

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chamber, 3<sup>rd</sup> Floor, 1700 Convention Center Drive  
May 11, 2016

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

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

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### ATTENTION ALL LOBBYISTS

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

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

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

### AGENDA 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 Approval To Issue A Request For Qualifications (RFQ) No. 2016-138-KB For Architectural And Engineering Design Services For Maurice Gibb Memorial Park.  
(Procurement/Capital Improvement Projects/Parks & Recreation)
- C2B Request For Approval To Issue A Request For Qualifications (RFQ) No. 2016-097-KB For Consulting Services For Public-Private Partnerships (P3) For Workforce Housing Initiative.  
(Procurement/Housing & Community Services)
- C2C Request For Approval To Issue Request For Qualifications (RFQ) 2016-139-WG For An Access Control And Security System Consultant.  
(Procurement/Emergency Management)

**C4 - Commission Committee Assignments**

- C4A Referral To The Sustainability And Resiliency Committee - Discussion Regarding The Securing And Storage Of Commercial Dumpsters.  
(Sponsored by Commissioner Michael Grieco)
- C4B Referral To The Finance And Citywide Projects Committee To Discuss Advertising Opportunities Within Municipal Parking Garages And Not Visible From The Right-Of-Way.  
(Parking)
- C4C Referral To Land Use And Development Committee - An Ordinance Amendment Pertaining To Alcoholic Beverage Establishments In The CD-3 District On 41<sup>st</sup> Street, In Order To Address Compatibility Issue With Surrounding Residential Districts.  
(Sponsored by Commissioner John Elizabeth Alemán)

- C4D Referral To The Finance And Citywide Projects Committee To Discuss 300 Alton Road.  
(Sponsored by Commissioner Ricky Arriola)
- C4E Referral To The Planning Board. Proposed Ordinance Amendment Pertaining To Non-Conforming Hotel Uses In The RM-1 Zoning District West Of Alton Road.  
(Sponsored by Commissioner Ricky Arriola)
- C4F Referral To The Planning Board, Design Review Board And Historic Preservation Board. Proposed Ordinance Amendment To Chapter 138 Of The Land Development Regulations Pertaining To Signage.  
(Sponsored by Commissioner Ricky Arriola)
- C4G Referral To The Planning Board - Proposed Ordinance Amendment To Chapter 130 Of The Land Development Regulations Pertaining To Off-Street Parking.  
(Sponsored by Commissioner Michael Grieco)
- C4H Referral To The Finance & Citywide Projects Committee To Consider Televising All City Special Master Hearings.  
(Sponsored by Commissioner John Elizabeth Alemán)
- C4I Referral To The Land Use And Development Committee And The Planning Board - Discussion Regarding A Proposed Ordinance Change For North Beach Town Center Districts.  
(Sponsored by Commissioner John Elizabeth Alemán)
- C4J Referral To The Sustainability And Resiliency Committee To Consider Establishing A City Sustainable Procurement Policy.  
(Sponsored by Commissioner John Elizabeth Alemán)
- C4K Referral To The Finance And Citywide Projects Committee To Work With Miami-Dade County Public Schools (MDCPS) To Assess The Viability And Interest In A City Of Miami Beach School Bus Service Within The 2-Mile Boundary Of School Bus Service Provided By MDCPS.  
(Sponsored By Commissioner John Elizabeth Alemán)
- C4L Referral To Land Use And Development Committee To Discuss Revising The Cultural Arts Neighborhood District Overlay (CANDO).  
(Sponsored by Commissioner Ricky Arriola)
- C4M Referral To Neighborhood/Community Affairs Committee To Discuss Battle At The Beach.  
(Sponsored by Commissioner Ricky Arriola)

C4N Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Incorporating Low Floor Trolleys To Specifically Improve Accessibility For Seniors And The Disabled.

(Sponsored by Vice-Mayor Micky Steinberg)

C4O Referral To The Finance And Citywide Projects Committee Meeting Of May 20, 2016 - Discussion Relating To City Clerk Rafael E. Granado's Annual Performance Evaluation.

(Sponsored by Mayor Philip Levine)

### **C6 - Commission Committee Reports**

C6A Report Of The April 20, 2016 Land Use And Development Committee Meeting: **1.** Discussion Regarding A Complete Review Of Sign Ordinances. **2.** Proposed Comprehensive Plan Amendment Related To Sea Level Rise And Compliance With 2015 Florida Senate Bill 1094, Entitled "Peril Of Flood." **3.** Annual Evaluation Of Parking Impact Fee Structure. **4.** Discussion Regarding Potential Fiscal And Review Process Impacts Of Having All New Single Family Home Construction Reviewed By The Design Review Board. **5.** Discussion Regarding Incentivizing Workforce Housing In The Private Sector. **6.** Discussion Pertaining To Development Regulations And Guidelines For New Construction In The Palm View Historic District To Address Resiliency, Sustainability And Adaptation. **7.** CMB Preparations For Likely Passage Of State Medical Marijuana Constitutional Amendment. **8.** Discussion Pertaining To An Electronic Agenda System For All City Land Use Boards. **9.** Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood. **10.** Discussion Regarding Operational Regulations For Alcoholic Beverage Establishments South Of Fifth Street. **11.** Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH). **12.** Discussion On The Transit Hub On The 500 Block Of Alton Road. **13.** Discussion Regarding Non-Conforming Use Amendments.

C6B Report Of The April 15, 2016 Neighborhood/Community Affairs Committee Meeting: 1. Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. 2. Discussion Regarding A Competition Swimming Pool. 3. Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65<sup>th</sup> Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park". 4. Update On Muss Park Pavilion. 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 12<sup>th</sup> Street On Miami Beach. 7. Discussion Regarding The Possible Addition Of A Skate Park In North Shore Open Space Park. 8. Discussion On Encroachments In The Public Right-Of-Way. 9. Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management. 10. Discussion On Traffic Calming Efforts On Prairie Avenue And In Bayshore Neighborhood. 11. March 9, 2016, Action Of The City Commission To Accept The Recommendation Of The Neighborhood/Community Affairs Committee To Keep And Renovate The Robert C. Haas Handball Court Building, And To Remove The Previously Approved Recommendation To Include Four Additional Single Wall Handball Courts And Four New Padel Courts, As These Items Are Recommended Not To Be Incorporated Into The Flamingo Park Master Plan; And Recommending A Discussion Of Other Activities/Options For The Master Plan. 12. Monthly Crime Update. 13. Discussion And Action Plan Related To Combatting Illegal Short Term Rentals Citywide. 14. Discussion On The City Of Miami Beach Conducting A Design Competition For An Iconic Crosswalk/Intersection On 12th And Ocean. 15. Discuss Having ADA Accessible Playground Components In All City Parks. 16. Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway.

C6C Report Of The April 22, 2016 Finance And Citywide Projects Committee Meeting: 1. Discussion Regarding Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1. 2. Discussion Regarding The Creation Of The Ocean Court Green Alley, Española Way (East) Green Alley. 3. Discussion To Consider And Explore The Impact Of A Car Sharing Pilot Program. 4. Discussion Regarding A Review Of The Fine Schedule For Littering On The Beach. 5. Discussion Regarding Miami New Drama Becoming The Resident Theater And Venue Manager For The Colony Theater As A Pilot Program. 6. Discussion Regarding The Creation Of The City Of Miami Beach Transportation Fund. 7. Discussion To Consider Adopting The Disability Access Committee's Request For The City To Support Power Access Inc. For Disability Awareness Events. 8. Discussion To Consider The Closed Captioning For The Hearing Impaired Of The City's Video-Recorded Meetings And Events. 9. Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.

**(Item to be Submitted in Supplemental)**

**C7 - Resolutions**

C7A A Resolution Approving And Authorizing The City Manager, Or His Designee, To Apply For, Accept, And Appropriate Funding (Including Matching Funds And Any Related City Expenses), And Execute Any And All Documents Or Agreements In Connection With The Following Grants And Funding Requests: 1) Florida Department Of State, Division Of Cultural Affairs, Cultural Facilities Program, In The Approximate Amount Of \$500,000 For The Miami City Ballet Project; 2) Florida Department Of State, Division Of Cultural Affairs, Cultural Facilities Program, In The Approximate Amount Of \$500,000 For The Carl Fisher Clubhouse; 3) Florida Department Of Transportation, Transit Service Development Program, In The Approximate Amount Of \$400,000 For The Middle Beach Trolley; 4) US Department Of Transportation, Federal Highway Administration In The Approximate Amount Of \$3,000,000 For The Intelligent Transportation System And Parking Management Systems; And Retroactively For: 5) Harvard's Innovations In American Government Program In The Approximate Amount Of \$100,000 For The Health Connect In Our Schools Initiative; 6) US Department Of Homeland Security Pre-Disaster Mitigation And Flood Mitigation Assistance Programs In The Combined Approximate Amount Of \$2,500,000 For Mitigation Activities; 7) Florida Department Of State, Division Of Historical Resources, In The Approximate Amount Of \$50,000 For The Carl Fisher Clubhouse; 8) The Miami Foundation's Public Space Challenge For Cultural And Arts Projects; 9) Miami-Dade County's Neat Streets Program In The Approximate Amount Of \$15,000 For A Reforestation Project; And Renewal Of The Following Two Grants: 10) Children's Trust, Out Of School Program In The Approximate Amount Of \$450,000; And, 11) Children's Trust Parenting And Home Visitation Program In The Approximate Amount Of \$250,000.

(Budget & Performance Improvement)

C7B A Resolution Authorizing The Mayor And The City Clerk To Execute A Revised And Expanded Utility Easement With Florida Power & Light (FPL), At The West Palm Midway Median, Within Lot B Of Hibiscus Island, As Recorded In Plat Book 8, Page 75, Of The Public Records Of Miami-Dade County; For The Installation And Maintenance Of Conduits, Switch Cabinets, And A Capacitor Bank In Order To Provide Underground Electrical Services To The Island; A Copy Of Which Revised Easement Is Attached Hereto As Exhibit A.

(Capital Improvement Projects)

C7C A Resolution Approving And Authorizing The City Manager To Recapture \$111,313.24 Of FY 2011/2012 Community Development Block Grant (CDBG) Funds And \$46,422.76 Of FY 2014/2015 CDBG Funds; And Approving A Substantial Amendment To The FY 2011/2012 And FY 2014/2015 Action Plans, And An Amendment To The FY 2013 Through 2017 Consolidated Plan, To Reallocate Said CDBG Funds, In The Total Sum Of \$157,736, To The Lottie Apartments - Rehabilitation And Relocation Project; Authorizing The City Manager To Submit The Requisite Revised Action Plans And Consolidated Plan To The U.S. Department Of Housing And Urban Development (HUD); And Further Authorizing The Mayor And City Clerk To Execute Agreement(s) For Sub-Recipient(s) And The City Manager To Execute City Interdepartmental Agreements.

(Housing & Community Services)

- C7D A Resolution Authorizing The City Manager And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The City Of Aventura, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations And Mutual Aid Benefit Between The City Of Miami Beach, Florida And The City Of Aventura, Florida.  
(Police)
- C7E A Resolution Authorizing The City Manager And City Clerk To Execute A Renewed Regional Law Enforcement Exchange Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Florida Department Of Law Enforcement, Which Shall Allow The Miami Beach Police Department To Access And Share Various Criminal Justice Information That Is Contained In Both The Law Enforcement Records Of Participating Florida Law Enforcement Agencies Throughout The State Of Florida And Within The Federal Bureau Of Investigation's National Data Exchange System.  
(Police)
- C7F A Resolution, Waiving, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Or His Designee, To Enter Into A One-Year Agreement Between The City Of Miami Beach And ParkMe, Inc., For The Miami Beach Parking Application, Based On The Same Terms As The City's Prior Agreement With ParkMe, Inc.  
(Parking)
- C7G A Resolution Accepting The City Manager's Recommendation And Authorizing The City Manager And City Clerk To Execute An Additional Services Agreement With Tyler Technologies, Inc. (Previously New World Systems Corporation) To Provide Custom Effective Response Force Software Enhancements To The Computer Assisted Dispatch (CAD) System For The City's Fire Department, In An Amount Not To Exceed \$45,000.  
(Procurement)
- C7H A Resolution Accepting The Recommendation Of The City Manager (As Set Forth In The City Commission Memorandum Accompanying This Resolution) And Waiving, By A 5/7<sup>th</sup> Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The City's Best Interest; And Approving The Vendors Listed In Exhibit A To This Resolution For The Purchase Of Food And Snacks, Rides And Inflatables, And Other Program Expenses To Be Used By The Participants Of The City's Parks And Recreation Department's After-School Programs, Summer Camps, Special Events And Other Programmed Activities; Said Waiver Shall Be Authorized For A Period Of Three (3) Years, On A Year-To-Year Basis, Contingent Upon City Commission Approval Of The Department's Related Budget Allocation(s) During The Adoption Of The City's Annual Budget, In An Annual Amount Not To Exceed \$270,000.  
(Parks & Recreation)

C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 2016-057-WG For Investigation, Background, Adjusting And Surveillance Of Selected Tort Liability Claims, Workers' Compensation Claims And Other Employment Related Matters And Authorizing The Administration To Enter Into Negotiations With The Three Top-Ranked Proposer(s), Digistream South Florida, Inc., Proven Investigations, LLC And Crossroads SDI, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.

(Procurement/Human Resources)

C7J A Resolution Authorizing, As A Sole Source Purchase, The Purchase Of Spirax Sarco Meter Systems Equipment, Parts, Software, Service And Related Items, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, For The City's Satellite City Flow Metering Systems, From G-Tec Equipment Services, LLC, The Exclusive Agent For Spirax Sarco Meter Systems Equipment, Parts, Software, Service And Related Items In The City's Geographic Region In An Amount Not To Exceed The Availability Approved Annual Budget For These Items.

