RESOLVED BY THE BISCAYNE NEIGHBORHOODS ASSOCIATION:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Biscayne Neighborhoods Association urges Governor Rick Scott and the members of the Florida Legislature to reallocate the monies presently designated for the signature bridge instead for the Baylink project providing mass transit connecting Miami and Miami Beach.

Section 3. The City of Miami Clerk is hereby requested to transmit a certified copy of this resolution to Governor Rick Scott and the Members of the Florida Legislature.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Biscayne Neighborhood Association President.

APPROVED AS TO FORM AND CORRECTNESS:


MICHAEL GONGORA, ATTORNEY
BISCAYNE NEIGHBORHOOD ASSOCIATION


ANDRES ALTHABE, PRESIDENT
BISCAYNE NEIGHBORHOODS ASSOCIATION

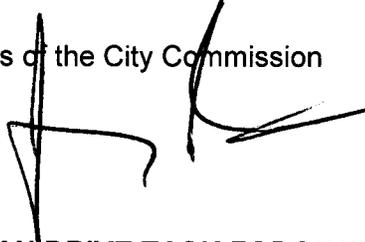
Dated on January 22, 2016

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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: March 9, 2016
SUBJECT: **DISCUSSION – MAYOR’S OCEAN DRIVE TASK FORCE FINAL REPORT**

ADMINISTRATION RECOMMENDATION

Discuss the matter and provide policy and timing direction for each recommendation.

HISTORY

In May, 2015, Mayor Levine appointed the Ocean Drive Task Force. The purpose of the Task Force was to review conditions on Ocean Drive and make recommendations to the Mayor and City Commission regarding improvements to enhance the experience of those who visit Ocean Drive.

The Task Force set a goal of preparing recommendations that would aid in making Ocean Drive a better experience for visitors, as well as a place that residents would be comfortable visiting and returning regularly. In addition, the Task Force sought to do this while keeping in mind the on-going concerns of Ocean Drive business operators and their needs.

The Task Force met a total of ten times between June 2015 and November 2015 to discuss relevant issues, as well as meet with experts, residents, business owners, property owners, and City officials. The Task Force discussed a number of issues including, but not limited to, the following:

- Sidewalk cafés;
- Lummus Park activation;
- Visibility of police officers;
- Noise in the area;
- The dimensions of the sidewalks;
- Appropriateness of City codes and compliance with the Code;
- Issues related to homeless in the area.

The issue pertaining to sidewalk café conditions was of great importance to the task force and the Chair created an “Umbrella and Appearance” Subcommittee. This sub-committee met a total of six times to fully investigate issues such as umbrella design, common code compliance issues, sidewalk café furniture, as well as the interaction between pedestrians and sidewalk cafés, and the available space for each. The sub-committee made recommendations to the full Task Force that were discussed and became the basis for many of the recommendations in the Task Force’s final report.

On January 13, 2016, the Final Report of the Mayor’s Ocean Drive Task Force, including recommendations for consideration, was presented to the Mayor and City Commission. The

Commission referred further discussion of the recommendations of the task force to the Land Use and Development Committee and requested that the Committee present its findings to the City Commission by March 9, 2016.

On February 3, 2016, the Land Use and Development Committee discussed the Final Report of the Mayor's Ocean Drive Task Force. The recommendations of the Land Use Committee are outlined in the attached spreadsheet.

ANALYSIS

The Administration prepared the attached spreadsheet, which separately list each recommendation of the task force to better evaluate and act upon the specific recommendations. The specific actions necessary, as well as the recommendations of the Land Use Committee, required approvals and potential fiscal impact have been identified in separate columns for each recommendation.

CONCLUSION

The Administration recommends that the City Commission discuss the recommendations outlined in the attached spreadsheet and provide policy direction.

Attachment (1)



JLM/SMT/TRM/DJT

T:\AGENDA\2016\March\Planning\Ocean Drive Task Force Final Report - MEMO.docx

Ocean Drive Taskforce Recommendations

Item	OD TF Recommendation	Action Required	Administration Comment or Recommendation	LUDC Recommendation	City Commission Action	Budget Impact
	Administration					
1	Implement all recommendations by 11/1/2016. The sooner the better.			Recommended in favor.		
	Transfer primary oversight and review of sidewalk cafe permits to the Planning Department.	Administrative Support	Public Works should maintain primary jurisdiction and all sidewalk cafe furnishings should be reviewed by Planning Department for compliance with design standards. <i>Planning comment</i>	Recommended in favor.		
2	Identify a City employee to act as a liaison and to lead the upgrade of Ocean Drive.	Administrative Support	ACM, Susy Torriente	Recommended in favor.		
3	Consider the creation of a special taxing district to improve oversight of Ocean Drive.	CC - Ordinance Ballot Question		Recommended in favor.		
4	Consider 1-year extension of the Task Force to monitor implementation of the program.	CC - Resolution		Recommended in favor.		
5						
	Design					
6	Specify differentiated color pavers to designate a clear pedestrian pathway.	HPB - Certificate of Appropriateness CC - Resolution	Discuss pavement design options, materials and maintenance. <i>Planning comment. Pavers can run \$15-\$20/s.f. at ~24,000 s.f. = ~\$480,000 Public Works Department Comment</i>	Recommended in favor.		
7	Install City-specified uniform lighting on entire extended west sidewalk.	HPB - Certificate of Appropriateness CC - Resolution	Discuss lighting design options and maintenance. <i>Planning comment</i>	Recommended in favor.		
8	Install new City-specified low profile umbrellas on entire west sidewalk.	HPB - Certificate of Appropriateness CC - Resolution	Discuss umbrella placement, design and management. <i>Planning comment</i>	Recommended in favor and recommended a greater number of color options. Recommended in favor.		
9	Request direction from the Planning Department and HPB on uniform rules for awnings.	HPB - Recommendation CC - Resolution	Develop design guidelines for awnings and canopies attached to buildings. <i>Planning comment</i>	Recommended in favor.		
10	Eliminate real and artificial food displays wherever visible from the sidewalk, to the extent permitted by law.	CC - Ordinance	Discuss prohibition on food displays. <i>Planning comment</i>	Recommended in favor.		
	Install west-facing benches on east sidewalk, to encourage architectural appreciation.	CC - Resolution	Discuss bench placement, design and maintenance. <i>Planning comment</i>	Recommended to explore relocating some of the existing benches within Lummus Park not to add additional benches.		Park Benches - \$2,349 each plus \$400.00 if a concrete pad is needed. <i>Parks and Rec comment</i>
11	Acquire permanent, modern, attractive tourist arrival electronic signage.	HPB - Certificate of Appropriateness CC - Resolution	Discuss signage placement, design and maintenance. <i>Planning comment</i>	Recommended in favor.		
12						

Ocean Drive Taskforce Recommendations

Item	OD TF Recommendation	Action Required	Administration Comment or Recommendation	LUDC Recommendation	City Commission Action	Budget Impact
	Capital Projects					
13	Extend the west sidewalk eastward up to five feet.	HPB - Certificate of Appropriateness CC - Resolution		Recommended in favor.		
14	Explore a more limited extension of the east sidewalk for pedestrian usage only.	HPB - Certificate of Appropriateness CC - Resolution		Recommended in favor.		
15	Use innovative technology to seasonally optimize lighting for both sea turtles and tourists.	Administrative Support	Lighting changes would require state review and approval.	Recommended in favor.		
	Enforcement					
	Devote additional Police and Code Compliance resources to enforcement.		5 Code Officers are dedicated to the Entertainment District (Ocean, Collins, Washington Avenues and Española Way). Recruitment & Hiring in progress. Goal is to fill before end of Q2 this FY. <i>Code Enforcement comment</i>	Recommended in favor and recommended to explore the use of the park ranger program.		Police: 1st Year: \$1,867,000; 2nd Year: \$1,724,000 <i>Police Comment</i> Code: 1st Year: \$240,000; 2nd Year: \$156,000 FY15/16--added 3 Code Officers. <i>Code Enforcement comment</i> Two Park Rangers at Lummus 8:00 am until midnight 7 days a week: 1st Year: \$500,000; 2nd Year: \$400,000. <i>Parks and Rec comment</i> None. Utilize existing resources. <i>Code Enforcement comment</i>
16	Limit the use of operator-installed "mistlers" to the months when the use of heaters is prohibited by the City Code.	CC - Resolution/Ordinance	Currently, some installations utilize the ROW/sidewalk; requires revocable permit from PW. <i>Code Enforcement comment</i>	Recommended in favor.		
17	Prohibit music projection from open-air commercial passenger vehicles in the MXE District.			Noted difficulty in enforcement and allocation of police resources.		
18	Establish licensing procedures which include permitted hours of operation for tourist buses.			Noted legal issues with restricting vehicles on public streets.		
19	Enforce automobile noise restrictions with appropriate police discretion.			Noted difficulty in enforcement and allocation of police resources.		
20	Cooperate in operator-led initiative to increase off-duty police and private security efforts.			Recommended in favor.		
21		Programming				