(Procurement/Public Works)

C7K Alton Road - Michigan Avenue To 43<sup>rd</sup> Street - JPA Watermain  
A Resolution Approving And Authorizing The City Manager To Execute An Agreement With The Florida Department Of Transportation (FDOT) To Design, Relocate And Upgrade City-Owned Utilities Located Along FDOT's State Road (S.R.) 907/Alton Road, From Michigan Avenue To 43<sup>rd</sup> Street (FM # 429193-1-56-01), A Copy Of Which Agreement Is Attached Hereto As Exhibit 1; And The Required Three Party Escrow Agreement, A Copy Of Which Agreement Is Attached Hereto As Exhibit 2.

(Public Works)

C7L FDOT - Indian Creek Resurfacing - 63<sup>rd</sup> Street - Abbott (60% Plans) Bus Stop Easement  
A Resolution Authorizing A Perpetual Non-Exclusive Easement Between The City Of Miami Beach ("City") And The State Of Florida Department Of Transportation ("FDOT"), Attached Hereto As Exhibit 1; For The Purpose Of FDOT Maintaining And Repairing A Sidewalk And A Portion Of A Bus Bay On City Property Known As The "Ronald W. Shane Watersports Center," Located At 6500 Indian Creek Drive, Along The West Side Of Collins Avenue, North Of 65<sup>th</sup> Street.

(Public Works)

C7M Alton Road - 43<sup>rd</sup> Street - 63<sup>rd</sup> Street - JPA Watermain  
A Resolution Approving And Authorizing The City Manager To Execute An Agreement With The Florida Department Of Transportation (FDOT) To Design, Relocate And Upgrade City-Owned Utilities Located Along FDOT's State Road (S.R.) 907/Alton Road From Ed Sullivan Street/43<sup>rd</sup> Street To 63<sup>rd</sup> Street (FM # ID 430444-1-56-01), A Copy Of Which Agreement Is Attached Hereto As Exhibit 1; And The Required Three Party Escrow Agreement, A Copy Of Which Agreement Is Attached Hereto As Exhibit 2.

(Public Works)

C7N A Resolution Approving And Authorizing The Acceptance Of Donations Of Hotel Rooms Made To The City For Memorial Day Weekend.

(Tourism, Culture & Economic Development)

- C7O A Resolution Approving, In Substantial Form, The Interlocal Agreement Attached To This Resolution Between The City And Miami-Dade County For Surface Water Quality Sampling And Analysis, Subject To Legal Review And Form Approval Of The Final Negotiated Agreement By The City Attorney's Office; Said Agreement Having A Term Of Five (5) Years, Commencing On October 1, 2015 And Ending On September 30, 2020, In An Amount Not To Exceed \$85,000; And Further Authorizing The Mayor And City Clerk To Execute The Final Negotiated Agreement.  
(Environment & Sustainability)
- C7P A Resolution Authorizing The City Manager To Award, Through A Competitive Selection Process, Up To 4 Grants Totaling \$60,000, For Scholarships And Contributions To Philanthropic Organizations With An Emphasis On The Environment And Sustainability, Which Grants Shall Be Funded Through The City's Public Beachfront Concession Agreement With Boucher Brothers Miami Beach LLC, And The City's Service Agreement With The City's Franchise Waste Haulers.  
(Environment & Sustainability Department)
- C7Q A Resolution Consenting To The Settlement Of A Personal Injury Claim Filed By Rafael Cabrera Rosario Against The City Of Miami Beach, And Authorizing The Payment Of \$150,000 From The City's Risk Management Fund To Settle The Claim, Pursuant To Section §768.28 Of The Florida Statutes; And Further Authorizing The Office Of Risk Management To Execute Any And All Settlement Documents.  
(Human Resources)
- C7R A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee to Waive, By 5/7<sup>th</sup> Vote, The Competitive Bidding Requirement; And Authorizing The Administration To Negotiate An Agreement With Zipcar Incorporated For Car Sharing Services; And Further Directing The Administration To Present The Final Negotiated Agreement To The Mayor And City Commission Prior To Execution.  
(Parking)

**End of Consent Agenda**

**REGULAR AGENDA**

**R2 - Competitive Bid Reports**

**R5 - Ordinances**

R5A Freeboard And Development Regulations - Grade Elevations And Height

1. An Ordinance Amending Subpart A - General Ordinances, Of The City Code, By Amending Chapter 54 "Floods" At Section 54-35, "Definitions," By Amending The Definitions For Base Flood Elevation, Crown Of Road, And Freeboard, And By Creating Definitions For Centerline Of Roadway, Critical Facility, Future Crown Of Road, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Low Impact Development (LID), And Surface Stormwater Shallow Conveyance; By Amending Section 54-45, "Permit Procedures," To Require A Stormwater Management Plan; By Amending Section 54-47, "General Standards," To Prohibit Septic Sewage Systems, And Include Requirements For Storage Of Hazardous Materials; By Amending Section 54-48, "Specific Standards," To Clarify The Minimum Elevation Of The Lowest Finished Floor For Residential And Non-Residential Construction, And Requiring A Minimum Elevation For Garage Entrances; By Amending Section 54-51, "Standards For Coastal High Hazard Areas (V-Zones)," To Clarify The Minimum Elevation Of The Lowest Floor Of All New Construction And Substantial Improvements; Providing Codification; Repealer; Severability; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**  
(Sponsored By Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on April 13, 2016 - R5D1)
  
2. An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 114, "General Provisions," At Section 114-1, "Definitions," By Amending The Definitions For Grade, Future Adjusted Grade, And Building Height, And To Establish By Reference To Chapter 54-35 Definitions For Base Flood Elevation, Crown Of Road, Future Crown Of Road, Freeboard, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Future Adjusted Grade, And Surface Stormwater Shallow Conveyance; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard And Providing A Minimum Elevation Requirement For New Construction, And Amending How Maximum Building Height Is Calculated; Providing Codification; Repealer; Severability; And An Effective Date. **10:06 a.m. Second Reading Public Hearing**  
(Sponsored By Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on April 13, 2016 - R5D2)

R5B Unified Development Sites And FAR Distribution

An Ordinance Amending Chapter 118, Entitled "Administration And Review Procedures," Article I Entitled "In General" At Section 118-5, Entitled "Unity Of Title; Covenant In Lieu Thereof;" Chapter 114, Entitled "General Provisions," At Section 114-4, Entitled "Compliance With Regulations Required;" And Chapter 142, Entitled "Zoning Districts And Regulations," Article II Entitled "District Regulations," Division 1, Entitled "Generally," At Section 142-73, Entitled "Interpretation Of District Boundaries;" In Order To Clarify Procedures For The Movement Of FAR Within Unified Development Sites With Differing Zoning Districts; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Michael Grieco)

(Legislative Tracking: Planning)

(First Reading on April 13, 2016 - R5E)

R5C An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article VI, "Procurement," Division 3, "Contract Procedures," By Creating Section 2-376, Entitled "Fair Chance Requirement For City Contractors," And Amending Chapter 62, "Human Relations," By Creating Article V, To Be Entitled The "Fair Chance Ordinance," To Provide Regulations Regarding The Consideration By The City And By City Contractors Of The Criminal History Of Applicants For Employment, And To Provide Limiting Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Michael Grieco)

(Legislative Tracking: Office of the City Attorney/Human Resources/Procurement)

(First Reading on April 13, 2016 - R5G)

R5D Ocean Terrace Overlay - LDR Amendments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **10:55 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**(Item to be Submitted in Supplemental)**

- R5E An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Entitled "Officers, Employees And Agency Members", Adding Thereto Section 2-461 Entitled "Disclosure By City Commission Members Of Solicitation On Behalf Of Nonprofit Organization," Requiring City Commission Members Who Solicit Gifts On Behalf Of A Nonprofit Organization From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer And/Or Lobbyist On A Real Estate Development Issue, To Disclose The Date Of Solicitation And Name Of Individual Solicited, Disclosure To Be Filed In City Clerk's Office; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)  
(First Reading April 27, 2016 - R5A)

- R5F Alton Road West And 17<sup>th</sup> Street South Alcoholic Beverage Establishment Regulations  
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations," (1) At Division 4, "CD-1 Commercial Medium Intensity District," Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-274, "Accessory Uses;" (4) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (5) At Division 5, "CD-2 Commercial Medium Intensity District," Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District," Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6<sup>th</sup> Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17<sup>th</sup> Street, And (C) Properties Within 100 Feet To The South Of 17<sup>th</sup> Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repealer; Severability; And An Effective Date. **5:01 p.m. Second Reading Public Hearing**  
(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)  
(First Reading on April 13, 2016 - R5F)

- R5G 1700 Alton Road - Historic Site Designation  
An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; By Amending Section 118-593(e), Entitled "Delineation On Zoning Map" By Designating One Or More Buildings At 1700 Alton Road As An Historic Site To Be Known As "1700 Alton Road Historic Site," As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include 1700 Alton Road As An Historic Site; Adopting The Designation Report Attached To The Staff Report As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; For Repealer; Severability; And An Effective Date. **First Reading**  
(Sponsored By AC 1700 Alton Owner LLC, As The Private Applicant)  
(Legislative Tracking: Planning)

R5H Beach And Sand Quality

An Ordinance Amending Chapter 82, "Public Property," Article V, "Beaches," Creating Division 3, "Beach And Sand Quality," At Sections 82-472 Through 82-478, Ensuring The Preservation And Enhancement Of The Quality Of The City's Beaches By Requiring Testing Of Sand Or Fill Placed East Of The Coastal Construction Control Line (CCCL), Consistent With The Requirements Of Section 161.053, Florida Statutes And Rule 62B-33, Florida Administrative Code; Providing For Final Approval From The City Prior To The Placement Of Any Sand Or Fill East Of The Coastal Construction Control Line And Including Provision That The City's Approval Shall Be Contingent On The Applicant Obtaining A Letter Of No Objection From Miami-Dade County Division Of Environmental Resources Management (DERM), And Providing For Cost Recovery From The Applicant; Providing For Codification; Repealer; Severability, And An Effective Date. **First Reading**

(Sponsored By Commissioner Michael Grieco)  
(Legislative Tracking: Environment & Sustainability)

R5I An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article II, "City Commission," By Creating Section 2-14, Entitled "Code Of Civility," To Establish Standards Of Civility And Decorum For Public Meetings Of The City Commission And Commission Committees; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored By Commissioner Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)

R5J 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 16, Entitled "Reserved," To Create A Miami Beach Youth Committee, And Amending Sections 2-186 - 2-189 Thereof, Entitled "Reserved," To Establish And Set Forth The Purpose, Powers, Duties, Composition, And Supporting Department For The Committee; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Legislative Tracking: Office of the City Attorney)

R5K Single Family Home Demolition Procedures

An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-108, "Provisions For The Demolition Of Single-Family Homes Located Outside Of Historic Districts," By Amending The Requirements And Procedures For The Issuance Of A Demolition Permit For Single Family Homes; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)  
(Planning)

R5L An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Creating Article VII, To Be Entitled "Sexual Orientation Or Gender Identity Change Efforts," To Prohibit Licensed Professionals From Engaging In Counseling Efforts, Practices, Or Treatments With The Goal To Change A Minor's Sexual Orientation Or Gender Identity; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner John Elizabeth Alemán)  
(Office of the City Attorney)

R5M Chapter 126 Landscape And Chapter 46 Non-Specimen Trees Ordinances

1. An Ordinance Amending The Land Development Regulations (LDRs) 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. **First Reading**

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)

2. An Ordinance Amending The Land Development Regulations (LDRs) 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 Modifying The Diameter At Breast Height Of Non-Specimen Trees; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Planning)

R5N An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article I, Entitled "In General"; By Amending Section 82-1, Entitled "Conducting Business On Streets, Parks Or Other Public Property; Enforcement; Penalties; Unpaid Fines To Constitute Liens," By Creating Subsection (b), Which Expressly Prohibits Commercial Transactions, Activities Or Operations At The Maurice Gibb Memorial Park Boat Ramp And Maurice Gibb Memorial Park; By Prohibiting Any Portion Of The Commercial Transaction, Activity Or Operation To Directly Or Indirectly Occur At The Maurice Gibb Memorial Park Boat Ramp And Maurice Gibb Memorial Park; By Creating Subsection (d), Which Is A New Enforcement And Penalty Provision For Violations, Limiting The Authority Of The Special Master, And Increasing The Monetary Fines; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Parks & Recreation)

R5O An Ordinance Amending The City Code Regarding High Impact Beach Events. **First Reading**

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)  
**(Item to be Submitted in Supplemental)**

- R5P An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Adding Article XVII, Entitled "City Minimum Living Wage," To Provide For Implementation Of A City-Wide Minimum Hourly Wage; And Amending Chapter 102 Of The City Code, Entitled "Taxation," By Amending Section 102-371, Entitled "Application Procedures[.]" By Adding A Subsection Entitled "(J) Compliance With City Minimum Living Wage" And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by Mayor Philip Levine)  
(Legislative Tracking: Office of the City Attorney)

**R7 - Resolutions**

- R7A A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. **10:00 a.m. Public Hearing**  
(Budget & Performance Improvement)
- R7B A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. **10:01 a.m. Public Hearing**  
(Budget & Performance Improvement)
- R7C A Resolution Authorizing Pursuant To Section 142-425 Of The City's Code, Authorize The Waiver Of Certain Regulations Applicable To Muss Park, Located At 4400 Chase Avenue, Miami Beach, Florida; Waiving By A 5/7<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District, Which Regulations Are Found At Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements Relating To Providing All Required Off-Street Parking In Conjunction With The Construction Of A Multi-Purpose Activity Building In Muss Park. **10:40 a.m. Public Hearing**  
(Capital Improvement Projects)

R7D Waive Height Requirements In GU (Government Use) Districts: 4001 Prairie Avenue And 501 72 Street

1. A Resolution Authorizing By A 5/7<sup>th</sup> Vote Of The City Commission, After Public Hearing, Pursuant To Section 142-425, Of The City's Code, A Waiver Of Development Regulations In Order To Repave And Light A City Surface Lot, Lot No.: P59, Located At 4001 Prairie Avenue; As Lot No. P59 Is Located Within A GU (Government Use) District And May Obtain A Waiver Is In Order To Increase The Allowable Light Pole Height In The Lot From 10 Feet To 15 Feet, And Which Increase Requires A Waiver Of Section 142-1132(k), Of The City Code; And Which Waiver Would Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With In Designing And Constructing The Parking Lot. **10:45 a.m. Public Hearing**  
(Capital Improvement Projects/Planning)

2. A Resolution Authorizing By A 5/7<sup>th</sup> Vote Of The City Commission, After Public Hearing, Pursuant To Section 142-425, Of The City's Code, A Waiver Of Development Regulations In Order To Repave And Light A City Surface Lot, Lot No.: P91, Located At 501 72 Street; As Lot No. P91 Is Located Within A GU (Government Use) District And May Obtain A Waiver Is In Order To Increase The Allowable Light Pole Height In The Lot From 10 Feet To 15 Feet, Which Increase Requires A Waiver Of Section 142-1132(k), Of The City Code; And Which Waiver Would Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With In Designing And Constructing The Parking Lot. **10:46 a.m. Public Hearing**  
(Capital Improvement Projects/Planning)

R7E A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving The Third Amended And Restated Rules And Regulations For Beachfront Concession Operations, Substantially In The Form Attached To This Resolution.  
(Tourism, Culture & Economic Development)

R7F USGS - Joint Funding Agreement - Geophysical and Groundwater Investigations - Flood Mitigation Program  
A Resolution Approving And Authorizing The City Manager To Execute A Joint Funding Agreement (JFA) With The United States Geological Survey (USGS), For The Purpose Of Conducting Geophysical And Groundwater Investigations To Incorporate The Findings Into The City's Comprehensive Groundwater, Flood Mitigation And Sea Level Rise Program; Which JFA Is Attached Hereto As Exhibit 1.  
(Public Works)

R7G A Resolution Urging The Florida Department Of Environmental Protection To Take Action To Protect The Residents Of Southeast Florida From The Hazards Of Saltwater Intrusion Into The Biscayne Aquifer And Biscayne National Park.  
(Sponsored by Commissioner Kristen Rosen Gonzalez)  
(Requested on April 13, 2016 - R9N)  
(Legislative Tracking: Office of the City Attorney)

- R7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee That The City Administration Conduct A Design Competition For An Iconic Crosswalk/Intersection Incorporating The Rainbow Theme At 12<sup>th</sup> Street And Ocean Drive.  
(Sponsored by Commissioner Ricky Arriola)  
(Transportation)
- R7I A Resolution Approving And Authorizing Amendment No. 3 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 \$23,466.25, Relating To Unforeseen Site Conditions, New FP&L Service Point, Handhole And Riser For The Project; And Increasing The Guaranteed Maximum Price (GMP) Of The Project From \$819,838.88 To \$843,305.13 In Connection With Said Change Order; And Increasing The City's Budgeted Costs For The Project, From \$466,500.86 To \$479,853.16, To Include The Cost Of The Change Order; And Further Authorizing The Mayor And City Clerk To Execute Amendment No. 3.  
(Public Works)
- R7J A Resolution Creating An Ad Hoc Beachfront Management Plan Advisory Group In Accordance With Section 259.032(8)(b) Of The Florida Statutes To Review And Provide Input On The City's Updated Beachfront Management Plan And Prescribing The Duties, Appointment, And Terms Of The Advisory Group's Members.  
(Environment & Sustainability)
- R7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Have The Communications Department Create A Communications Piece On The City's Position With Regard To Illegal Short-Term Rentals And Initiate Contact With Realtors And Post On Social Media.  
(Sponsored by Commissioner Michael Grieco &  
Co-Sponsored by Commissioner John Elizabeth Alemán)  
(Code Compliance/Police)  
**(Item to be Submitted in Supplemental)**
- R7L A Resolution Clarifying Resolution No. 2015-29244 And Approving The Attached Final Application, Program Details, And Design Guidelines For The Washington Avenue Pilot Parklet Program.  
(Transportation)

**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)
- R9A2 Three (3) Available City Appointments To The Miami Design Preservation League, Inc. (MDPL)  
Executive Committee.  
(Office of the City Manager)  
(Deferred from April 13, 2016 - R9A2)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)
- R9C 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)  
(Deferred from March 9, 2016 - R9K)
- R9D Discuss Waiver Of Outstanding Parking Lieu Fees For Red Steakhouse, 119 Washington  
Avenue.  
(Sponsored by Commissioner Michael Grieco)  
(Deferred from April 13, 2016 - R9O)
- R9E Discussion On Transportation System Branding.  
(Transportation)
- R9F Presentation Of Miami Beach Light Rail/Modern Streetcar Preliminary Environmental  
Considerations.  
(Transportation)
- R9G Discussion On South Beach Circulator Options.  
(Transportation)
- R9H Discussing Regarding Permanent, More Attractive Variable-Message Signs (VMS) Throughout  
The City.  
(Sponsored by Commissioner Michael Grieco)
- R9I Discussion To Consider The Acquisition Of Necessary Police, Fire And Emergency Management  
(DEM) Radio System Equipment.  
(Sponsored by Commissioner John Elizabeth Alemán)

- R9J Discussion and Referral To The Land Use And Development Committee And The Planning Board - Regarding Proposed Miami Beach Marina Redevelopment And Associated Legislative Changes.  
(Sponsored by Commissioner John Elizabeth Alemán)
- R9K Discussion On LTC No. 159-2016 Regarding World Out Games Miami 2017.  
(Sponsored by Commissioner John Elizabeth Alemán)
- R9L Discussion Regarding The Revaluation Of Ciclovía.  
(Sponsored By Commissioner Kristen Rosen Gonzalez)
- R9M Discussion Regarding Continuing With The Planning And Design Of Altos Del Mar Park, But To Stop Any Further Action And Movement On The Associated Restroom Until Other Locations Are Vetted And Brought Back To City Commission For Further Discussion.  
(Sponsored By Commissioner Joy Malakoff)
- R9N Discussion Regarding Costs For The August 30, 2016 Primary Election.  
(Office of the City Clerk)
- R9O Discussion Regarding A Moratorium On Demolitions In North Beach, Until A Master Plan Is Complete.  
(Sponsored by Commissioner Ricky Arriola)
- R9P Discussion Regarding Launching A Pilot For Protected Bike Lane Separators.  
(Sponsored by Commissioner Ricky Arriola)
- R9Q Discussion Regarding A Resolution Directing City Staff To Collaborate With Miami-Dade County On AT&T's Smart City Initiative.  
(Sponsored by Commissioner Ricky Arriola)
- R9R Discussion Regarding The Reevaluation Of The Fine Schedule For Littering On The Beach As Recommended By The Finance And Citywide Projects Committee.  
(Code Compliance)
- R9S Discussion On Leaf Blower Ban.  
(Sponsored by Mayor Philip Levine)

**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 194-2016):
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)

**End of Regular Agenda**

**C2**

**COMPETITIVE BID REPORTS**

**Condensed Title:**

**REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-138-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN FOR SERVICES MAURICE GIBB MEMORIAL PARK**

**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 City of Miami Beach is seeking proposals from qualified Consultants for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project ("the Project"). The park is located at 1700 Purdy Avenue, and contains approximately 3.4 acres. The Department of Parks & Recreation and the Environment & Sustainability Department participated in developing a scope of work for the park improvements that includes: a playground, bathrooms, a pavilion, a vita course, picnic pavilions, walkways with lighting, park benches, open sodded areas, landscape and irrigation. Alternates that could be added to the scope of work are transient docks, non-motorized docks, a bath house, a seawall or living seawall, and a fishing/viewing pier/path.

The City seeks proposals from professional consulting architectural/engineering firms which have proven experience in the preparation of construction contract documents for parks with facilities and amenities. The successful firm will have the financial resources and technical expertise to provide the environmental mitigation and protection plan, and conduct the design, permitting, bid and award, and construction administration services for these park 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.

**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 2016-138-KB for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:	Amount	Account	Approved
1	N/A	N/A	N/A
2			
<b>Total</b>			

Financial Impact Summary: N/A

**City Clerk's Office Legislative Tracking:**

Alex Denis, David Martinez

**Sign-Offs:**

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

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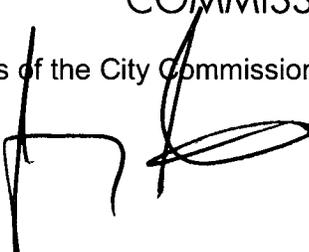


# MIAMI BEACH

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: May 11, 2016

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-138-KB FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR MAURICE GIBB MEMORIAL PARK**

### **ADMINISTRATION RECOMMENDATION**

Authorize the issuance of the RFQ.

### **BACKGROUND**

The City of Miami Beach is seeking proposals from qualified Consultants for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project ("the Project"). The park is located at 1700 Purdy Avenue, and contains approximately 3.4 acres. The Department of Parks & Recreation and the Environment & Sustainability Department participated in developing a scope of work for the park improvements that includes: a playground, bathrooms, a pavilion, a vita course, picnic pavilions, walkways with lighting, park benches, open sodded areas, landscape and irrigation. Alternates that could be added to the scope of work are transient docks, non-motorized docks, a bath house, a seawall or living seawall, and a fishing/viewing pier/path.

The City seeks proposals from professional consulting architectural/engineering firms which have proven experience in the preparation of construction contract documents for parks with facilities and amenities. The successful firm will have the financial resources and technical expertise to provide the environmental mitigation and protection plan, and conduct the design, permitting, bid and award, and construction administration services for these park 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.

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, Page 25, RFQ 2016-138-KB for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, Page 12, RFQ 2016-138-KB for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project (attached).
- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, Page 14, RFQ 2016-138-KB for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project (attached).

**CONCLUSION**

The Administration recommends that the Mayor and Commission authorize the issuance of the RFQ No. 2016-138-KB for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project is subject to funds availability approved through the City's budgeting process.

**ATTACHMENTS**

Attachment A: 2016-138-KB for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project.

Handwritten initials and signature in black ink, appearing to be 'JLM / MT / DM / AS'.

JLM / MT / DM / AS

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# REQUEST FOR QUALIFICATIONS (RFQ)

For Architectural and Engineering Design Services Maurice Gibb Memorial Park

RFQ 2016-138-KB

DRAFT

**RFQ ISSUANCE DATE: MAY 13, 2016**

**STATEMENTS OF QUALIFICATIONS DUE: JUNE 28, 2016**

**ISSUED BY: KRISTY BADA**

## MIAMIBEACH

**Kristy Bada**

PROCUREMENT DEPARTMENT

1755 MERIDIAN AVENUE, 3<sup>RD</sup> FLOOR; MIAMI BEACH, FLORIDA 33139

305.673.7490 | [kbada@miamibeachfl.gov](mailto:kbada@miamibeachfl.gov)

[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

# MIAMI BEACH

## TABLE OF CONTENTS

<b><u>SOLICITATION SECTIONS:</u></b>		<b><u>PAGE</u></b>
0100	NOT UTILIZED .....	N/A
0200	INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS .....	3
0300	SUBMITTAL INSTRUCTIONS & FORMAT .....	12
0400	EVALUATION PROCESS .....	14
<b><u>APPENDICES:</u></b>		<b><u>PAGE</u></b>
APPENDIX A	RESPONSE CERTIFICATON, QUESTIONNAIRE AND AFFIDAVITS .....	16
APPENDIX B	"NO BID" FORM .....	23
APPENDIX C	MINIMUM REQUIREMENTS & SPECIFICATIONS .....	25
APPENDIX D	SPECIAL CONDITIONS .....	29
APPENDIX E	INSURANCE REQUIREMENTS .....	32
APPENDIX F	STANDARD FORM 330.....	34
APPENDIX G	SAMPLE CONTRACT.....	35

DRAFT

# MIAMI BEACH

## SECTION 0200

## INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS

**1. GENERAL.** This Request for Qualifications (RFQ) 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 RFQ results in an award.

The City utilizes **PublicPurchase** ([www.publicpurchase.com](http://www.publicpurchase.com)) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFQ. Any prospective proposer who has received this RFQ by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFQ. **Failure to receive an addendum may result in disqualification of proposal submitted.**

### **2. PURPOSE.**

The Purpose of this Request for Qualifications (RFQ) is to qualify a Proposer for Architectural and Engineering Design Services for the Maurice Gibb Memorial Park Project ("the Project"). Additionally, the terms "FIRM", "PROPOSER", "CONSULTANT," "PRIME PROPOSER" are used interchangeably and shall refer to the firm that will contract with the City for the performance consultant services and work for the project. The park is located at 1700 Purdy Avenue, and contains approximately 3.4 acres. The Department of Parks & Recreation and the Environment & Sustainability Department participated in developing a scope of work for the park improvements that includes: a playground, bathrooms, a pavilion, a vita course, picnic pavilions, walkways with lighting, park benches, open sodded areas, landscape and irrigation. Alternates that could be added to the scope of work are transient docks, non-motorized docks, a bath house, a seawall or living seawall, and a fishing/viewing pier/path.

Contract documents, as a result of this RFQ, will include details for the construction for the Maurice Gibb Memorial Park. **Scope of Services is pursuant to Appendix C, Section C-2., of this RFQ.**

The City seeks proposals from professional consulting architectural/engineering firms which have proven experience in the preparation of construction contract documents for parks with facilities and amenities. The successful firm will have the financial resources and technical expertise to provide the environmental mitigation and protection plan, and conduct the design, permitting, bid and award, and construction administration services for these park 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.