Ocean Drive Taskforce Recommendations

Item	OD TF Recommendation	Action Required	Administration Comment or Recommendation	LUDC Recommendation	City Commission Action	Budget Impact
	Implement premium on-street parking rates for non-residents, to fund improvements.			Recommended in favor.		ESTIMATED PARKING METER REVENUE FOR OCEAN DRIVE FROM 5th STREET to 15th STREET Current Rate \$ 4.00 \$ 1,508,555.19 Increment \$ 0.25 \$ 75,427.76 Increment \$ 0.50 \$ 150,855.52 Increment \$ 0.75 \$ 226,283.28 Increment \$1.00 \$ 301,711.04 Increment \$1.50 \$ 452,566.56 Increment \$2.00 \$ 603,422.08 <i>Parking comment</i>
22	Activate Lummus Park as a magnet for community and family engagement.	Administrative Support and CC Funding	Discuss who should take this on. Hire a "manager" similar to Lincoln Road, contract with event company, Parks and Rec? <i>Parks and Rec comment</i>	Recommended in favor.		Estimated \$100,000 for staffing and supplies for first year. Need direction on model to use to refine budget. <i>Parks and Rec comment</i>
23	Identify concessionaire(s) to implement regular art and craft shows in Lummus Park.		Requires a better understanding what is meant by art and craft shows to secure the right type of vendor. <i>TCED comment</i>	Recommended in favor.		
24	Partner with community art patrons and institutions to install exhibitions in Lummus Park.		Is the goal to install large scale sculpture for periods of time? We can work with the AIPP committee to develop a program for this location. Will we charge art institutions to use the space? Will we pay for any costs? What requirements are important? <i>TCED comment</i>	Recommended in favor and included community music patrons and institutions.		
25	Activate Lummus Park, west of the dunes, for further athletic engagement.	Administrative Support and CC Funding	Parks and Recreation is renovation existing volleyball courts and adding apparatus to "muscle beach" area this FY. Additional courts such as beach tennis could be added. Extent to which expansions may take place is affected by open area needed for special events..... Parks and Rec comment	Recommended in favor.		Estimated cost for beach tennis \$4,000 a court. <i>Parks and Rec comment</i>
26	Consider periodic early evening activation of Lummus Park and adjacent areas.		This requires clarification - <i>TCED comment</i>	Recommended in favor.		
27	Consider periodic closure of Ocean Drive to vehicles, in order to attract families.			Recommended in favor.		
28	Cooperate in an operator-led training program for hospitality employees.			Recommended in favor.		
29				Recommended in favor.		

Ocean Drive Taskforce Recommendations

Item	OD TF Recommendation	Action Required	Administration Comment or Recommendation	LUDC Recommendation	City Commission Action	Budget Impact
	LUDC Additional Recommendations Install plaques within the east sidewalk that provide historical information on the 'Contributing' buildings located on the west side of Ocean Drive.			Recommended in favor.		
30	Institute a pilot program allowing for sidewalk café furnishings to be shifted westward adjacent to the existing buildings.		City staff conducted a field visit and identified space constraints due to existing trees, signs, parking appartus, drop-off and related infrastructure.	Recommended in favor.		
31	Re-evaluate the design and monitoring schedule of the existing bathroom facilities located in Lummus Park.			Recommended in favor.		
32	Modify the closing of the beach to the public from 12a.m. to 10p.m.			Recommended in favor.		

R9E Discussion Regarding Possibly Changing The Presentations & Awards/Commission Meeting Of May 25, 2016 To May 18, 2016, As Mayor Philip Levine And Commissioner Joy Malakoff Will Be Out Of Town.

(Office of the City Clerk)

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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: March 9, 2016

SUBJECT: **DISCUSSION REGARDING THE PROPOSED TRAFFIC FLOW MODIFICATION TO 42ND STREET BETWEEN PRAIRIE AVENUE AND SHERIDAN AVENUE.**



BACKGROUND

In 2014, the City Commission directed the Administration to conduct a traffic study to identify ways to improve access to the Jewish Community Center (JCC) located at Pine Tree Drive and 42nd Street. Pursuant to Commission directive, the City's Transportation Department engaged Florida Transportation Engineers, Inc. (FTE) to evaluate traffic circulation and access management at Pine Tree Drive and 42nd Street. As a result of the evaluation, the consultant developed a concept for improved access into the JCC. The concept consisted of modifying traffic flow along 42nd Street between Sheridan Avenue and Pine Tree Drive from its current one-way configuration to a two-way configuration. The proposed configuration would allow southbound drivers to access the JCC via 42nd Street. The concept was approved by Miami-Dade County.

During the initial traffic study process, staff received a request from the Committee for Quality of Education (QEC) to review morning traffic conditions at 41st Street and Prairie Avenue. Pursuant to the QEC's request, staff conducted a site visit with Miami-Dade County Traffic Signals staff and significant congestion was observed. Most southbound traffic was observed to make a right turn to go westbound on 41st Street; however, whenever a driver attempts to make a left turn at the intersection, all southbound traffic has to stop until the driver has completed the maneuver. This situation occurs at a frequency of approximately one (1) left turning vehicle every two (2) minutes; however, as observed, when this situation is compounded over the entire morning peak period, southbound traffic queues extended for up to four (4) blocks.

As a result of traffic congestion at various intersections in the vicinity of North Beach Elementary, the scope of the traffic study was subsequently expanded to include an evaluation of traffic flow modifications along the entirety of 42nd Street. As part of the analysis, the consultant developed various concepts to improve traffic flow and access management in the area.

The Proposed Traffic Flow Modification to 42nd Street between Prairie Avenue and Pine Tree Drive was discussed at the January 15, 2015 Neighborhoods/Community Affairs Committee. While the section between Sheridan Avenue and Alton Road was unanimously approved by the Committee, the Committee had concerns with the anticipated impacts of the two-way conversion of 42nd Street between Prairie Avenue and Sheridan Avenue. The concerns expressed by the members of the Committee related to the impact on the existing angled parking in this section of the corridor.

Transportation Staff received input from the North Beach Elementary PTA and members of the Orchard Park Homeowners Association with regards to the proposed two-way conversion. The

Orchard Park residents expressed concerns with the effects of the two-way conversion of the entirety of 42nd Street on the neighborhood; however, they supported the two-way conversion of the section between Sheridan Avenue and Pine Tree Drive.

ANALYSIS

As part of the Traffic Circulation and Conceptual Alternative Study for W. 42nd Street from Prairie to Sheridan Avenue, field observations were conducted during the morning peak and afternoon peak periods. Further, traffic data was collected on May 13, 2015 and May 14, 2015 to quantify the impacts of the current conditions. As part of the data collection effort, the consultant collected Vehicle Origin-Destination data to better understand the traffic patterns within the area and gauge the anticipated impacts of the proposed traffic flow modification along 42nd Street.

Following the data collection effort, the traffic engineering consultant modeled the intersections to determine existing level of service (LOS) and anticipated LOS with the proposed traffic flow modifications. Overall, the average improvement to the network is not significant; however, the target intersection (41st Street and Prairie Avenue) improves significantly in the southbound direction from LOS D to LOS B during the morning and afternoon peak hour. Therefore, the recommendation to modify traffic flow along 42nd Street between Prairie Avenue and Sheridan Avenue from its current one-way configuration to a two-way configuration was found feasible from a traffic operations stand point. In addition to the aforementioned improvements, various drivers performing illegal movements were observed during the site visits. It is anticipated that the illegal movements will be minimized with the proposed traffic flow modification.

In reviewing the feasibility of the two-way configuration along 42nd Street, the traffic engineering consultant explored two (2) options for this section of the corridor. The study concepts are described below:

42nd Street between Prairie Avenue and Sheridan Avenue

- Concept A (Attachment A): Considered modifying the roadway from its existing one-way configuration to a two-way configuration with minimal impact to the existing typical section. The existing one-way westbound bicycle lane along 42nd Street between Sheridan Avenue and Prairie Avenue appears to meet the minimum width requirements to be converted into a two-way facility; however, this concept needs to be further refined through the design process. No loss of parking or landscaping were identified for Concept A.
- Concept B (Attachment B): Considered modifying the roadway from its existing one-way configuration to a two-way configuration and adding protected/buffered bicycle lanes in each direction. This concept would reduce on-street parking by 28% (eliminating 12 out of a total of 43 parking spaces) along this section of roadway. In addition, Concept B would reduce landscaping in the area by forcing the removal of 6 mature trees. In order to avoid the removal of the trees, 27 out of the 44 parking spaces would need to be eliminated. During the analysis period, various site visits were conducted and moderate usage of this parking was observed. While the available typical section does not allow for protected bicycle lanes, Concept B identified sufficient space to provide buffered bicycle lanes.

The City currently has an agreement with the Miami-Dade County School Board dedicating 15 on-street parking spaces along the south side of 42nd Street to teachers from North Beach Elementary. If Concept B was deemed to be the preferred Alternative, for this portion of 42nd Street a modification to the current agreement may be warranted.

The County has approved the first phase of the traffic study (42nd Street between Sheridan Avenue

and Pine Tree Drive). The second phase of the study (42nd Street between Prairie Avenue and Sheridan Avenue) has been reviewed the County. The City's traffic engineering consultant has completed the responses to the comments for resubmission to the County. If the proposed traffic flow modification (proposed two-way configuration) is approved by the City Commission via resolution, staff would engage an engineering design firm to advance the design of the proposed modifications.

CONCLUSION

This item is being presented to the City Commission for discussion and further direction.

Attachments:

- A. Concept A: 42nd Street Between Prairie Avenue and Royal Palm Avenue
- B. Concept B: 42nd Street Between Royal Palm Avenue and Sheridan Avenue


KGB/JRG/JFD

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DRAWING DATE: 9/28/2015

REVISIONS	
DATE	DESCRIPTION



TRAFFIC CIRCULATION AND
CONCEPTUAL ALTERNATIVES STUDY
W. 42ND STREET
PRAIRIE AVE TO ROYAL PALM AVE



W. 42ND STREET
PROPOSED CONCEPT A

FIGURE
NO. 18
1 OF 2

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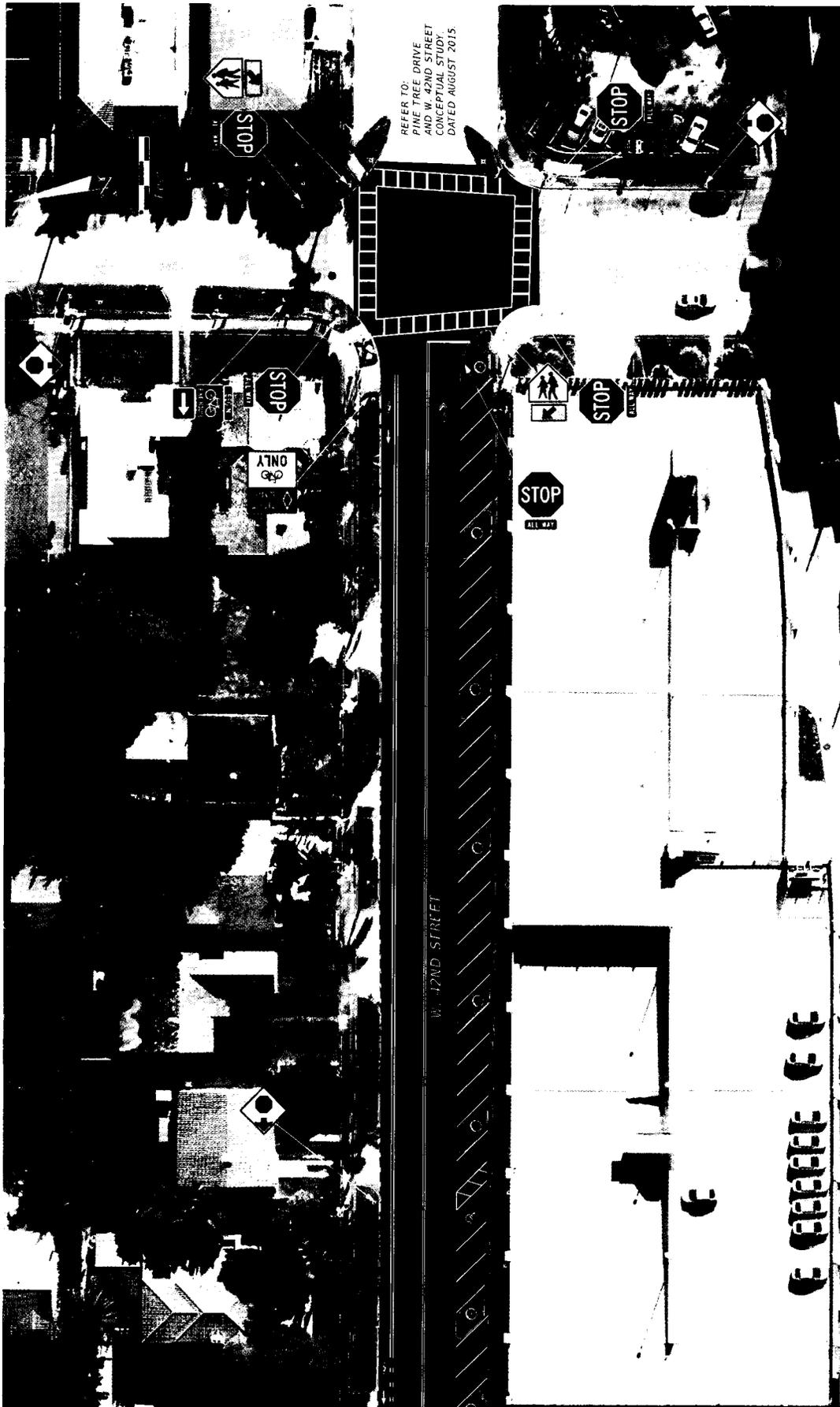


DRAWING DATE: 9/28/2015

DATE	REVISIONS	DESCRIPTION	FIGURE NO.
			19
			1 of 2

	TRAFFIC CIRCULATION AND CONCEPTUAL ALTERNATIVES STUDY W 42ND STREET PRAIRIE AVE TO ROYAL PALM AVE	 TRANSPORTATION DEPARTMENT	W 42ND STREET PROPOSED CONCEPT B
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MATCHLINE A

REFER TO:
PINE TREE DRIVE
AND W. 42ND STREET
CONCEPTUAL STUDY
DATED AUGUST 2015.

DRAWING DATE: 9/28/2015

REVISIONS	
DATE	DESCRIPTION



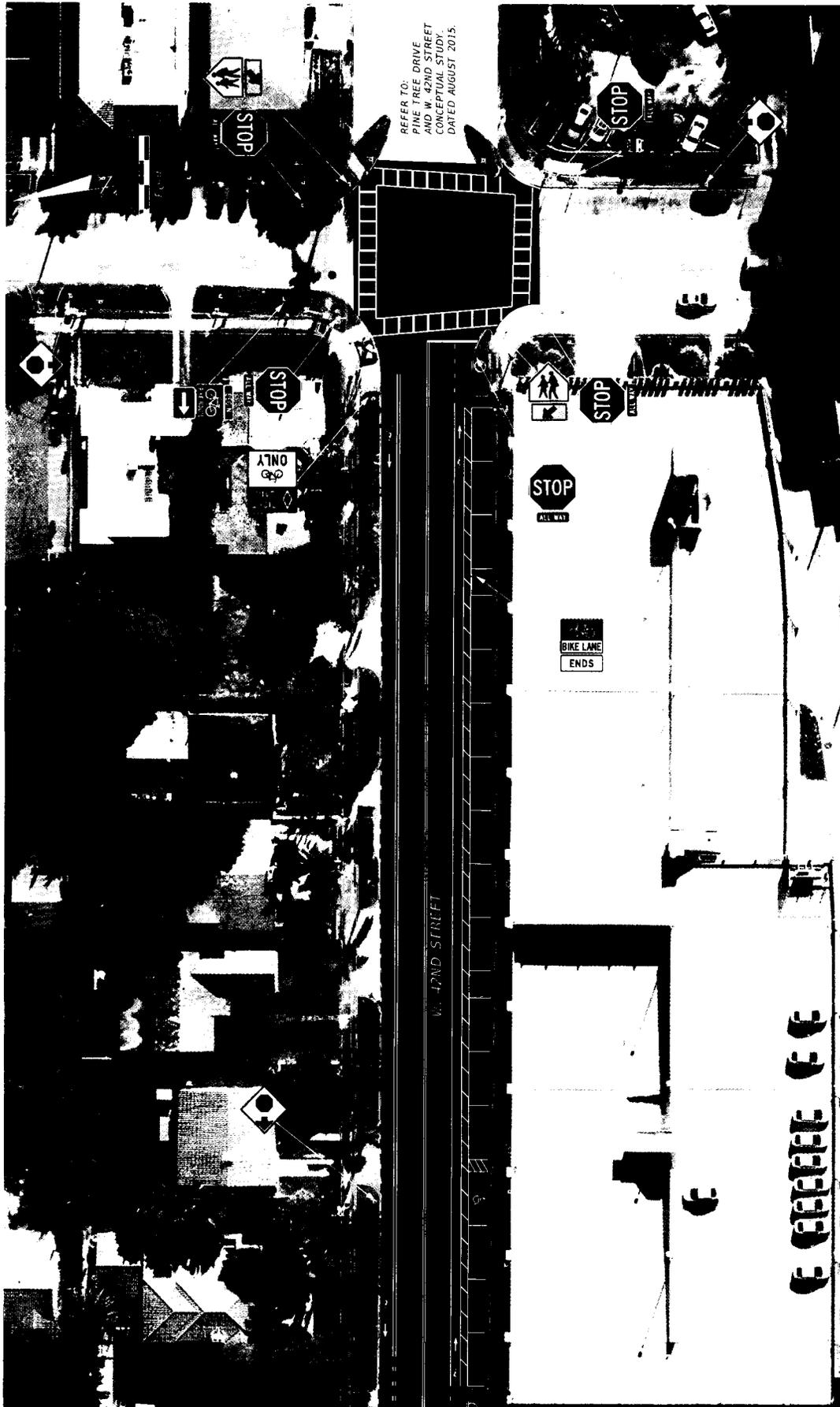
TRAFFIC CIRCULATION AND
CONCEPTUAL ALTERNATIVES STUDY
W. 42ND STREET
ROYAL PALM AVE TO SHERIDAN AVE



TRANSPORTATION DEPARTMENT

W. 42ND STREET
PROPOSED CONCEPT A

FIGURE
NO.
18
2 of 2



REFER TO:
 PINE TREE DRIVE
 AND W. 42ND STREET
 CONCEPTUAL STUDY,
 DATED AUGUST 2015.