**This RFQ 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:

Solicitation Issued	MAY 13, 2016
Pre-Proposal Meeting	MAY 25, 2016 AT 10:00AM
Deadline for Receipt of Questions	JUNE 13, 2016 AT 5:00 PM
Responses Due	JUNE 23, 2016 AT 3:00 PM

# MIAMIBEACH

Evaluation Committee Review	TBD
Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	TBD
Contract Negotiations	Following Commission Approval

**4. PROCUREMENT CONTACT.** Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact named herein, in writing, with a copy to the City Clerk's Office, Rafael E. Granado via e-mail: [RafaelGranado@miamibeachfl.gov](mailto:RafaelGranado@miamibeachfl.gov) or 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 Statement of Qualifications 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.

Procurement Contact:  
Kristy Bada

Telephone:  
305-673-7000 ext. 6218

Email:  
[KristyBada@miamibeachfl.gov](mailto:KristyBada@miamibeachfl.gov)

**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 RFQ Timetable section above at the following address:

**City of Miami Beach  
Procurement Department Conference Room  
1755 Meridian Avenue, 3<sup>RD</sup> 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 RFQ 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 RFQ by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFQ. 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 RFQ Timetable** section.

**7. CONE OF SILENCE.** This RFQ is subject to, and all proposers are expected to be or become familiar with, the

# MIAMI BEACH

City's Code 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 Code 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](mailto: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
- LOCAL PREFERENCE FOR MIAMI BEACH BASED VENDORS..... CITY CODE SECTION 2-372
- 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 RFQ 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 RFQ 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 RFQ 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

# MIAMIBEACH

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 the 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 RFQ, 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 RFQ 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.** The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. 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:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) 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 and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

**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

# MIAMI BEACH

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 RFQ; postpone or cancel, at any time, this RFQ process; or waive any irregularities in this RFQ, or in any responses received as a result of this RFQ. 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 RFQ. 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.

# MIAMI BEACH

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 Proposers 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 RFQ (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 RFQ.** Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFQ, 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 RFQ to which Proposer took exception to (as said term and/or condition was originally set forth on the RFQ).

# MIAMI BEACH

**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 RFQ solicitation process.

**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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# MIAMIBEACH

## SECTION 0300

## SUBMITTAL INSTRUCTIONS AND FORMAT

**1. SEALED RESPONSES.** One original Statement of Qualifications (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. Statement of Qualifications received electronically, either through email or facsimile, are not acceptable and will be rejected.

**2. LATE BIDS.** Statements of Qualifications 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 Statement of Qualifications 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. STATEMENTS OF QUALIFICATIONS FORMAT.** In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Statement of Qualifications, it is strongly recommended that Statement of Qualifications 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. Statement of Qualifications that do not include the required information will be deemed non-responsive and will not be considered.

### **TAB 1**    **Cover Letter & Minimum Qualifications Requirements**

**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.

**1.2 Response Certification, Questionnaire & Requirements Affidavit (Appendix A).** Attach Appendix A fully completed and executed.

**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.

**1.3.1 Request for Qualification Similar Experience.** For each project that complies with the minimum requirements on Appendix C, Section C1, No. 3, submit project name, project contact information (phone and email) and prime proposer's role in project.

### **TAB 2**    **Experience & Qualifications**

**2.1 Standard Form 330.** The proposing firm shall submit a completed Standard Form 330 (attached). No proposal will be considered without this required form. In addition to experience and qualifications considerations, the City may use this information to consider the firm's previous and current workload.

**2.2 Qualifications of Prime Proposer (Firm).** Submit detailed information regarding the firm's history and relevant experience and proven track record of providing the scope of services as identified in this solicitation, including experience in providing scope of services to public sector agencies.

**2.3 Qualifications of Prime Proposer's Team (Architects and Engineers).** Provide an organizational chart of all personnel and consultants to be used for this project if awarded, the role that each team member will play in providing the services detailed herein and each team members' qualifications. A resume of each individual, including education, experience, and any other pertinent information, shall be included for each respondent team member to be assigned to this contract.

**2.3.1** Prime Proposer's shall identify the Project Lead Designer that shall be in compliance with the minimum requirements on Appendix C, Section C1.

**2.4 Financial Capacity.** Each proposer shall arrange for Dun & Bradstreet to submit a Supplier Qualification Report

# MIAMIBEACH

(SQR) directly to the Procurement Contact named herein. No proposal will be considered without receipt, by the City, of the SQR directly from Dun & Bradstreet. The cost of the preparation of the SQR shall be the responsibility of the Proposer. The Proposer shall request the SQR report from D&B at:

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>

Proposals are responsible for the accuracy of the information contained in its SQR. It is highly recommended that each proposer review the information contained in its SQR for accuracy prior to submittal to the City and as early as possible in the solicitation process. For assistance with any portion of the SQR submittal process, contact Dun & Bradstreet at 800-424-2495.

## **TAB 3**    **Approach and Methodology**

**3.1** Submit detailed information on the approach and methodology, how Proposer plans to accomplish the required scope of services, including detailed information, as applicable, which addresses, but need not be limited to: implementation plan, project timeline, phasing options, strategies for assuring project is implemented on time and within budget.

**3.2** Also, provide information on Proposer's current workload and how the potential project(s) will fit into Proposer's workload. Describe available facilities, technological capabilities and other available resources you offer for the potential project(s).

**3.3** Submit evidence of Proposer's intent to utilize Disadvantaged Business Enterprise (DBE) Firms. Accepted DBE certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County.

**Note:** After proposal submittal, the City reserves the right to require additional information from Proposer (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).

# MIAMI BEACH

## SECTION 0400

## STATEMENTS OF QUALIFICATIONS EVALUATION

**1. Evaluation Committee.** An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the requirements set forth in the solicitation. If further information is desired, Proposals may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Statement of Qualifications 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 Statement of Qualifications only. The Evaluation Committee does not make an award recommendation to the City Manager. The results of Step 1 & Step 2 Evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission.

**2. Step 1 Evaluation.** Proposals will be categorized into the discipline areas noted in section 0200-2 (Groups A & B) prior to evaluation by the committee in order that proposals may be evaluated by category against other proposers in that category. The first step will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step will consist of quantitative criteria established below to be added to the Evaluation Committee results by the PROCUREMENT DEPARTMENT. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the qualifications criteria established below for Step 1, Qualitative Criteria. In doing so, the Evaluation Committee may review and score all proposals received, with or without conducting interview sessions.

Step 1 - Qualitative Criteria	Maximum Points
Prime Proposer Experience and Qualifications	70
Approach and Methodology	30
<b>TOTAL AVAILABLE STEP 1 POINTS</b>	<b>100</b>

**3. Step 2 Evaluation.** Following the results of Step 1 Evaluation of qualitative criteria, the Proposer may receive additional quantitative criteria points to be added by the Department of Procurement to those points earned in Step 1, as follows.

Step 2 - Quantitative Criteria	Maximum Points
Veterans Preference	5
The volume of work previously awarded to each firm by the City within the last three (3) years from the due date for proposal. See Section 4 below.	5
<b>TOTAL AVAILABLE STEP 2 POINTS</b>	<b>10</b>

**4. Volume of Work 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

# MIAMI BEACH

**5. Determination of Final Ranking.** At the conclusion of the Evaluation Committee Step 1 scoring, Step 2 Points will be added to each evaluation committee member's scores by the Department of Procurement. Step 1 and 2 scores will be converted to rankings in accordance with the example below:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	10	5	5
	Total	92	81	85
	Rank	1	3	2
Committee Member 2	Step 1 Points	85	85	72
	Step 2 Points	10	5	5
	Total	95	90	77
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	10	5	5
	Total	90	79	71
	Rank	1	2	3
<b>Low Aggregate Score</b>		<b>3</b>	<b>7</b>	<b>8</b>
<b>Final Ranking*</b>		<b>1</b>	<b>2</b>	<b>3</b>

\* 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.

# APPENDIX A

## MIAMI BEACH

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# Response Certification, Questionnaire & Requirements Affidavit

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RFQ No. 2016-138-KB  
Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue, 3rd Floor  
Miami Beach, Florida 33139

Solicitation No: RFQ 2016-138-KB	Solicitation Title: Architectural and Engineering Design Services for Maurice Gibb Memorial Park	
Procurement Contact: Kristy Bada	Tel: 305-673-7000 Ext. 6218	Email: KristyBada@miamibeachfl.gov

## STATEMENTS OF QUALIFICATIONS CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

**Purpose:** The purpose of this Response Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposals of certain solicitation and contractual requirements, and to collect necessary information from Proposals in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Statement of Qualifications 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 Employees:
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:** Proposals 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 Proposals must disclose, in their Statement of Qualifications, 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 Proposals 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:** Proposals 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. Proposals 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.** Proposals 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. Proposals 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 Statement of Qualifications, 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 Procurement Division 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/](http://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 covered employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:

- Currently, the hourly living wage rate is \$11.28/hr with health benefits of at least \$1.64 an hour, or a living wage of not less than \$12.92 an hour without health benefits.
- Commencing January 1, 2015, the hourly living wage rate will be \$11.62/hr with health benefits of at least \$1.69 an hour, or a living wage of not less than \$13.31/hr without health 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 bid, 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. For further information about Living Wage requirements, please contact the City's Contracts Compliance Administrator at 305-673-7490.

**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/](http://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, Statement of Qualifications, 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 Proposer 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, Proposals 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.

11. **Non-Discrimination.** Pursuant to City Ordinance No.2016-3990, the City shall not enter into a contract with a business unless the business represents that it does not and will not engage in a boycott as defined in Section 2-375(a) of the City Code, including the blacklisting, divesting from, or otherwise refusing to deal with a person or entity when such action is based on race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital or familial status, age or disability.

**SUBMITTAL REQUIREMENT:** No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees it is and shall remain in full compliance with Section 2-375 of the City of Miami Beach City Code.

12. **Moratorium on Travel to and the Purchase of Goods or Services from North Carolina and Mississippi.** Pursuant to Resolution 2016-29375, the City of Miami Beach, Florida, prohibits official City travel to the states of North Carolina and Mississippi, as well as the purchase of goods or services sourced in North Carolina and Mississippi. Proposer shall agree that no travel shall occur on behalf of the City to North Carolina or Mississippi, nor shall any product or services it provides to the City be sourced from these states.

**SUBMITTAL REQUIREMENT:** No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees it is and shall remain in full compliance with Resolution 2016-29375.

## 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 Statement of Qualifications made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Statement of Qualifications, 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 Statement of Qualifications, may accept or reject Statement of Qualifications, and may accept Statement of Qualifications 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 Statement of Qualifications in response to this solicitation.

Following submission of Statement of Qualifications, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Statement of Qualifications 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 Proposals. 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. Proposals 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 Statement of Qualifications 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 Statement of Qualifications submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Statement of Qualifications.

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 Proposals will be bound only as, if and when a Statement of Qualifications, 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 Statement of Qualifications and supporting documents shall be subject to disclosure as required by such law. All Statement of Qualifications 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.

Proposals are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Statement of Qualifications, 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 Statement of Qualifications, 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 Statement of Qualifications is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposals 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 Proposals 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 Statement of Qualifications 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 \_\_\_\_\_ )  
 )  
 County of \_\_\_\_\_ )  
 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 \_\_\_\_\_

\_\_\_\_\_  
 Notary Public for the State of \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

# APPENDIX B

## MIAMI BEACH

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### “No Bid” Form

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RFQ No. 2016-138-KB  
Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

PROCUREMENT DEPARTMENT  
1700 Convention Center Drive  
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 STATEMENTS OF QUALIFICATIONS 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)

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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:** \_\_\_\_\_

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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 DEPARTMENT  
ATTN: **Kristy Bada**  
STATEMENTS OF QUALIFICATIONS #2016-138-KB  
1755 Meridian Avenue, 3<sup>rd</sup> Floor  
Miami Beach, Florida 33139

# APPENDIX C

MIAMI BEACH

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## Minimum Requirements & Specifications

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RFQ No. 2016-138-KB  
Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue, 3rd Floor  
Miami Beach, Florida 33139

**C1. MINIMUM REQUIREMENTS:**

The Minimum Eligibility Requirements for this solicitation are listed below. Proposer shall submit detailed verifiable information affirmatively documenting compliance with each minimum requirement. Proposals that fail to comply with minimum requirements will be deemed non-responsive and will not be considered. Determination of compliance with the minimum eligibility requirements is strictly at the sole discretion of the City of Miami Beach.

**PRIME PROPOSER:**

1. The Prime Proposer (Architectural/Engineering Firm) shall be certified as "Landscape Architect or Architect or Certificate of Authorization" by the State of Florida, Division of Business and Professional Regulations, as applicable.

**LEAD DESIGNER:**

2. The lead designer shall be an Architect or Landscape Architect licensed by the State of Florida, Division of Business and Professional Regulations.

**REQUIRED SIMILAR EXPERIENCE:**

3. The Prime Proposer shall have completed construction documents for no less than three (3) park projects within the last ten (10) years. Listed park projects shall be no less than 3 acres with comparable amenities and features.

**Submittal Requirement:** For each qualifying project, submit project name, project contact information (phone and email) and prime proposer's role in project.

**C2. STATEMENT OF WORK REQUIRED.**

The City's Office of Capital Improvement Projects is seeking to hire a Consultant to develop the construction documents for this project located at 1700 Purdy Avenue, Miami Beach, FL. Proposed improvements will include a playground, bathrooms, a pavilion, a vita course, picnic pavilions, walkways with lighting, park benches, open sodded areas, landscape and irrigation. Alternates that could be added to the scope of work are transient docks, non-motorized docks, a bath house, a seawall or living seawall, and a fishing/viewing pier/path.