MATCHLINE B

DRAWING DATE: 9/28/2015

REVISIONS

DATE DESCRIPTION



TRAFFIC CIRCULATION AND
 CONCEPTUAL ALTERNATIVES STUDY
 W. 42ND STREET
 ROYAL PALM AVE TO SHERIDAN AVE



W. 42ND STREET
 PROPOSED CONCEPT B

FIGURE NO.
 19
 2 OF 2

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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: March 9, 2016

SUBJECT: **DISCUSSION REGARDING THE COLLINS PARK PARKING GARAGE PROJECT**

BACKGROUND

The firm of Zaha Hadid Architects and Berenblum Bush Architecture, Inc. (Consultant) provided professional design services for the Collins Park Parking Garage Project. On November 28, 2014, the Consultant submitted 60% design development drawings with a Probable Construction Cost of \$23,168,787.

The firm of Facchina Construction of Florida, LLC, was retained as the Construction Manager at Risk (CMR), and as part of their pre-construction services agreement they priced the same 60% design development drawings. On April 15, 2015, they estimated the cost to be \$48,989,044.

On May 6, 2015, the City Commission directed Administration to instruct the Consultant to redesign the project to no more than five percent above the construction budget at no extra cost to the City, as stipulated in the Contract Documents.

On May 21, 2015, the Consultant was notified of the Commission's directive and was given a 30-day deadline to comply. Subsequently the City granted the Consultant's request for an additional 60 days to redesign the project. On December 10, 2015, the Consultant presented to City administration a revised conceptual design with a construction estimate of \$28,255,656.

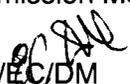
The concept included optimized curves to allow a standard radius, the use of vertical columns in lieu of angled columns, reduced structural spans from 40 feet to 36 feet, concrete slab thickness reduced to 12 inches, feature stair and glass elevator replaced with simple stairs within concrete enclosure, roof pavilions were eliminated, and vertical retail façade in lieu of angled façade.

The revised building concept maintains the original requirement of an iconic architectural style and still addresses the unique needs of the City's stakeholders, residents, and visitors to the City's Cultural Campus, including retail spaces and a main plaza.

On December 16, 2015, the Mayor and City Commission, instructed the Consultant to develop its revised conceptual design into 60% level design development documents, incorporating value engineering components that could feasibly bring its estimated construction cost to approximately \$25 million.

Since December 2015, the Consultant has made design modifications to key elements of the structure. The CMR, along with sub-contractors, have been pricing each key element to attempt to bring the project within budget. On February 22, 2016, the CMR submitted its latest cost estimate of \$31,269,749 based on preliminary 60% drawings. The Consultant is continuing to develop the design to further reduce the Construction Cost Estimate. The deadline to submit complete 60% design development drawings is March 31, 2016.

Staff will bring back a further developed cost estimate from the CMR at the April 13, 2016 Commission Meeting.

JLM/EC/DM 

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Granado, Rafael

From: Grieco, Michael
Sent: Saturday, February 13, 2016 8:29 AM
To: Granado, Rafael
Cc: Morales, Jimmy; Wheaton, Elizabeth
Subject: March 9 discussion item
Attachments: pastedGraphic.pdf

RG please add:

Discussion regarding Nation concerns over the use of crumb rubber field turf (applies to Flamingo Park field)

Please include this email in the agenda.

There has ben a congressional call for the EPA restudy the connection between cancer rates and the use of crumb rubber field turf in youth athletics. Currently the Flamingo Park field at 11th Street is such a field and I want to discuss the appetite for possibly refurbishing the field even if there is a 1% chance that we are harming its users. I am not pushing for replacement, but I think we should simply discuss the matter and have staff research and monitor the issue.

<http://www.epa.gov/chemical-research/federal-research-recycled-tire-crumbs-used-playing-fields>

<http://www.epa.gov/chemical-research/tire-crumb-and-synthetic-turf-field-literature-and-report-list-nov-2015>

Tire Crumb and Synthetic Turf Field Literature and Report List as of Nov. 2015

The views expressed in all these studies and reports do not necessarily reflect the views or policies of the US Environmental Protection Agency. The purpose of this list is to provide the public with a list of studies and reports that have addressed the topic of tire crumb, it may not be fully up-to-date or comprehensive. Links are provided when available.

- Leaching of DOC, DN and Inorganic Constituents from Scrap Tires
Selbes M., Yilmaz O., Khan A.A., Karanfil T. (2015). Chemosphere. 139:617-23.
- Environmental and Health Impacts of Artificial Turf: A Review
Cheng H., Hu Y., Reinhard M. (2014). Environ Sci Technol. 48(4):2114-29.
- Environmental Sanitary Risk Analysis Procedure Applied to Artificial Turf Sports Fields
Ruffino et al. (2013). Environ Sci Pollut Res Int.
- New Approach to the Ecotoxicological Risk Assessment of Artificial Outdoor Sporting Grounds
Krüger O., Kalbe U., Richter E., Egeler P., Römbke J., Berger W. (2013). Environ Pollut. 175:69-74.

- Artificial Turf Football Fields: Environmental and Mutagenicity Assessment
Schilirò T., Traversi D., Degan R., Pignata C., Alessandria L., Scozia D., Bono R., Gilli G. (2013). Arch Environ Contam Toxicol. 64(1):1-11.
- Bioaccessibility and Risk Exposure to Metals and SVOCs in Artificial Turf Field Fill Materials and Fibers
Pavilonis B.T., Weisel C.P., Buckley B., Lioy P.J. (2013). Risk Anal.
- Review of the Human Health & Ecological Safety of Exposure to Recycled Tire Rubber Found at Playgrounds and Synthetic Turf Fields Exit
Cardno Chem Risk. (2013). Prepared for: Rubber Manufacturers Association, Washington, DC.
- Health Risk Assessment of Lead Ingestion Exposure by Particle Sizes in Crumb Rubber on Artificial Turf Considering Bioavailability
Kim S., Yan J.Y., Kim H.H., Yeo I.Y., Shin D.C., Lim Y.W. (2012). Environ Health Toxicol. 27:e2012005.
- Zinc Leaching from Tire Crumb Rubber
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Federal Research on Recycled Tire Crumbs Used on Playing Fields

Background

Related Links

- Federal Research Action Plan on Recycled Tire Crumbs Used on Playing Fields and Playgrounds **New!**
- Tire Crumb Questions and Answers
- Tire Crumb and Synthetic Turf Field Literature and Report List (November 2015)
- 2008 EPA Limited Scoping-Level Field Monitoring Study of Synthetic Turf Fields and Playgrounds

Concerns have been raised by the public about the safety of recycled tire crumb used in playing fields and playgrounds in the United States. Limited studies have not shown an elevated health risk from playing on fields with tire crumb, but the existing studies do not comprehensively evaluate the concerns about health risks from exposure to tire crumb.

Federal Research

On February 12, 2016 the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Consumer Product Safety Commission (CPSC) launched a multi-agency action plan to study key environmental human health questions.

This coordinated *Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds* includes outreach to key stakeholders, such as athletes and parents, and seeks to:

- Fill important data and knowledge gaps
- Characterize constituents of recycled tire crumb
- Identify ways in which people may be exposed to tire crumb based on their activities on the fields.

The Federal Research Action Plan includes numerous activities, including research studies. While additional research questions may require evaluation beyond this year, the information will help answer some of the key questions that have been raised. By late 2016, the agencies will release a draft status report that describes the findings and conclusions of the research through that point in time. The report will also outline any additional research needs and next steps.

Existing Research and Information

Other federal, state, and local government agencies have conducted limited studies on artificial turf fields. For example, from 2009-2011, New York City and the states of New York, Connecticut and New Jersey conducted studies on tire crumb infill and synthetic turf. Also, in 2008 and 2009 the Consumer Product Safety Commission and the Agency for Toxic Substances and Disease Registry evaluated synthetic turf “grass blades” in response to concerns about lead exposure. Their evaluations estimated that any potential releases of toxic chemicals from the grass blades, such as lead, would be below levels of concern. In 2008, EPA conducted a limited Scoping-Level Field Monitoring Study of Synthetic Turf Fields and Playgrounds. The purpose of the limited study was to test a method for measuring possible emissions from using synthetic turf on playgrounds and ball fields, not to determine the potential health risks of recycled tire crumb in playgrounds or in synthetic turf athletic fields.

Limited studies have not shown an elevated health risk from playing on fields with tire crumb, but the existing studies do not comprehensively evaluate the concerns about health risks from exposure to tire crumb

EPA has developed a *Tire Crumb and Synthetic Turf Field Literature and Report List* (Nov. 2015). It is an extensive, although not exhaustive, survey of the literature from the past 12 years.

Last updated on February 12, 2016



Tire Crumb and Synthetic Turf Field Literature and Report List as of Nov. 2015

The views expressed in all these studies and reports do not necessarily reflect the views or policies of the US Environmental Protection Agency. The purpose of this list is to provide the public with a list of studies and reports that have addressed the topic of tire crumb, it may not be fully up-to-date or comprehensive. Links are provided when available.