The Consultant shall provide architectural, landscape architecture, structural engineering, mechanical, electrical, plumbing engineering, civil engineering, Environmental Engineering, Florida Department of Environmental Protection Coastal Permitting, Department of Environmental Resource Management Permitting, construction cost estimating and geotechnical services for the Project. The work shall include, but not be limited to, , geotechnical, design development with deliverables at 30%, 60%, 90% and 100% development stages, estimates of probable construction cost at each stage of development (including 100%), presentation materials to include renderings for Design Review Board (DRB) and/or Historic Preservation Board (HPB), construction documents, permitting, bidding / award, and construction administration services for the Project.

Construction Documents shall include all necessary drawings and technical specifications needed to construct the improvements and shall be defining documentation of what is authorized and approved.

Proposer shall:

- Prepare utility coordination, permits and advise of all fees associated with all site, utility etc. work.
- Coordinate with the environmental remediation plan and activities.
- Prepare presentation materials to illustrate the conceptual and final designs and participate in

- public outreach, DRB and/or HPB, and regulatory agency review meetings.
- Obtain all required building permits as well all necessary permits from other regulatory agencies as necessary for the construction of the Park Facilities and attend public meetings as required by the City.

The Consultant shall be required to provide design and construction documents and cost estimates for approved phases.

The Consultant shall be required to identify, at each stage of design, items that could be value engineered, and reduce construction cost.

Task One (1) – Design Services: The Consultant will be required to prepare construction and permit documents for the design and construction documents of the Park Elements as described in each construction phase, as to be bid and award.

The selected firm shall be required to perform a variety of forensic tasks to verify existing site and environmental condition and the accuracy of any available as-built drawings, surveys and maps to be used for development of the contract drawings. The subject property has been identified as containing environmental contaminants. As such, the City is finalizing an environmental remediation plan, under separate contract, and expects to perform remediation activities prior to commencement of construction for this project. The selected firm will be required to use the remediation plan in the planning and design of the project, and comply with any requirements of the remediation permit.

The Consultant will be required to provide Statements of Probable Construction Cost as defined by the American Association of Cost Engineers, and make recommendations on constructability and value engineering.

The Consultant shall establish and maintain an in-house Quality Assurance / Quality Control (QA/QC) program designed to verify and ensure the quality, clarity, completeness, and constructability of its contract documents. In addition, the selected firm shall follow City standards for the preparation of contract documents, inclusive of drawings, specifications, front-end documents and cost estimates. Presentation formats for review submittals shall be prepared for submittal to the City's Design Review Board and/or Historic Preservation Board during the Conceptual Phase (30%), and at 60% (Design Development Phase), 90% (Construction Documents Phase) completion stages. Contract documents shall be subject to Constructability and Value Engineering reviews by City and/or others.

The selected firm will work with the City to revise/adjust project scope as may be deemed necessary to meet established budgets as design evolves through the design stages of completion. The selected firm will attend periodic meetings as needed during design development (provide, keep and distribute meeting minutes). In addition, the selected firm shall attend and make a presentation of the project in a Community Design Review Meeting and a pre-construction / kick off meeting with the residents to review the design, project phasing and construction schedule. The selected firm shall address comments generated from these meetings on the construction documents. To facilitate the implementation of a Public Information Program, the selected firm will provide electronic files of all project documents, as directed by the City.

The selected firm shall be responsible for securing all required regulatory approvals of its contract documents from all applicable jurisdictional agencies and boards prior to finalization, and will be

responsible for initiating submittals and reviews in a timely manner.

Task Two (2)-Bid and Award Services: The selected firm shall assist the City in the bidding and award of the project. Such assistance shall include attending pre-bid conferences, assisting with the preparation of necessary contract addenda, attending bid openings where applicable, and assisting with bid evaluations. The selected firm shall provide "As-Bid" documents for use during construction.

Task Three (3)-Construction Administration Services: The selected firm shall perform a variety of tasks associated with the administration of the construction contract and construction management of the project. These shall include attendance at the pre-construction conferences, attendance at weekly construction meetings (provide, keep and distribute meeting minutes), responding to contractor Requests for Information (RFI), clarification, responding to and evaluating contractor requests for change orders and/or contingency draws, contract amendments, review and approve of shop drawings, review and approve of record drawings, review and recommendation of contractor applications for payment, specialty site visits, project closeout reviews, including substantial completion, final punch list development and project certification of final completion and acceptance, and warranty administration.

Task Four (4)-Additional Services: No additional services are envisioned at this time. However, if such services are required during the performance of the work, they will be requested by the City and negotiated in accordance with the Contract requirements.

Task Five (5)-Reimbursable Services: The City may reimburse, at cost rate, pre-approved additional expenses, such as, but not limited to, reproduction costs, and permits cost(s).

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# APPENDIX D

MIAMI BEACH

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## Special Conditions

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RFQ No. 2016-138-KB  
Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

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 RFQ, 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. PRECLUSION.** Successful Proposer and sub-consultants contracted to provide architectural and engineering design services for a particular project are precluded from bidding/responding to the competitive solicitation for the design construction of the project.

**15. 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).

**16. 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.

**17. 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.

# APPENDIX E

MIAMI BEACH

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## Insurance Requirements

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RFQ No. 2016-138-KB

Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue, 3rd Floor  
Miami Beach, Florida 33139

# MIAMI BEACH

## 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, 3<sup>rd</sup> 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.

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  
1700 CONVENTION CENTER DRIVE  
3<sup>rd</sup> 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.**

# APPENDIX F

## MIAMI BEACH

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### Standard Form 330

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RFQ No. 2016-138-KB  
Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue, 3rd Floor  
Miami Beach, Florida 33139

# APPENDIX G

MIAMI BEACH

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## Sample Contract

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RFQ No. 2016-138-KB  
Architectural and Engineering  
Design Services for Maurice Gibb  
Memorial Park

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue, 3rd Floor  
Miami Beach, Florida 33139

AGREEMENT BETWEEN

CITY OF MIAMI BEACH

AND

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

FOR

PROFESSIONAL ARCHITECTURE AND ENGINEERING SERVICES

FOR THE

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Resolution No. \_\_\_\_\_

DRAFT

TABLE OF CONTENTS

DESCRIPTION	PAGE
<b>ARTICLE 1 DEFINITIONS</b>	<b>2</b>
ARTICLE 2. BASIC SERVICES	7
ARTICLE 3. THE CITY'S RESPONSIBILITIES	13
ARTICLE 4. RESPONSIBILITY FOR CONSTRUCTION COST	16
ARTICLE 5. ADDITIONAL SERVICES	17
<b>ARTICLE 6. REIMBURSABLE EXPENSES</b>	<b>18</b>
ARTICLE 7. COMPENSATION FOR SERVICES	19
ARTICLE 8. CONSULTANT'S ACCOUNTING AND OTHER RECORDS	20
ARTICLE 9. OWNERSHIP OF PROJECT DOCUMENTS	21
ARTICLE 10. TERMINATION OF AGREEMENT	22
ARTICLE 11. INSURANCE	23
ARTICLE 12. INDEMNIFICATION AND HOLD HARMLESS	24
ARTICLE 13. ERRORS AND OMISSIONS	25
ARTICLE 14. LIMITATION OF LIABILITY	26
ARTICLE 15. NOTICE	26
ARTICLE 16. MISCELLANEOUS PROVISIONS	27

**SCHEDULES:**

SCHEDULE A	SCOPE OF SERVICES	33
SCHEDULE B	CONSULTANT COMPENSATION	34
SCHEDULE C	HOURLY BILLING RATE	35
SCHEDULE D	CONSTRUCTION COST BUDGET	36
SCHEDULE E	PROJECT SCHEDULE	37
SCHEDULE F	GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT	38
SCHEDULE G	INSURANCE AND SWORN AFFIDAVITS	39
<b>SCHEDULE H</b>	<b>BEST VALUE AMENDMENT</b>	<b>40</b>

**DRAFT**

**TERMS AND CONDITIONS OF AGREEMENT**

BETWEEN THE CITY OF MIAMI BEACH  
AND

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

FOR

PROFESSIONAL ARCHITECTURE AND ENGINEERING (A/E) SERVICES

FOR THE

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

This Agreement made and entered into this \_\_\_ day of \_\_\_\_\_, 20XX, by and between the CITY OF MIAMI BEACH, a municipal corporation existing under the laws of the State of Florida, having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida, 33139, (hereinafter referred to as City), and XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, a Florida XXXXXXXXXX having its principal office at XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX (hereinafter referred to as Consultant).

**WITNESSETH:**

**WHEREAS**, the City intends to undertake a project within the City of Miami Beach, which is more particularly described in the Scope of Services attached as **Schedule "A"** hereto, and wishes to engage the Consultant to provide specific professional services including, without limitation, A/E services, for the Project, at the agreed fees set forth in this Agreement; and

**WHEREAS**, the Consultant desires to contract with the City for performance of the aforesated professional services relative to the Project, as hereinafter set forth; and

**NOW THEREFORE**, City and Consultant, in consideration of the mutual covenants and agreement herein contained, agree as follows:

ARTICLE 1. DEFINITIONS

1.1 **CITY (OR OWNER):** The "City" shall mean the City of Miami Beach, a Florida municipal corporation having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida, 33139.

1.2 **CITY COMMISSION:** "City Commission" shall mean the governing and legislative body of the City.

1.3 **CITY MANAGER:** The "City Manager" shall mean the chief administrative officer of the City. The City Manager shall be construed to include any duly authorized representatives designated in writing (including the Project Coordinator) with respect to any specific matter(s) concerning the Services and/or this Agreement (exclusive of those authorizations reserved to the City Commission or regulatory or administrative bodies having jurisdiction over any matter(s) related to the Project, the Services, and/or this Agreement).

1.4 **PROPOSAL DOCUMENTS:** "Proposal Documents" shall mean Request for XXXXXXXXXXXXXXXX No. XXXXXXXXXXXXX, entitled "XX" issued by the City in contemplation of this Agreement, together with all amendments thereto (if any), and the Consultant's proposal in response thereto (Proposal), which is incorporated by reference to this Agreement and made a part hereof; provided, however, that in the event of an express conflict between the Proposal Documents and this Agreement, the Agreement shall prevail.

1.5 **CONSULTANT:** The named entity on page 1 of this Agreement, the "Consultant" shall mean the architect/engineer who has entered into a contract with the City to provide the Services described under this Agreement. When the term "Consultant" is used in this Agreement it shall also be deemed to include any officers, employees, sub-consultants, agents, and any other person or entity acting under the supervision, direction, or control of Consultant. Any sub-consultants retained by Consultant for the Project shall be subject to the prior written approval of the City Manager. Consultant shall provide the Project Coordinator with copies of the contract between Consultant and any sub-consultant's. Any such contracts shall contain provisions that preserve and protect the rights of the City under this Agreement. Nothing contained in this Agreement shall create any contractual relationship between the City and sub-consultants. Any approval of a sub-consultant by the City 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 City. Payment of sub-consultants shall be the responsibility of the Consultant, and shall not be cause for any increase in compensation to the Consultant for payment of the Basic Services. The quality of services and acceptability to the City of the services performed by such sub-consultants shall be the sole responsibility of Consultant.

The following sub-consultants are hereby approved by the City Manager for the Project:

XXXXXXXXXXXXXXXXXXXXXXXXXX;

XXXXXXXXXXXXXXXXXXXXXXXXXX.

1.6 **PROJECT COORDINATOR:** The “Project Coordinator” shall mean the individual designated in writing by the City Manager who shall be the City’s authorized representative to coordinate, direct, and review (on behalf of the City) all matters related to the Project during the design and construction of the Project (unless expressly provided otherwise in this Agreement or the Contract Documents).

1.7 [Intentionally Omitted]

1.8 **BASIC SERVICES:** “Basic Services” shall include those services which Consultant shall perform in accordance with the terms of the Agreement (and as required to complete the Project), as further described in Article 2 and Schedule “A” hereto. In addition any Services not specifically addressed as Additional Services (as defined herein) shall be considered Basic Services.

1.9 **PROJECT:** The “Project” shall mean that certain City capital project that has been approved by the City Commission and is described in Schedule “A” hereto.

1.9.1 **Project Cost:** The “Project Cost”, shall mean the estimated total cost of the Project, as prepared and established by the City, including the estimated Construction Cost and Soft Costs. The Project Cost may, from time to time, be revised or adjusted by the City, in its sole discretion, to accommodate approved modifications or changes to the Project or scope of work.

1.9.2 **Project Scope:** The “Project Scope” shall mean the description of the Project in Schedule “A” hereto.

1.10 **CONSTRUCTION COST:** The “Construction Cost” shall mean the sum which is the

actual total cost to the City of the Work (as established in the Contract Documents, as they may be amended from time to time), including a contingency allowance for unforeseen conditions, not to exceed ten percent (10%) of the construction cost for new construction, or twenty percent (20%) of the construction cost for rehabilitation of historic buildings.

For Work not constructed, the Construction Cost shall be the same as the lowest bona fide bid or competitive bid received and accepted from a responsive and responsible bidder or proposer for such Work.

1.10.1 **Construction Cost Budget:** The "Construction Cost Budget" shall mean the amount budgeted by the City for the Construction Cost, as set forth in Schedule "A" hereto.

1.10.2 **Statement Of Probable Construction Cost:** The "Statement of Probable Construction Cost" shall mean the latest approved written estimate of Construction Cost submitted by Consultant to the City, in a format approved by the Project Coordinator.

For Work which bids or proposals have not been let, the Statement of Probable Construction Cost shall be the same as the Construction Cost.