- Leaching of DOC, DN and Inorganic Constituents from Scrap Tires
Selbes M., Yilmaz O., Khan A.A., Karanfil T. (2015). Chemosphere. 139:617-23.
- Environmental and Health Impacts of Artificial Turf: A Review
Cheng H., Hu Y., Reinhard M. (2014). Environ Sci Technol. 48(4):2114-29.
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Last updated on November 18, 2015

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Micky Steinberg, Commissioner
DATE: March 9, 2016
SUBJECT: 72nd Street Discussion

Please place on the March 9th City Commission agenda a discussion on improving 72nd Street between Abbott and Dickens (near the North Shore Youth Center) including adding crosswalks, lighting, angled parking and fixing sidewalks.

Thank you!

If you have any questions please do not hesitate to call our office.

MIAMIBEACH

Commissioner Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

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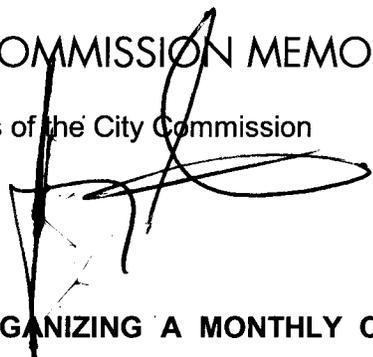
COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 9, 2016

SUBJECT: **DISCUSSION REGARDING ORGANIZING A MONTHLY CICLOVIA EVENT IN THE CITY.**



BACKGROUND

Cicloviás are “open streets” events which turn major city streets into safe, car-free environments for families to run, bike, and play. Originating in Bogota, Colombia over 30 years ago, Cicloviás are now held in hundreds of cities worldwide. By linking neighbors and communities together and providing a different way to “connect with the street,” these events are designed to promote alternatives for using area roadways safely. Based on the success of Ciclovía events throughout the world and locally, the Mayor’s office have requested that the Administration explore the possibility of hosting a Ciclovía event in Miami Beach.

ANALYSIS

After discussions regarding potential corridors for a Ciclovía event, it was determined that Washington Avenue from 5th Street to just south of Lincoln Road could serve as the street to host the first Ciclovía event in Miami Beach. Other corridors considered included Venetian Causeway/Dade Boulevard, Meridian Avenue, and Ocean Drive. This segment of Washington Avenue provides unique advantages for such an event. First, it is a recognized main thoroughfare that allows the community to connect with the businesses. Second, there are north-south alternatives available on which to direct traffic. Third, the segment from 5th Street to Lincoln Road does not intersect major east-west arterials, thereby handling traffic impacts.

On February 9th a meeting with staff from the Transportation Department, Police Department, City Manager’s Office, and Communications Department was held to discuss the proposed route and develop a preliminary plan.

From the discussion, it was concluded that Washington Avenue would be closed to vehicular traffic from just north of 5th Street to just south of Lincoln Road on both directions of travel. It is recommended not to include the intersection of Washington Avenue and Lincoln Road since it could represent some difficulties due to the high level of bus routes that provide regional service.

The date for the City’s first Ciclovía event has been tentatively set for May 1, 2016, between the hours of 10:00 am and 2:00 pm. This event will require police resources to ensure that vehicular

traffic does not enter Washington Avenue between the hours and limits indicated. It is estimated at this time that the cost for police assistance and the implementation of a Maintenance of Traffic (MOT) plan for this event would be approximately \$15,000. Some police enforcement may be needed to prevent bicyclists from riding onto Lincoln Road Mall while Ciclovía takes place on Washington Avenue.

Since the initial meeting, staff has learned that FDOT District 6 has retained a consultant with the sole purpose of assisting municipalities with the organization of Ciclovía events. The cost of engaging a consultant will be funded by FDOT and the services would be beneficial to the City in terms of organizing and promoting the Ciclovía event. The FDOT consultant is prepared to meet with City staff and the Commission to help ensure that our first "Open Streets" is successful and its benefits maximized for all in the community.

The Ciclovía event would also include participation from local bicycle clubs, community groups, and agency partners such as Miami-Dade Transit (MDT), Miami-Dade Metropolitan Planning Organization (MPO) and FDOT. Activities could include bike helmet fittings, pedestrian and bicycle safety demonstrations, and displays from local vendors and businesses. Some bike valet parking locations could be identified along the route with the purpose of allowing a safe and reliable place for bicycle parking for people attending the event and would want to walk instead.

Similar to other Ciclovía events where a location along the route is set up as a node where people would stop by to meet representatives from sponsors to the event, the Police Station on Washington Avenue and 11th Street could potentially serve as a node for this event. This node could serve as one location for sponsor pop-up tents, if needed, although is not intended to undermine the larger effort of directing attendees primarily to our local shops and businesses.

FDOT representatives would also be available to distribute safety literature, answer questions and provide information on current pedestrian/bicycle initiatives. The MPO as well as Miami-Dade County and MDT representatives would have the opportunity to showcase some of their innovative projects related to bikes and pedestrians in Miami Beach and throughout the County. With events such as Ciclovía, the City would continue to promote its commitment to providing safe roads for pedestrians and cyclists.

Ciclovía provides a unique opportunity to promote community integration, engage new customers for local businesses, and communicate to people who walk and bicycle that the City respects and appreciates them for choosing active transportation. For these reasons, staff would work with the businesses and residents of the community, as well as any local groups connected directly with bicycling, running, and public health, from the onset to ensure the success of the event.

Should the City Commission recommend that a Ciclovía event occur on a recurring basis, consideration should be given to allocating adequate funding to support the event as needed. In addition, the City could request the support of FDOT District 6 for planning and organizing future Ciclovía events in Miami Beach.

In the case that other event sponsors are identified, it would be beneficial to develop a schedule of future Ciclovía events in order to secure their sustained commitment and regular participation. City staff would also need to coordinate with MDT regarding detouring of buses for the duration of the closure of Washington Avenue and communicate this information to the public in

Discussion Regarding Organizing a Monthly Ciclovía Event in the City

March 9, 2016

Page 3 of 3

of the Ciclovía event. In addition, City staff would need to develop a more detailed plan to conduct outreach to the business community. The FDOT consultant would also serve as a resource to assist the City in addressing these and any additional considerations for the Ciclovía event.

CONCLUSION

This item is being presented to the City Commission for discussion and further direction.

¹⁰ ^{SRF}
JLM/KGB/JRG/XRF

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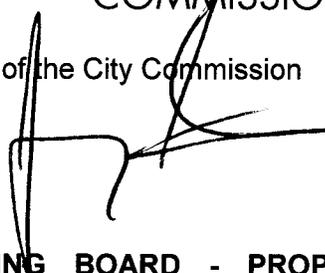
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MIAMI BEACH

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: March 9, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD - PROPOSED ORDINANCE AMENDMENT PERTAINING TO CD-2 HEIGHT AND SETBACK REQUIREMENTS IN THE SUNSET HARBOR AREA.**

ADMINISTRATION RECOMMENDATION

Refer the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

HISTORY

On January 13, 2016, at the request of Commissioner Malakoff, the City Commission referred an ordinance amendment pertaining to height and setback requirements for mixed-use buildings in the Sunset Harbor area to the Land Use and Development Committee (Item C4F).

On February 17, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board.

ANALYSIS

The attached draft ordinance would modify the height and setbacks of mixed-use buildings on lots with a platted frontage equal to or greater than 200 feet with a lot line on Purdy Avenue south of 18th Street in the Sunset Harbour Neighborhood as follows:

1. The maximum permitted height would be 90 feet and nine stories.
2. The setbacks for residential uses in pedestal or tower floors would have the following minimum setbacks:
 - Front: Fifteen (15) feet;
 - Rear: Five (5) feet;
 - Interior Side: Ten (10) feet.

SUMMARY

On February 17, 2016 the Land Use and Development Committee discussed the proposed ordinance and recommended that the City Commission refer the item to the Planning Board for

consideration.

CONCLUSION

In accordance with the February 17, 2016 action of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached ordinance amendment to the Planning Board.

JLM/SMT/TRM

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SUNSET HARBOR CD-2 HEIGHT AND SETBACKS

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," SECTION 142-306, "DEVELOPMENT REGULATIONS," BY AMENDING THE SETBACKS AND MAXIMUM PERMITTED HEIGHT AND NUMBER OF STORIES FOR MIXED-USE DEVELOPMENT IN THE SUNSET HARBOUR AREA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the City seeks to encourage well-designed mixed-use projects on parcels fronting on southern Purdy Avenue and Dade Boulevard in the Sunset Harbour neighborhood

WHEREAS, the Planning Board, at its meeting dated _____, 2016, by a vote of ____, recommended in favor of the Ordinance; and

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

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

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-306. - Development regulations.

* * *

(f) The height and setbacks of mixed-use buildings in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, shall be further governed as follows:

- (1) Mixed-use buildings on lots with a platted frontage equal to or greater than 200 feet with a lot line on Purdy Avenue south of 18th Street shall have a maximum height of 90 feet and nine (9) stories.
- (2) Setbacks for the residential uses in mixed-use buildings with a platted frontage equal to or greater than 200 feet with a lot line on Purdy Avenue south of 18th Street shall follow Section 142-307, except that residential pedestal or tower floors shall have the following minimum setbacks:

- a. Front: Fifteen (15) feet;
- b. Rear: Five (5) feet;
- c. Interior Side: Ten (10) feet.