1.11 **FORCE MAJEURE:** "Force Majeure" shall mean any delay occasioned by superior or irresistible force occasioned by violence in nature without the interference of human agency such as hurricanes, tornadoes, floods, loss caused by fire and other similar unavoidable casualties; or by changes in Federal, State or local laws, ordinances, codes or regulations enacted after the date of this Agreement ; or other causes beyond the parties' control which have, or may be reasonably expected to have, a material adverse effect on the Project, or on the rights and obligations of the parties under this Agreement and which, by the exercise of due diligence, such parties shall not have been able to avoid; provided, however, that inclement weather (except as noted above), the acts or omissions of sub-consultants/sub-contractors, market conditions, labor conditions, construction industry price trends, and similar matters which normally impact on the construction process SHALL NOT be considered a Force Majeure.

If the Consultant is delayed in performing any obligation under this Agreement due to a force majeure, the Consultant shall request a time extension from the Project Coordinator within five (5) business days of said force majeure. Any time extension shall be subject to mutual agreement and shall not be cause for any claim by the Consultant for extra compensation, unless additional services are required, and approved pursuant to Article 5 hereof.

1.12 **CONTRACTOR:** "Contractor" shall mean the individual or individuals, firm, company, corporation, joint venture, or other entity contracting with City for performance of the Work covered in the Contract Documents.

1.13 **CONTRACT DOCUMENTS:** "Contract Documents" shall mean this Agreement (together with all exhibits, addenda, and written amendments issued thereto), and the documents prepared by Consultant in accordance with the requirements of the Scope of Services in Schedule "A" hereto (that form the basis for which the City can receive bids for the Work included in the documents). The Contract Documents shall also include, without limitation (together with all exhibits, addenda, and written amendments issued thereto), the invitation to bid (ITB), instructions to bidders, bid form, bid bond, the Contract for Construction, surety payment and performance bonds, Conditions of the Contract for Construction [General, Supplementary, and other Conditions], Divisions 0-17, Construction Documents, an approved Change Order(s), approved Construction Change Directive(s), and/or approved written order(s) for a minor change in the Work.

1.14 **CONTRACT FOR CONSTRUCTION:** "Contract for Construction" shall mean the legally binding agreement between City and with Contractor for performance of the Work covered in the Contract Documents.

1.15 **CONSTRUCTION DOCUMENTS:** "Construction Documents" shall mean the final plans, technical specifications, drawings, documents, and diagrams prepared by the Consultant pursuant to this Agreement, which show the locations, characters, dimensions and details of the Work to be done, and which are part of the Contract Documents.

1.16 **CONTRACT AMENDMENT:** "Contract Amendment" shall mean a written modification to the Agreement approved by the City (as specified below) and executed between City and Consultant, covering changes, additions, or reductions in the terms of this Agreement including, without limitation, authorizing a change in the Project, or the method and manner of performance thereof, or an adjustment in the fee and/or completion dates.

Contract Amendments shall be approved by the City Commission if they exceed twenty-five thousand dollars (\$25,000.00) or the City Manager if they are twenty-five thousand dollars (\$25,000.00) or less (or other such amount as may be specified by the City of Miami Beach Procurement Ordinance, as amended). Even for Contract Amendments for less than twenty-five thousand (\$25,000.00), the City Manager reserves the right to seek and obtain concurrence of the

City Commission for approval of any such Contract Amendment.

1.17 **ADDITIONAL SERVICES:** "Additional Services" shall mean those services, in addition to the Basic Services in this Agreement, which the Consultant shall perform, at the City's option, and which have been duly authorized, in writing, by the City Manager or his authorized designee, prior to commencement of same.

1.18 **WORK:** "Work" shall mean all labor, materials, tools, equipment, services, methods, procedures, etc. necessary or convenient to performance by Contractor of all duties and obligations proposed by the Contract Documents.

1.19 **SERVICES:** "Services" shall mean all services, work, and actions by the Consultant performed pursuant to or undertaken under this Agreement.

1.20 **SOFT COSTS:** "Soft Costs" shall mean costs related to the Project other than Construction Cost including, without limitation, Consultant's Basic Services, Additional Services, surveys, testing, general consultant, financing, and permitting fees, etc.

1.21 **BASE BID:** "Base Bid" shall mean the elements contained in the Construction Documents recommended by the Consultant (and approved by the City) as being within the Construction Cost Budget. "Base Bid" shall not include Additive Alternates or Deductive Alternates.

1.22 **SCOPE OF SERVICES:** "Scope of Services" shall include the Project Scope, Basic Services, and any Additional Services (as approved by the City), all as described in Schedule "A" hereto.

1.23 **SCHEDULES:** "Schedules" shall mean the various schedules attached to this Agreement and referred to as follows:

**Schedule A** – Scope of Services.

**Schedule B** – Consultant Compensation.

**Schedule C** – Consultant Hourly Billing Rate Schedule.

**Schedule D** – Construction Cost Budget.

**Schedule E** – Project Schedule.

**Schedule F** – General Conditions of the Contract for Construction

**Schedule G** – Insurance Requirements and Sworn Affidavits

**Schedule H** – Best Value Amendment

## **ARTICLE 2. BASIC SERVICES**

2.1 The Consultant shall provide Basic Services for the Project, as required by the Contract Documents and as set forth in Schedule “A” hereto.

2.2 The Services will be commenced upon issuance of the first Notice to Proceed which shall be issued by the Project Coordinator and counter-signed by Consultant. Subsequent Notices to Proceed shall also be issued by the Project Coordinator.

**A separate Notice to Proceed shall be required prior to commencement of each Task (as same are set forth in Schedule “A” hereto).**

2.3 As it relates to the Services and the Project, Consultant warrants and represents to City that it is knowledgeable of Federal, State, and local laws codes, rules and regulations applicable in the jurisdiction(s) in which the Project is located, including, without limitation, applicable Florida Statutes, and State of Florida codes, rules and regulations, and local (City of Miami Beach and Miami-Dade County) ordinances, codes, and rules and regulations (collectively, “Applicable Laws”). As they relate to the Services and to the Project, the Consultant agrees to comply with all such Applicable Laws, whether now in effect or as may be amended or adopted from time to time, and shall further take into account all known pending changes to the foregoing of which it should reasonably be aware.

Recognizing that the construction of other projects within the City may affect scheduling of the construction for the Project, the Consultant shall diligently coordinate performance of the Services with the City (through the Project Coordinator) in order to provide for the safe, expeditious, economical and efficient completion of the Project, without negatively impacting concurrent work by others. The Consultant shall coordinate the Services with all of its sub-consultants, as well as other consultants, including, without limitation, City provided consultants (if any).

2.4 The Consultant warrants and represents to City that all of the Services required under this Agreement shall be performed in accordance with the standard of care normally exercised in the design of comparable projects in South Florida. Consultant warrants and represents to the City that it is experienced, fully qualified, and properly licensed (pursuant to Applicable Laws) to

perform the Services. Consultant warrants and represents to City that it is responsible for the technical accuracy of the Services (including, without limitation, the Design Documents contemplated in Schedule "A" hereto).

2.5 The Consultant's Basic Services shall consist of five (5) Tasks (inclusive of planning, design, bidding/award, construction administration, and Additional Services [as may be approved]), all as further described in Schedule "A" hereto; and shall also include any and all of Consultant's responsibilities and obligations with respect to the Project, as set forth in the General Conditions of the Contract for Construction (attached as **Schedule "F"** hereto).

2.5.1 **Planning Services:**

Consultant shall provide planning services for the Project, as required by the Contract Documents and as set forth in Task 1 of Schedule "A" hereto (entitled "Planning Services").

2.5.2 **Design Services:**

Consultant shall prepare Design Documents for the Project, as required by the Contract Documents and as set forth in Task 2 of Schedule "A" hereto (entitled "Design Services")

2.5.3 **Bidding And Award Services:**

Consultant shall provide bidding and award services for the Project, as required by the Contract Documents and as set forth in Task 3 of Schedule "A" hereto (entitled "Bidding and Award Services").

2.5.4 **Construction Administration Services:**

Consultant shall provide construction administration services for the Project, as required by the Contract Documents and as set forth in Task 4 of Schedule "A" hereto (entitled "Construction Administration Services").

2.5.5 **Additional Services:**

If required (and so approved) by the City, Consultant shall provide Additional Services, as set forth in Task 5 of Schedule "A" hereto.

2.6 **RESPONSIBILITY FOR CLAIMS AND LIABILITIES:** Written decisions and/or approvals issued by the City shall not constitute nor be deemed a release of the responsibility and liability of the Consultant (or of any of its officers, employees, sub-consultants, agents, and/or servants), for

the accuracy and competency of its/their designs, working drawings, plans, technical specifications, or other technical documents, nor shall such approval and/or decisions be deemed to be an assumption of such responsibility by the City for a defect, error or omission in designs, working drawings, plans, technical specifications, or other technical documents; provided, however, that the Consultant shall be entitled to reasonably rely upon the accuracy and validity of written decisions and approvals furnished by the City pursuant to this Agreement.

2.7 **TIME:** It is understood that time is of the essence in the completion of the Project and, in this respect, the parties agree as follows:

2.7.1 **Term:** The term of this Agreement shall commence upon execution by the parties (subject to approval of the Agreement by the Mayor and City Commission) (the Effective Date), and shall be in effect until all Services are completed or until the work and/or services under the Notices to Proceed in force at the end of the stated period of time have been completed and the Services accepted, whichever may be later.

2.7.2 The Consultant shall perform the Services as expeditiously as is consistent with the standard of professional skill and care required by this Agreement, and the orderly progress of the Work.

2.7.3 The Services shall be performed in a manner that shall conform with the approved Project Schedule, attached to as **Schedule "E"** hereto. The Consultant may submit requests for an adjustment to the Project Schedule, if made necessary because of undue delays resulting from untimely review taken by the City (or other governmental authorities having jurisdiction over the Project) to approve the Consultant's submissions, or any other portion of the Services requiring approval by the City (or other governmental authorities having jurisdiction over the Project). Consultant shall immediately provide the Project Coordinator with written notice stating the reason for the particular delay; the requested adjustment (i.e. extension) to the Project Schedule; and a revised anticipated schedule of completion. Upon receipt and review of Consultant's request (and such other documentation as the Project Coordinator may require), the Project Coordinator may grant a reasonable extension of time for completion of the particular work involved, and authorize that the appropriate adjustment be made to the Project Schedule. The Project Coordinator's approval (if granted) shall be in writing.

2.7.4 Nothing in this Section 2.7 shall prevent the City from exercising its rights to terminate the Agreement, as provided elsewhere herein.

2.8 Consultant shall use its best efforts to maintain a constructive, professional, cooperative working relationship with the Project Coordinator, Contractor, and any and all other individuals and/or firms that have been contracted, or otherwise retained, to perform work on the Project.

2.9 The Consultant shall perform its duties under this Agreement in a competent, timely and professional manner, and shall be responsible to the City for any failure in its performance, except to the extent that acts or omissions by the City make such performance impossible.

The Consultant is responsible for the professional quality, technical accuracy, completeness, performance and coordination of all work required under the Agreement (including the work performed by sub-consultants), within the specified time period and specified cost. The Consultant shall perform the work utilizing the skill, knowledge, and judgment ordinarily possessed and used by a proficient consulting with respect to the disciplines required for the performance of the work in the State of Florida. The Consultant is responsible for, and shall represent to City that the work conforms to City's requirements, as set forth in the Agreement. The Consultant shall be and remain liable to the City for all damages to the City caused by the Consultant's negligent acts or errors or omissions in the performance of the work. In addition to all other rights and remedies, which the City may have, the Consultant shall, at its expense, re-perform all or any portion of the Services to correct any deficiencies which result from the Consultant's failure to perform in accordance with the above standards. The Consultant shall also be liable for the replacement or repair of any defective materials and equipment and re-performance of any non-conforming construction services resulting from such deficient Consultant services for a period from the Effective Date of this Agreement, until twelve (12) months following final acceptance of the Work, and for the period of design liability required by applicable law. The Project Coordinator shall notify the Consultant, in writing, of any deficiencies and shall approve the method and timing of the corrections. Neither the City's inspection, review, approval or acceptance of, nor payment for, any of the work required under the Agreement shall be construed to relieve the Consultant (or any sub-consultant) of its obligations and responsibilities under the Agreement, nor constitute a waiver of any of the City's rights under the Agreement, or of any cause of action arising out of the performance of the Agreement. The Consultant and its sub-consultants shall be and remain liable to the City in accordance with Applicable Laws for all damages to City caused by any failure of the Consultant or its sub-consultants to comply with the terms and conditions of the Agreement or by the Consultant or any sub-consultants' misconduct,

unlawful acts, negligent acts, errors or omissions in the performance of the Agreement. With respect to the performance of work by sub-consultants, the Consultant shall, in approving and accepting such work, ensure the professional quality, completeness, and coordination of the sub-consultant's work.

2.9.1 The Consultant shall be responsible for deficient, defective services and any resulting deficient, defective construction services re-performed within twelve (12) months following final acceptance and shall be subject to further re-performance, repair and replacement for twelve (12) months from the date of initial re-performance, not to exceed twenty-four months (24) from final acceptance.

2.9.2 **Consultant Performance Evaluation:** The Consultant is advised that a performance evaluation of the work rendered throughout this Agreement will be completed by the City and kept in the City's files for evaluation of future solicitations.

2.10 The City shall have the right, at any time, in its sole and absolute discretion, to submit for review to other consultants (engaged by the City at its expense) any or all parts of the Services and the Consultant shall fully cooperate in such review(s). Whenever others are required to verify, review, or consider any work performed by Consultant (including, without limitation, contractors, other design professionals, and/or other consultants retained by the City), the intent of such requirement is to enable the Consultant to receive input from others' professional expertise to identify any discrepancies, errors or omissions that are inconsistent with industry standards for design or construction of comparable projects; or which are inconsistent with Applicable Laws; or which are inconsistent with standards, decisions or approvals provided by the City under this Agreement. Consultant will use reasonable care and skill, in accordance and consistent with customary professional standards, in responding to items identified by other reviewers in accordance with this subsection. Consultant shall receive comments from reviewers, in writing, including, without limitation (and where applicable), via a set of marked-up drawings and specifications. Consultant shall address comments forwarded to it in a timely manner. The term "timely" shall be defined to mean as soon as possible under the circumstances, taking into account the timelines of the Project Schedule.

2.11 [Intentionally Omitted]

2.12 Consultant agrees that when any portion of the Services relates to a professional service which, under Florida Statutes, requires a license, certificate of authorization, or other form of legal entitlement to practice and/or perform such Service(s), it shall employ and/or retain only qualified

duly licensed certified personnel to provide same.

2.13 Consultant agrees to designate, in writing, within five (5) calendar days after issuance of the first Notice to Proceed, a qualified licensed professional to serve as its project manager (hereinafter referred to as the "Project Manager"). The Project Manager shall be authorized and responsible to act on behalf of Consultant with respect to directing, coordinating and administering all aspects of the Services. 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 the Project Coordinator). Replacement (including reassignment) of an approved Project Manager shall not be made without the prior written approval of the City Manager or his designee (i.e. the Project Coordinator).

2.13.1 Consultant agrees, within fourteen (14) calendar days of receipt of written notice from the City Manager or his designee (which notice shall state the cause therefore), to promptly remove and replace a Project Manager, or any other personnel employed or otherwise retained by Consultant for the Project (including, without limitation, any sub-consultants).

2.14 Consultant agrees not to divulge, furnish or make available to any third party(ies), any non-public information concerning the Services or the Project, without the prior written consent of the City Manager or his designee (who shall be the Project Coordinator), unless such disclosure is incident to the proper performance of the Services; or the disclosure is required pursuant to Florida Public Records laws; or, in the course of judicial proceedings, where such information has been properly subpoenaed. Consultant shall also require its employees and sub-consultants to comply with this subsection.

2.15 The City and Consultant acknowledge that the Services do not delineate every detail and minor work task required to be performed by Consultant to complete the Project. If, during the course of performing of the Services, Consultant determines that work should be performed to complete the Project which is, in the Consultant's reasonable opinion, outside the level of effort originally anticipated in the Scope of Services, Consultant shall promptly notify the Project Coordinator, in writing, and shall obtain the Project Coordinator's written consent before proceeding with such work. If Consultant proceeds with any such additional work without obtaining the prior written consent of the Project Coordinator, said work shall be deemed to be within the original Scope of Services, and deemed included as a Basic Service (whether or not specifically addressed in the Scope of Services). Mere notice by Consultant to the Project

Coordinator shall not constitute authorization or approval by the City to perform such work. Performance of any such work by Consultant without the prior written consent of the Project Coordinator shall be undertaken at Consultant's sole risk and liability.

2.16 Consultant shall establish, maintain, and categorize any and all Project documents and records pertinent to the Services and shall provide the City, upon request, with copies of any and all such documents and/or records. In addition, Consultant shall provide electronic document files to the City upon completion of the Project.

2.17 The City's participation in the design and construction of the Project shall in no way be deemed to relieve the Consultant of its professional duties and responsibilities under the Contract Documents or under Applicable Laws.

**2.18 GREEN BUILDING STANDARDS:**

The Consultant shall comply with the requirements of Section 255.2575, Florida Statutes, and Chapter 100 of the City Code, as both may be amended from time to time, addressing applicable Leadership in Energy and Environmental Design (LEED) compliance requirements.

**2.19 SUB-CONSULTANTS:**

All services provided by sub-consultants shall be consistent with those commitments made by the Consultant in its Proposal and during the competitive solicitation selection process and interview. Such services shall be undertaken and performed pursuant to appropriate written agreements between the Consultant and the sub-consultants, which shall contain provisions that preserve and protect the rights of the City under this Agreement. Nothing contained in this Agreement shall create any contractual relationship between the City and the 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. The Consultant shall cause the names of sub-consultants responsible for significant portions of the Services to be inserted on the plans and specifications.

3.1 The City Manager shall designate a Project Coordinator, in writing, who shall be the City's authorized representative to coordinate, direct, and review all matters related to this Agreement and the Project during the design and construction of same (except unless otherwise expressly provided in this Agreement or the Contract Documents). The Project Coordinator shall be authorized (without limitation) to transmit instructions, receive information, and interpret and define City policies and decisions with respect to the Services and the Project. However, the Project Coordinator is not authorized to issue any verbal or written orders or instructions to Consultant that would have the affect (or be interpreted as having the effect) of modifying or changing, (in any way) the following:

- a) the Scope of Services;
- b) the time within which Consultant is obligated to commence and complete the Services;  
or
- c) the amount of compensation the City is obligated or committed to pay Consultant.

3.2 The City shall make available to Consultant all information that the City has in its possession pertinent to the Project. Consultant hereby agrees and acknowledges that, in making any such information available to Consultant, the City makes no express or implied certification, warranty, and/or representation as to the accuracy or completeness of such information. The Consultant understands, and hereby agrees and acknowledges, that it is obligated to verify to the extent it deems necessary all information furnished by the City, and that it is solely responsible for the accuracy and applicability of all such information used by Consultant. Such verification shall include, without limitation, visual examination of existing conditions in all locations encompassed by the Project, where such examination can be made without using destructive measures (i.e. excavation or demolition). Survey information shall be spot checked to the extent that Consultant has satisfied itself as to the reliability of the information.

3.3 [Intentionally Omitted]

3.4 At any time, in his/her sole discretion, the City Manager may furnish accounting, and insurance counseling services for the Project (including, without limitation, auditing services to verify the Consultant's applications for payment, or to ascertain that Consultant has properly remitted payment due to its sub-consultants or vendors).

3.5 If the City observes or otherwise becomes aware of any fault or defect in the Project, or

non-conformance with the Contract Documents, the City, through the Project Coordinator, shall give prompt written notice thereof to the Consultant.

3.6 The City, acting in its proprietary capacity as Owner and not in its regulatory capacity, shall render any administrative approvals and decisions required under this Agreement, in writing, as reasonably expeditious for the orderly progress of the Services and of the Work. No City administrative (proprietary) approvals and/or decisions required under this Agreement shall be unreasonably conditioned, withheld, or delayed; provided, however, that the City shall at all times have the right to approve or reject any such requests for any reasonable basis.

3.7 The City Commission shall be the final authority to do or to approve the following actions or conduct, by passage of an enabling resolution or amendment to this Agreement:

3.7.1 Except where otherwise expressly noted in the Agreement or the Contract Documents, the City Commission shall be the body to consider, comment upon, or approve any amendments or modifications to this Agreement.

3.7.2 The City Commission shall be the body to consider, comment upon, or approve any assignment, sale, transfer or subletting of this Agreement. Assignment and transfer shall be defined to also include sale of the majority of the stock of a corporate consultant.

3.7.3 Upon written request from Consultant, the City Commission shall hear appeals from administrative decisions of the City Manager or the Project Coordinator. In such cases, the Commission's decision shall be final and binding upon all parties.

3.7.4 The City Commission shall approve or consider all Contract Amendments that exceed the sum of twenty five thousand dollars (\$25,000.00) (or other such amount as may be specified by the City of Miami Beach Procurement Ordinance, as amended).

3.8 Except where otherwise expressly noted in this Agreement, the City Manager shall serve as the City's primary representative to whom administrative (proprietary) requests for decisions and approvals required hereunder by the City shall be made. Except where otherwise expressly noted in this Agreement or the Contract Documents, the City Manager shall issue decisions and authorizations which may include, without limitation, proprietary review, approval, or comment upon the schedules, plans, reports, estimates, contracts, and other documents submitted to the City by Consultant.

3.8.1 The City Manager shall have prior review and approval of the Project Manager (and any replacements) and of any sub-consultants (and any replacements).

3.8.2 The City Manager shall decide, and render administrative (proprietary) decisions on matters arising pursuant to this Agreement which are not otherwise expressly provided for in this Agreement. In his/her discretion, the City Manager may also consult with the City Commission on such matters.

3.8.3 At the request of Consultant, the City Manager shall be authorized, but not required, to reallocate monies already budgeted toward payment of the Consultant; provided, however, that the Consultant's compensation (or other budgets established by this Agreement) may not be increased without the prior approval of the City Commission, which approval (if granted at all) shall be in its sole and reasonable discretion.

3.8.4 [Intentionally Omitted]

3.8.5 The City Manager may approve Contract Amendments which do not exceed the sum of twenty five thousand dollars (\$25,000.00) (or other such amount as may be specified by the City of Miami Beach Purchasing Ordinance, as amended); provided that no such amendments increase any of the budgets established by this Agreement.

3.8.6 The City Manager may, in his/her sole discretion, form a committee or committees, or inquire of, or consult with, persons for the purpose of receiving advice and recommendations relating to the exercise of the City's powers, duties, and responsibilities under this Agreement or the Contract Documents.

3.8.7 The City Manager shall be the City Commission's authorized representative with regard to acting on behalf of the City in the event of issuing any default notice(s) under this Agreement, and, should such default remain uncured, in terminating the Agreement (pursuant to and in accordance with Article 10 hereof).

## ARTICLE 4. RESPONSIBILITY FOR CONSTRUCTION COST

4.1 The City has established the Construction Cost Budget for the Project, as set forth in Schedule "D", attached hereto.

4.2 Consultant shall certify and warrant to the City all estimates of Construction Cost prepared by Consultant.

4.3 Consultant shall warrant and represent to the City that its review and evaluation of the Construction Cost Budget, Statement of Probable Construction Cost, and any other cost estimates prepared (or otherwise provided) by Consultant for the Project, represent Consultant's best judgment as an experienced design professional familiar with the construction industry; provided, however, that Consultant cannot (and does not) guarantee that bids or negotiated prices will not vary from any estimates of Construction Cost or other cost evaluation(s) prepared (or otherwise provided) by Consultant.

4.4 The Construction Cost Budget (as established in **Schedule "D"** hereto) shall not be exceeded without fully justifiable, extraordinary, and unforeseen circumstances (such as Force Majeure) which are beyond the control of the parties. Any expenditure above this amount shall be subject to prior City Commission approval which, if granted at all, shall be at the sole and reasonable discretion of the City Commission. The City Commission shall have no obligation to approve an increase in the Construction Cost Budget and, if such budget is exceeded, the City Commission may, at its sole and reasonable discretion, terminate this Agreement (and the remaining Services) without any further liability to the City.

4.5 If the lowest and best base bid exceeds the Construction Cost Budget by more than five percent (5%), the City Commission may, at its sole option and discretion, elect any of the following options: (1) approve an increase to the Construction Cost Budget; (2) reject all bids, and (at its option) authorize rebidding of the Project; (3) abandon the Project and terminate the remaining Services without any further liability to the City; (4) select as many Deductive Alternatives as may be necessary to bring the lowest and best bid within the Construction Cost Budget; or (5) work with the Consultant to reduce the Project Scope, construction schedule, sequence of Work, or such other action, as deemed necessary, to reduce the Construction Cost Budget. In the event the City elects to reduce the Project Scope, the Consultant shall provide any required revisions to the Contract Documents (including, without limitation, the Construction Documents), and provide re-bidding services, as many times as reasonably requested by the

City, at no additional cost to the City, in order to bring any resulting, responsive and responsible bids within five percent (5%) of the Construction Cost Budget.

## ARTICLE 5. ADDITIONAL SERVICES

5.1 Additional Services shall only be performed by Consultant following receipt of written authorization by the Project Coordinator (which authorization must be obtained prior to commencement of any such additional work by Consultant). The written authorization shall contain a description of the Additional Services required; an hourly fee (in accordance with the rates in Schedule "C" hereto), with a "Not to Exceed" amount; Reimbursable Expenses (if any) with a "Not to Exceed" amount; the amended Construction Cost Budget (if applicable); the time required to complete the Additional Services; and an amended Project Schedule (if applicable). "Not to Exceed" shall mean the maximum cumulative hourly fees allowable (or, in the case of Reimbursable Expenses, the maximum cumulative expenses allowable), which the Consultant shall not exceed without further written authorization of the Project Coordinator. The "Not to Exceed" amount is not a guaranteed maximum cost for the additional work requested (or, in the case of Reimbursables, for the expenses), and all costs applicable to same shall be verifiable through time sheets (and, for Reimbursables, expense reviews).

5.2 Additional Services may include, but not be limited to, the following:

5.2.1 Providing additional work relative to the Project which arises from subsequent circumstances and causes which do not currently exist, or which are not contemplated by the parties at the time of execution of this Agreement (excluding circumstances and causes resulting from error, omission, inadvertence, or negligence of Consultant).

5.2.2 Serving as an expert witness in connection with any public hearing, arbitration proceeding, or legal proceeding, unless the subject matter at issue has arisen from the error omission, inadvertence, or negligence of Consultant.

5.2.3 [Intentionally Omitted]

5.2.4 Assistance in connection with bid protests, re-bidding, or re-negotiating contracts (except for Contract Document revisions and re-bidding services required under Section 4.5 hereof, which shall be provided at no additional cost to City).

## ARTICLE 6. REIMBURSABLE EXPENSES

6.1 Reimbursable Expenses are an allowance set aside by the City and shall include actual expenditures made by the Consultant in the interest of the Project. The Reimbursable Expenses allowance, as specified in **Schedule "B"** hereto, belongs to, and shall be controlled by, the City. Any money not directed to be used by City for Reimbursable Expenses shall remain with the City (i.e. unused portions will not be paid to Consultant).