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.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2016
Second Reading: _____, 2016

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

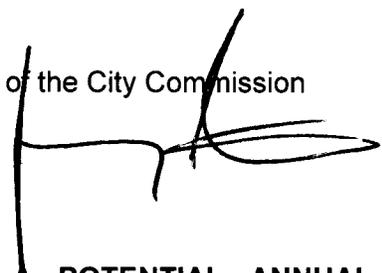
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MIAMI BEACH

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: March 9, 2016

SUBJECT: **A DISCUSSION REGARDING A POTENTIAL ANNUAL LIVE MUSIC FESTIVAL.**

BACKGROUND

Following the success of the City's Centennial Concert, the City began discussions with Huka Entertainment for an annual music festival in Miami Beach. Huka was approached because of their success with creating the Tortuga Music Festival in Fort Lauderdale.

Huka Entertainment was founded in 2005 by co-founders A.J. Niland and Bennett Drago after they promoted local shows around the Mobile area in Alabama. In 2010 the company held the first annual Hangout Music Festival, followed by a free Concert for the Coast concert series featuring Jimmy Buffett, Bon Jovi and others in response to the BP Oil Spill disaster. Following the Hangout Music Festival, Huka Entertainment launched Tortuga Music Festival with co-founders Rock The Ocean Foundation, and also began co-producing the BUKU Music + Art Project alongside Winter Circle Productions. In 2014, the company announced they would bring the multi-genre Pemberton Music Festival to Pemberton in British Columbia, just north of Canadian resort-town, Whistler. That year the company promoted shows in New Orleans, Baton Rouge, Houston, Mobile, AL, Wilmington, NC and others. In 2015, former Clear Channel executive Evan Harrison joined as CEO.

Huka Entertainment is a music festival producer and promoter based in New Orleans, LA. Huka Entertainment also has a concerts department spanning the southern and eastern coast of the United States. In October 2015, concert industry publication Pollstar listed Huka Entertainment among the top 50 concert promoters worldwide, based on ticket sales.

Rock the Ocean's Tortuga Music Festival is an annual music festival that takes place at Fort Lauderdale Beach Park in Fort Lauderdale, Florida. Founded by Huka Entertainment and the Rock The Ocean Foundation, the annual spring festival aims to raise awareness and support for ocean conservation. Last year's sold-out festival drew a record-breaking attendance of more than 75,000 music fans from all over the world. Proceeds from Tortuga Music Festival ticket sales have contributed more than \$250,000 toward marine and ocean research and conservation organizations to date.

The festival features multiple stages of live entertainment with a focus on country, rock and a variety of roots music. Past performers have included Zac Brown Band, Luke Bryan, Eric Church, Kenny Chesney, Lynyrd Skynyrd and more. The 2016

edition of the festival expanded to 3 days, announcing Blake Shelton, Tim McGraw, and Dierks Bentley as headliners each day.

Each year, the festival features an area known as Conservation Village. The area holds interactive booths that contain games, exhibitions and displays with the focus of raising awareness of issues impacting the world's oceans and supporting marine research and conservation. The festival also aims to raise money to protect sea turtles that nest annually along South Florida's Atlantic seaboard. Past Conservation Village partners have included: Nova Southeastern University Oceanographic Center, Broward County Sea Turtle Conservation Program, The Nature Conservancy, University of Miami Marine Conservation Program and many others. At the Conservation Village, the Guy Harvey Ocean Foundation has also partnered up to raise ocean awareness with marine life artist and conversationalist, Guy Harvey. More than a dozen organizations were issued over \$60,000 in funds, by the Guy Harvey Ocean Foundation and the Rock the Ocean Foundation.

The Hangout Music Festival is an annual three-day music festival held at the public beaches of Gulf Shores, Alabama. It was co-founded by Huka Entertainment in 2010 and was produced by Huka Entertainment through 2013. The event features many genres of music, including rock, indie, hip hop, and electronic dance music. The festival generally takes place on the third weekend in May. It is the first major music festival held on the beach in Gulf Shores. Notable acts that have performed at Hangout Fest include The Avett Brothers, Foo Fighters, Paul Simon, Widespread Panic, Jack White, Red Hot Chili Peppers, Dave Matthews Band, Kings of Leon, Tom Petty & The Heartbreakers, Stevie Wonder, OutKast, The Killers and The Black Keys. Acts such as the Trey Anastasio Band, The Flaming Lips, Moon Taxi and Bassnectar have performed several times at the festival.

Pemberton Music Festival is an annual four day music festival that takes place near Mount Currie in Pemberton, British Columbia. Produced by Huka Entertainment, the 2015 event took place on July 16–19. The festival features multiple stages of live entertainment, including rock, indie rock, hip hop, electronic, heavy metal, and comedy. The 2015 lineup included The Black Keys, Kendrick Lamar, J. Cole, Tiesto, Hozier, Kid Cudi, Missy Elliot and others.

BUKU Music + Art Project is a New Orleans based two-day music and arts festival produced by Huka Entertainment and Winter Circle Productions and held annually at Mardi Gras World. BUKU combines international musicians with local food vendors, local visual artists, and various pop-up street performers throughout the site. BUKU has included a mix of electronic dance music, hip hop music, and indie rock featuring past performances by Skrillex, Ellie Goulding, Kid Cudi, Bassnectar, The Flaming Lips, Calvin Harris, Kendrick Lamar, A\$AP Rocky, Passion Pit, Nas, Explosions in the Sky, Major Lazer, Alt-J, TV on the Radio, Chromeo, Flux Pavilion, Flosstradamus, Sleigh Bells, Earl Sweatshirt, Porter Robinson, Die Antwoord, RL Grime, Seth Troxler, Purity Ring, Jamie Jones and dozens of others. In addition to the musical performances, BUKU features installations by prevalent local and national artists. Sculptures, paintings, graffiti, and other mediums are all included, including the annual live gallery, the pieces of which are created in real time during the festival's two days and auctioned off to fans to raise money for charity. In 2013, the festival worked with over 20 artists and designers to put together pieces that were mostly interactive or

integrated into the experience of the festival, including Fort BUKU made out of shipping containers and dredge netting creating a fun place for fans to hang and watch the main stage.

Annual Music Festival in Miami Beach

Miami Dade County currently does not have a live music festival that focuses on popular music including rock, indie, hip hop, and dance music. The concept discussed between the City and Huka is to develop a festival oriented towards music that may be presented with a theme such as a musical genre, nationality or locality of musicians, held outdoor on the beach during a slower period of time, and which would span more than one (1) day and could include merchandise vending, performance art, social activities and concessions.

Huka desires an initial term of five (5) years, as well as certain restrictions and early termination provisions, to be negotiated in good faith by the parties. A 5 year term is desired because of the capital investment required to build the festival brand and the need to amortize their projected initial losses over that period of time.

Huka understands that any negotiated agreement must be approved by a majority of the City Commission via resolution. Additionally, Huka understands and agreed to provide sufficient life safety (police and fire) staffing levels, traffic management, sanitation and any other required services. They will be required to submit the following plans no less than 120 days prior to the event date:

- a. Event Site Plan
- b. Public Safety Plan
- c. Traffic and Parking Management Plan
- d. Sanitation Plan

Huka also understands and has agreed to pay for all City services related to the Festival and the associated special event permit fees.

CONCLUSION

The Administration is seeking direction from the City Commission prior to negotiating an agreement with Huka Entertainment for the production of an annual live music festival in the City.

JLM/KGB/MAS/

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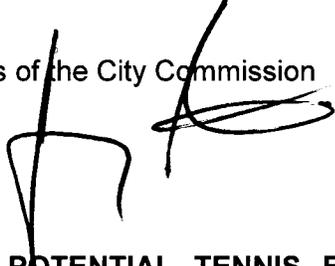
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MIAMI BEACH

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: March 9, 2016

SUBJECT: **DISCUSSION REGARDING A POTENTIAL TENNIS EVENT IN NORTH BEACH AND OTHER AREAS OF MIAMI BEACH.**

BACKGROUND

On September 2, 2016, Commissioner Steinberg sponsored a discussion regarding a potential tennis event in North Beach. The goal of this effort is to create a calendar of premium tennis events in Miami Beach that will help to establish the City as a tennis and sporting capital in Florida. This will attract new visitors and promote the destination worldwide. The participants and spectators will also generate significant room nights and, therefore, resort taxes.

Following discussion, the Commission directed staff to continue discussions with the event organizers and return to Commission for direction when more information was available. Staff was also directed to work with Miami Beach Tennis Management to ensure they are involved.

The Administration has continued discussions with Creative Artists Agency, CAA, and the International Tennis Federation (ITF) for a commitment to host several events in Miami Beach over the next few years. CAA is one of the world's leading talent and sports agencies. The ITF is the world governing body of professional tennis with 210 member nations. They organize the world cup of tennis (Davis Cup / Fed Cup), which has participation from more than 122 nations with approximately 129 million viewers worldwide.

The following is a summary of the proposed events:

1. 2017 ITF Worldwide Coaches Conference by BNP Paribas will be held between October 2017 and November 2017. This is a three (3) – five (5) day event with approximately 1,200 attendees and 500 – 600 hotel rooms, totaling approximately 2,000 room nights.
2. 2018 ITF Annual General Meeting to be held within two weeks of the conclusion of the US Open Tennis Tournament in September 2018. This is a four (4) to six (6) day event with hundreds of attendees from the 210 member nations.
3. ITF Seniors World Team and Individual Championships to be held in 2017 and 2018, in two consecutive weeks, usually mid-year or in the second half of the year, on dates to be agreed upon. This tournament is anticipated to

attract 100 – 130 teams with approximately 500 players. Coaches and family also attend.

In 2014, the ITF Seniors World Team and Individual Championships were held in Palm Beach Gardens. The team tournament attracted participants from 39 countries, the largest number of countries ever to be represented at the event and the individual tournament attracted participants from 52 countries. The Palm Beach Sports Commission estimated the economic impact of the event at more than \$2.5 million.

The City has also discussed hosting the ITF Seniors World Team and Individual Championships at North Shore Tennis Center with Howie Orlin of Miami Beach Tennis Management. Although there are still a number of details to work out, Mr. Orlin is willing to work with the City and event organizer CAA to produce a successful tournament.

In exchange for committing to bringing and producing the aforementioned events, CAA is requesting a financial commitment from the City of \$100,000 annually, subject to annual budget approval, toward the events. The \$100,000 City contribution serves as seed money to incentivize CAA to produce and bring these events to Miami Beach. CAA would be responsible for securing the remaining funds in cash or in-kind sponsorships to successfully produce the events.

CONCLUSION

The Administration is seeking direction from the City Commission prior to negotiating an agreement with CAA for the production of the ITF tennis events.

JLM/KGB/MAS/

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: February 24, 2016
SUBJECT: Display of Historic Miami Beach Centennial Photographs

Please Place On The Consent Agenda For The Commission Meeting Of March 9, 2016
A Recommendation To Display The Historic Miami Beach Centennial Exhibit On A
Permanent Basis In The Fourth Floor Gallery Of City Hall, And Designate One Wall For
Current Photographs.

If you have any questions, please contact me at extension 6622.

Thank you.

JVWM

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Granado, Rafael

From: Rosen Gonzalez, Kristen
Sent: Wednesday, March 02, 2016 11:15 AM
To: Granado, Rafael
Subject: Discussion Item

Please place a discussion item on the agenda regarding the Allison Park residents offering input to the current design of the proposed playground.

Since these residents surrounding were not notified prior to the park design, they would now appreciate playing an active role in the process.

I would like to refer the Allison Park playground to the Neighborhoods Committee to talk about the design.

Thanks.

Kristen Rosen Gonzalez
City of Miami Beach Commissioner
305-965-4725

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Granado, Rafael

From: Rosen Gonzalez, Kristen
Sent: Wednesday, March 02, 2016 11:30 AM
To: Granado, Rafael
Subject: Fwd: Use of Community Development Block Grant Funds as Rent Subsidy for Tenants of the Allen Apartments
Attachments: LTC 077-2016 Use of Community Development Block Grant Funds as Rent Subsidy for Tenants of the Allen Apartments.pdf; ATT00001.htm

Can you please place this LTC on the agenda as a discussion item and possible referral to the finance committee?

Thanks,

Kristen Rosen Gonzalez
City of Miami Beach Commissioner
305-965-4725

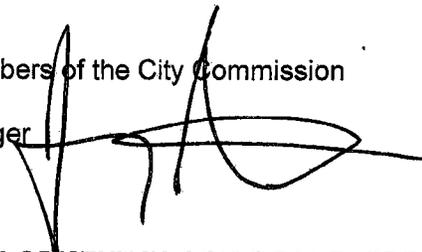
MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 077-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: February 24, 2016

SUBJECT: **USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AS RENT SUBSIDY FOR TENANTS OF THE ALLEN APARTMENTS**

The purpose of this Letter To Commission is to address an inquiry raised by Commissioner Kristen Rosen Gonzalez at the February 10, 2016 City Commission meeting as to the possible use of Community Development Block Grant (CDBG) funds to provide rent subsidies for the tenants of the Allen Apartments, a Miami Beach Community Development Corporation-owned affordable housing property.

At the meeting, the Administration presented item R71, a request to recapture and reallocate unexpended CDBG funds from previous fiscal years to ensure the timely expenditure of these funds via eligible activities consistent with the City's *Annual Plan* and *Consolidated Plan*. Commissioner Rosen Gonzalez inquired if the funds being reallocated could instead be used to provide a rent subsidy specifically to the tenants of the Allen Apartments.

The Allen Apartments, a 39-unit affordable housing building located at 2001 Washington Avenue, was acquired by Miami Beach Community Development Corporation (MBCDC) in 2007 with City Redevelopment Agency (RDA) funds. MBCDC subsequently received funds from a variety of sources to rehabilitate the building including additional City funds and a traditional bank loan:

Funds Utilized to Rehabilitate the Allen Apartments	
City of Miami Beach	\$ 1,024,708
Miami-Dade County Surtax Loan	\$ 500,000
Florida Housing Finance Corporation	\$ 750,000
Great Florida Bank	\$ 500,000

The conversation at February's Commission meeting was driven by a rent increase that was instituted at the building by MBCDC to ensure that the building can meet its debt service obligations to the Miami-Dade County Surtax Loan which began its repayment schedule in August 2015. MBCDC, which has been under new management since September 2014, reviewed the loan documents for the building and noted that the rent schedules in place did not meet the fiscal viability thresholds proposed in the loan documents. As a result, MBCDC adjusted the rent levels to those that would maintain the building as financially viable:

Rent Schedules in Place	Rent Schedules in Loan Documents
30 efficiency units @ 33% AMI ¹	10 efficiency units @ 33% AMI
5 efficiency units @ 45% AMI	26 efficiency units @ 50% AMI
1 efficiency/ 3 one-bedroom units @ 50% AMI	3 one-bedroom units @ 50% AMI

AMI = Area Median Income

As a result of these rent adjustments, there are 23 tenants experiencing rent increases ranging from \$57 to \$200 per month. In order to provide rent relief to these tenants who are on fixed incomes, Commissioner Rosen Gonzalez requested the provision of three months of rent assistance (estimated \$11,655) as a means of buying time to find a long-term solution.

As mentioned at the meeting, the regulations administering CDBG funds are managed by the United States Department of Housing and Urban Development (HUD). There are several regulations that prohibit their use as a rent subsidy for any targeted group:

- HUD limits the amount of CDBG funds obligated for public service activities to an amount no greater than 15 percent, of the entitlement grant made for that program year and uses of the funds are limited to programs listed in the adopted Action Plan.** The City's FY15/16 CDBG allocation was \$905,563 with a maximum of \$135,834.45 eligible for allocation to public services. The FY 15/16 Action Plan, approved by the City Commission on July 8, 2015 via Resolution No.2015-29080, allocated \$119,400 to public services, leaving of \$16,434.45 to meet the 15% cap available and planned to be used for capital improvements at the Lottie. Public services allocations must be expended by September 30th of each fiscal year with any unspent balance subject to recapture and reallocation. In the Administration's proposal for recapture, the City was replacing the homeless services originally presented in the *Action Plan* for implementation by Jewish Community Services for homeless services overseen by HOPE of Miami-Dade, Inc., a non-profit organization that has been providing homeless outreach and support services in our City for more than 10 years. Jewish Community Services declined its award after the *Action Plan* was submitted to HUD for approval but before executing its funding agreement. Changing the use of funds from homeless services to any other purpose would require an amendment in the Action Plan. Such changes would require approval by HUD as part of the process.
- CDBG funds may not be used for rent payments other than emergency grant payments.** HUD rules, found in 24 CFR Section 570.207(b)(4), establish that income payments (which are a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities) are ineligible for CDBG funds. Such assistance excludes emergency grant payments made over a period of up to three consecutive months. Pursuant to the City's Consolidated Plan and City Guidelines, emergency is defined as a one month period. In the instance of the Allen, such subsidies would not constitute emergency grant payments as the only criterion that will allow us to determine the "emergency" factor is that the beneficiaries would have the ability to resume the rent payment once initial rent assistance is provided.
- Use of Emergency Food and Shelter Program (EFSP) funds for rent assistance are limited to one month and must demonstrate that they are at risk.** The City receives EFSP funds through the United Way to provide rent assistance to any individual or household that is at risk of losing their home. The amount of funding the City receives is between \$12,000 and \$18,000 each year. The City has not yet received its allocation for the current fiscal year.

It should be noted that the City's emergency rent procedures, that are in place for both CDBG and Emergency Food and Shelter Program (EFSP) funds, require that applicants for rent assistance provide a copy of a *Three-Day Notice of Eviction* (which documents the need for emergency assistance) and demonstrate their ability to resume independent rent payments the following month. In this case, the residents of the Allen Apartments would not be able to demonstrate compliance with this rule as their financial status will remain unchanged despite the City's short-term fiscal intervention. It should be noted that the City provides only one month's rent assistance to any individual or household within one calendar year (so as to be equitable in serving as many households as possible and meet the service projections provided to our funders). Furthermore, federal funds must be equitably accessed by eligible applicants. That is to say that, even if the City were able to provide such rent subsidies with CDBG funds, it could not target tenants of the Allen Apartments as its primary beneficiaries.

- **There are no remaining eligible HOME funds this fiscal year.** HUD rules, found in 24 CFR Section 570.207(b)(4), establish that income payments (which are a series of subsistence-type grant payments made to an individual or family for items

As a reminder, please note that the City must submit to HUD its *Consolidated Annual Performance and Evaluation Report* (CAPER) demonstrating its use of CDBG and HOME funds in support of its *Action Plan* and *Consolidated Plan*. Neither the *Action Plan* nor the *Consolidated Plan* currently includes Tenant Based Rental Assistance (TBRA). While HOME funds can be used for rental assistance, the City would be required to amend its *Consolidated Plan* and ensure public participation in this change prior to using such funds for this purpose. If ... This change would not become effective until next fiscal year, and the funds would not become available typically until the end of the calendar year. Furthermore, because the Allen Apartments were provided HOME funds for its rehabilitation and remains under the affordability period, its tenants would not be eligible to receive HOME assistance.

Finally, as a point of clarification, a comment was made at the meeting that EFSP funds could be used to provide one month's assistance to tenants of the Allen Apartments. In actuality, only those tenants who have not received rent assistance in the past year and can provide a *Three-Day Notice of Eviction* can be considered eligible for rent assistance. If provided assistance, program applicants can only receive one month of support as per EFSP program guidelines. Unfortunately, the City has yet to receive its FY 15/16 EFSP allocation and the United Way of Miami-Dade County, the program's local administrator, is unable to advise us as to when funds would be released. Historically, these funds have come late in the calendar year.

If you have any questions, please let me know.

JLM/KGB/MLR

R10

CITY ATTORNEY REPORTS

R10

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: Raul Aguila, City Attorney

DATE: March 9, 2016

SUBJECT: **City Attorney's Status Report**



LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Admiral's Port Condominium Association, Inc. vs Julio Bertoni, et al., Case No. 16-2867 CA 58 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located at 2851 NE 183 Street, Unit 112-E, Aventura, Florida. The Summons and Complaint were served on the City on February 12, 2016.

The City's Answer and Affirmative Defense was filed on February 17, 2016.

2. Isle of Normandy Condominium Association, Inc. vs Ruben Serna, et al., Case No. 16-2867 CA 25 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located at 1145 Normandy Drive, Unit 401, Miami Beach, Florida. The Summons and Complaint were served on the City on February 19, 2016.

The City's Answer and Affirmative Defense was filed on February 24, 2016.

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**REPORTS
AND
INFORMATIONAL ITEMS**

1. Reports and Informational Items
(see LTC 087-2016)

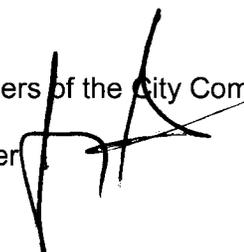
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MIAMI BEACH

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

081-2016

LETTER TO COMMISSION

To: Mayor Philip Levine and Members of the City Commission
 From: Jimmy L. Morales, City Manager 
 Date: March 9th, 2016
 Subject: List of Projects Covered by the Cone of Silence Ordinance

In an effort to disseminate information to elected officials and City staff relative to projects that are covered by the requirements of the City's Cone of Silence Ordinance, following is a list of all current solicitations (i.e., Invitation for Bids ("Bids"), Request for Proposals (RFPs), and Request for Qualifications (RFQs), that, to date, are covered by the ordinance. Please note that the Cone of Silence is in effect from the date the solicitation is advertised, as indicated below, through date of award by the City Commission.

Solicitation Number	Date Advertised and Issued	Document Title	Department
2015-133-RFP-YG	05/05/2015	Design/Build Services for Neighborhood No. 8: Central Bayshore South Right-of-Way Infrastructure	CIP
2015-201-ITB-WG	01/12/2015	Lease of Golf Course Turf Maintenance Equipment	Parks and Recreation
2015-245-RFQ-KB	12/15/2015	Architectural and Engineering Design Services for Lincoln Road District Improvements	CIP
2015-258-RFP-WG	09/25/2015	Collection and Disposal of Residential Solid Waste, Yard Trash, Bulk Waste, and Operation of the City's Green Waste Facility	Sanitation/Public Works
2016-004-ITB-MT	09/10/2015	Annual Inspection, Testing, Certification Repairs and Maintenance for the Citywide Fire Sprinkler Systems, Fire Pumps, Standpipes and Fire Backflow Preventers	Property Management
2016-009-RFP-ME	10/19/2015	To Seek Proposals From Parties Interested In Partnering With The City To Develop Public Parking Garages Within The City of Miami Beach	Parking
2016-031-ITB-AK	12/09/2015	Bus Transportation Services	Parks and Recreation

2016-032-ITB-AK	02/29/2016	Bicycle Purchase, Parts, Accessories and Repair Services	Police
2016-034-RFP-AK	01/20/2016	Fire & Police False Alarm Billing System	Police
2016-036-RFP-KB	01/15/2016	Design/Build Services for Police Station Building, Firing Range Ventilation Systems Replacement	CIP
2016-042-RFP-KB	12/18/2015	Design/Build Services for Stormwater Pump Station at Northeast Corner of Convention Center Drive	Public Works
2016-046-RFP-KB	02/16/2016	Red Light Violation Camera Enforcement System & Related Support Services	Police
2016-048-ITB-MT	03/09/2016 (Tentative)	Electric Motor Rewind, Pump Repair and Maintenance	Public Works
2016-050-ITB-MT	03/01/2016 (Tentative)	Monitoring Services, Annual Inspection, Testing, Certification, Repair and Maintenance of Firm Alarm Systems Citywide	Property Management
2016-051-ITB-MT	03/01/2016 (Tentative)	Monitoring Services, Annual Inspection, Testing, Certification, Repair and Maintenance of Fire Extinguishers Systems Citywide	Property Management
2016-052-RFP-KB	12/18/2015	Design/Build Services for Stormwater Pump Station on 19 th Street Between Convention Center Drive and Meridian Avenue	Public Works
2016-057-RFP-WG	02/17/2016	Investigation and Adjusting Service for Selected Tort Liability and Workers Compensation Claims	Human Resources
2016-062-RFP-KB	12/28/2015	Design/Build Services for the West Avenue Bridge Over Collins Canal	Public Works
2016-065-ITB-MT	03/01/2016 (Tentative)	Purchase of Heating, Ventilation and Air Conditioning (HVAC) Parts and Equipment	Property Management
2016-073-RFQ-KB	02/16/2016	Construction Manager at Risk for Lincoln Road District Improvements	CIP
2016-084-RFP-WG	04/14/2016 (Tentative)	Administration of The City's Family and Medical Leave Program; A Long-Term Disability Policy for the Participants in the City's 401(A) Defined Contribution Pension Plan; and a Short-Term and Long-Term Disability Policy, Fully Funded by Employee Contributions	Human Resources
2016-086-RFP-WG	03/11/2016 (Tentative)	Health Plan Services or Stand Alone Options Which may Include Pharmacy Benefits Services, Employee Assistance Program, and Stop Loss Re-Insurance, For Benefits to the City of Miami Beach Active Employees, Pre-65 Retirees, and Post-65 Retirees Enrollees	Human Resources

2016-090-RFP-KB	03/11/2016 (Tentative)	Design/Build Services for West Avenue Improvements Phase II South of 14 th Street	Public Works
2016-091-RFP-KB	03/11/2016 (Tentative)	Design/Build Services for West Avenue Improvements Phase II North of 14 th Street	Public Works
2016-100-RFP-KB	02/26/2016 (Tentative)	Design Build Services for Stormwater Pump Station at the Intersection of Alton Road and North Bay Road and Associated Stormwater Improvements for North Bay Road	Public Works

Please note that ITBs, RFPs, and RFQs are being issued on a daily basis. Therefore, it is recommended that you or your staff view the list of projects under the Cone of Silence on a regular basis. Should you have any questions or need additional information, please feel free to contact me.


 JLM/MT/AD/ME/CG
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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: March 9, 2016
SUBJECT: **REPORT FROM COMMISSION COMMITTEES OF WITHDRAWN ITEMS NOT HEARD WITHIN (6) SIX MONTHS FROM REFERRAL DATE.**

Pursuant to Resolution No. 2013-28147, items that are referred to Commission Committees to be reviewed, but are not heard by that Committee within (6) six months of its referral date are automatically withdrawn.

Attached is a list of item(s) that were automatically withdrawn for March 2016:

Neighborhood/Community Affairs Committee

There are no items to be automatically withdrawn at this time.

Finance & Citywide Projects Committee

There are no items to be automatically withdrawn at this time.

Sustainability & Resiliency Committee

There are no items to be automatically withdrawn at this time.

Land Use & Development Committee

There are no items to be automatically withdrawn at this time.

JLM/REG

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4. Miami Beach Convention Center Monthly Construction Project Update.
(Office of the City Manager)
(Item to be Submitted in Supplemental)

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