Notwithstanding the above, any Reimbursable Expenses in excess of \$500 must be authorized, in advance, in writing, by the Project Coordinator. Invoices or vouchers for Reimbursable Expenses shall be submitted to the Project Coordinator (along with any supporting receipts and other back-up material requested by the Project Coordinator). Consultant shall certify as to each such invoice and/or voucher that the amounts and items claimed as reimbursable are "true and correct and in accordance with the Agreement."

6.2 Reimbursable Expenses may include, but not be limited to, the following:

6.2.1 Cost of reproduction, courier, and postage and handling of drawings, plans, specifications, and other Project documents (excluding reproductions for the office use of the Consultant and its sub-consultants, and courier, postage and handling costs between the Consultant and its sub-consultants).

6.2.2 Costs for reproduction and preparation of graphics for community workshops.

6.2.3 Permit fees required by City of Miami Beach regulatory bodies having jurisdiction over the Project (i.e. City permit fees).

## ARTICLE 7. COMPENSATION FOR SERVICES

7.1 Consultant's "Not to Exceed" fee for provision of the Services shall be XXXXXXXX, with a Reimbursable Expenses allowance of XXXXXXXX.

7.2 Payments for Services shall be made within forty-five (45) calendar days of receipt and approval of an acceptable invoice by the Project Coordinator. Payments shall be made in proportion to the Services satisfactorily performed, so that the payments for Services never

exceed the progress percentage noted in the Consultant's Progress Schedule (to be submitted with each invoice). No mark-up shall be allowed on subcontracted work.

7.3 Approved Additional Services shall be compensated in accordance with the hourly rates set forth in Schedule "C," attached hereto. Any request for payment of Additional Services shall be included with a Consultant payment request. No mark-up shall be allowed on Additional Services (whether sub-contracted or not).

7.4 Approved Reimbursable Expenses shall be paid in accordance with Article 6 hereto, up to the "Not to Exceed" Reimbursable allowance amount in Schedule "B" hereto. Any request for payment of Reimbursable Expenses shall also be included with Consultant's payment request. No mark-up shall be allowed on Reimbursable Expenses.

7.5 **ESCALATION:** During the Term of this Agreement, the City may, by written directive approved and executed by the City Manager, adjust the fees included in the Hourly Billing Rate Schedule in Schedule "C" hereto, to reflect the change in the Consumer Price Index (CPI) on a year to year basis. Such adjustment will be based on the cumulative change of the CPI for the Miami urban area, provided that in no event shall any the annual increase exceed three percent (3%).

7.6 No retainage shall be made from the Consultant's compensation on account of sums withheld by the City on payments to Contractor.

7.7 **METHOD OF BILLING AND PAYMENT.** Consultant shall invoice the Project Coordinator in a timely manner, but no more than once on a monthly basis. Invoices shall identify the nature and extent of the work performed; the total hours of work performed by employee category; and the respective hourly billing rate associated therewith. In the event sub-consultant work is used, the percentage of completion shall be identified. Invoices shall also itemize and summarize any Additional Services and/or Reimbursable Expenses. A copy of the written approval of the Project Coordinator for the requested Additional Service(s) or Reimbursable Expense(s) shall accompany the invoice.

7.7.1 If requested, Consultant shall provide back-up for past and current invoices that records hours for all work (by employee category), and cost itemizations for Reimbursable Expenses (by category).

7.7 .2 The City shall pay Consultant within forty-five (45) calendar days from receipt and approval of an acceptable invoice by the Project Coordinator.

7.7.3 Upon completion of the Services, Consultant's final payment shall require the prior written approval of the City Manager before disbursement of same.

## **ARTICLE 8. CONSULTANT'S ACCOUNTING AND OTHER RECORDS**

8.1 All books, records (whether financial or otherwise), correspondence, technical documents, and any other records or documents related to the Services and/or Project will be available for examination and audit by the City Manager, or his/her authorized representatives, at Consultant's office (at the address designated in Article 15 ["Notices"]), during customary business hours. All such records shall be kept at least for a period of three (3) years after Consultant's completion of the Services. Incomplete or incorrect entries in such records and accounts relating personnel services and expenses may be grounds for City's disallowance of any fees or expenses based upon such entries. Consultant shall also bind its sub-consultants to the requirements of this Article and ensure compliance therewith

## **ARTICLE 9. OWNERSHIP OF PROJECT DOCUMENTS**

9.1 All notes, correspondence, documents, plans and specifications, designs, drawings, renderings, calculations, specifications, models, photographs, reports, surveys, investigations, and any other documents (whether completed or partially completed) and copyrights thereto for Services performed or produced in the performance of this Agreement, or related to the Project, whether in paper or other hard copy medium or in electronic medium, except with respect to copyrighted standard details and designs owned by the Consultant or owned by a third party and licensed to the Consultant for use and reproduction, shall become the property of the City. Consultant shall deliver all such documents to the Project Coordinator within thirty (30) days of completion of the Services (or within thirty (30) days of expiration or earlier termination of this Agreement as the case may be). However, the City may grant an exclusive license of the copyright to the Consultant for reusing and reproducing copyrighted materials or portions thereof as authorized by the City Manager in advance and in writing, In addition, the Consultant shall not disclose, release, or make available any document to any third party without prior written approval from the City Manager. The Consultant shall warrant to the City that it has been granted a license to use and reproduce any standard details and designs owned by a third party and used

or reproduced by the Consultant in the performance of this Agreement. Nothing contained herein shall be deemed to exclude any document from Chapter 119, Florida Statutes.

g)

g) 9.2 The Consultant is permitted to reproduce copyrighted material described above subject to prior written approval of the City Manager.

g)

g) 9.3 At the City's option, the Consultant may be authorized, as an Additional Service, to adapt copyrighted material for additional or other work for the City; however, payment to the Consultant for such adaptations will be limited to an amount not greater than 50% of the original fee earned to adapt the original copyrighted material to a new site.

g)

g) 9.4 The City shall have the right to modify the Project or any components thereof without permission from the Consultant or without any additional compensation to the Consultant. The Consultant shall be released from any liability resulting from such modification.

g)

9.5 The Consultant shall bind all sub-consultants to the Agreement requirements for re-use of plans and specifications.

## ARTICLE 10. TERMINATION OF AGREEMENT

10.1 **TERMINATION FOR LACK OF FUNDS:** The City is a governmental entity and is subject to the appropriation of funds by its legislative body in an amount sufficient to allow continuation of its performance in accordance with the terms and conditions of this Agreement. In the event there is a lack of adequate funding either for the Services or the Project (or both), the City may terminate this Agreement without further liability to the City.

10.2 **TERMINATION FOR CAUSE:** The City, through the City Manager, may terminate this Agreement for cause, upon written notice to Consultant, in the event that the Consultant (1) violates any provision of this Agreement or performs same in bad faith; (2) unreasonably delays the performance of the Services or any portion thereof; or (3) does not perform the Services or any portion thereof in a timely and satisfactory manner. In the case of termination for cause by the City, the Consultant shall first be granted a thirty (30) day cure period (commencing upon receipt of the initial written notice of default from the City).

10.2.1 In the event this Agreement is terminated for cause by the City, the City, at

its sole option and discretion, may take over the remaining Services and complete them by contracting with another consultant(s), or otherwise. The Consultant shall be liable to the City for any additional cost(s) incurred by the City due to such termination. "Additional Cost" is defined as the difference between the actual cost of completion of the Services, and the cost of completion of such Services had the Agreement not been terminated.

10.2.2 In the event of termination for cause by the City, the City shall only be obligated to pay Consultant for those Services satisfactorily performed and accepted prior to the date of termination (as such date is set forth in, or can be calculated from, the City's initial written default notice). Upon payment of any amount which may be due to Consultant pursuant to this subsection 10.2.2, the City shall have no further liability to Consultant.

10.2.3 As a condition precedent to release of any payment which may be due to Consultant under subsection 10.2.2, the Consultant shall promptly assemble and deliver to the Project Coordinator any and all Project documents prepared (or caused to be prepared) by Consultant(including, without limitation, those referenced in subsection 9.1 hereof). The City shall not be responsible for any cost incurred by Consultant for assembly, copy, and/or delivery of Project documents pursuant to this subsection.

**10.3 TERMINATION FOR CONVENIENCE:** In addition to the City's right to terminate for cause, the City through the City Manager, may also terminate this Agreement, upon fourteen (14) days prior written notice to Consultant, for convenience, without cause, and without penalty, when (in its sole discretion) it deems such termination to be in the best interest of the City. In the event the City terminates the Agreement for convenience, Consultant shall be compensated for all Services satisfactorily performed and accepted up to the termination date (as set forth in the City's written notice), and for Consultant's costs in assembly and delivery to the Project Coordinator of the Project documents (referenced in subsection 10.2.3 above). Upon payment of any amount which may be due to Consultant pursuant this subsection 10.3, the City shall have no further liability to Consultant.

**10.4 TERMINATION BY CONSULTANT:** The Consultant may only terminate this Agreement for cause, upon thirty (30) days prior written notice to the City, in the event that the City willfully violates any provisions of this Agreement or unreasonably delays payment of the Services or any portion thereof. In the event of a termination for cause by Consultant, the City shall pay Consultant for any Services satisfactorily performed and accepted up to the date of termination;

provided, however, that the City shall first be granted a thirty (30) day cure period (commencing upon receipt of Consultant's initial written notice).

10.4.1 The Consultant shall have no right to terminate this Agreement for convenience.

10.5 **IMPLEMENTATION OF TERMINATION:** In the event of termination (whether for cause or for convenience), the Consultant shall immediately, upon receipt of the City's written notice of termination: (1) stop the performance of Services; (2) place no further orders or issue any other subcontracts, except for those which may have already been approved, in writing, by the Project Coordinator; (3) terminate all existing orders and subcontracts; and (4) promptly assemble all Project documents (for delivery to the Project Coordinator).

## **ARTICLE 11. INSURANCE**

11.1 At all times during the Term of this Agreement, Consultant shall maintain the following required insurance coverage in full force and effect. The Consultant shall not commence any work until satisfactory proof of all required insurance coverage has been furnished to the Project Coordinator:

(a) Professional Liability Insurance, in the amount of one million dollars (\$1,000,000.00), per occurrence, with a maximum deductible of \$150,000 per occurrence, \$450,000 aggregate. Consultant shall notify the Project Coordinator, in writing, within thirty (30) days of any claims filed or made against its Professional Liability Insurance policy.

(b) Comprehensive General Liability Insurance, in the amount of one million dollars (\$1,000,000.00), Single Limit Bodily Injury and Property Damage coverage, for each occurrence, which shall include products, completed operations, and contractual liability coverage. The City of Miami Beach, Florida must be named as an additional insured on this policy.

(c) Worker's Compensation and Employer's Liability coverage within the statutory limits required under Florida law.

11.2 The Consultant must give the Project Coordinator at least thirty (30) days prior written notice of cancellation or of substantial modifications in any required insurance coverage. All certificates and endorsements shall contain this requirement.

11.3 The insurance must be furnished by an insurance company rated B+:VI or better, or its equivalent, according to Bests' Guide Rating Book, and by insurance companies duly authorized to do business in the State of Florida, and countersigned by the company's Florida resident agent.

11.4 Consultant shall provide the Project Coordinator with a certificate of insurance of all required insurance policies. The City reserves the right to require a certified copy of such policies, upon written request to Consultant.

## **ARTICLE 12. INDEMNIFICATION AND HOLD HARMLESS**

12.1 Pursuant to Section 725.08, Florida Statutes, the Consultant shall indemnify and hold harmless the City and its officers, employees, agents, and instrumentalities, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the Consultant and other persons employed or utilized by the Consultant in the performance of this Agreement.

The Consultant 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. Consultant expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Consultant shall in no way limit its responsibility to indemnify, keep, and save harmless and defend the City or its officers, employees, agents, and instrumentalities as herein provided.

12.2 The Consultant agrees and recognizes that the City shall not be held liable or responsible for any claims which may result from any negligent, reckless, or intentionally wrongful actions, errors or omissions of the Consultant in which the City participated either through review or concurrence of the Consultant's actions. In reviewing, approving or rejecting any submissions by the Contractor, or other acts of the Consultant, the City in no way assumes or shares any responsibility or liability of the Consultant (including, without limitation its sub-consultants and/or any registered professionals (architects and/or engineers) under this Agreement).

## **ARTICLE 13. ERRORS AND OMISSIONS**

13.1 **ERRORS AND OMISSIONS:** It is specifically agreed that any construction changes categorized by the City as caused by an error, an omission, or any combination thereof in the Contract Documents that were prepared by the Consultant will constitute an additional cost to the City that would not have been incurred without the error. The damages to the City for errors, omissions or any combinations thereof shall be calculated as the total cost of any damages or incremental costs to the City resulting out of the errors or omissions by the Consultant.

Damages shall include delay damages caused by the error, omission, or any combination thereof. Should the Consultant disagree that all or part of such damages are the result of errors, omissions, or any combination thereof, the Consultant may appeal this determination, in writing, to the City's Capital Improvement Projects Director (the Director). The Director's decision on all claims, questions and disputes shall be final, conclusive and binding upon the parties hereto unless such determination is clearly arbitrary or unreasonable. In the event that the Consultant does not agree with the decision of the Director, the Consultant shall present any such objections, in writing, to the City Manager. The Director and the Consultant shall abide by the decision of the City Manager. This paragraph does not constitute a waiver of any party's right to proceed in a court of competent jurisdiction after the above administrative remedies have been exhausted.

## **ARTICLE 14. LIMITATION OF LIABILITY**

The City desires to enter into this Agreement only if in so doing the City can place a limit on its liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the "not to exceed" amount of the fee paid to Consultant under this Agreement, less any amount(s) actually paid to Consultant hereunder. Consultant hereby expresses its willingness to enter into this Agreement, with Consultant's recovery from the City for any damages for action for breach of contract to be limited to Consultant's "not to exceed" fee under this Agreement, less any amount(s) actually paid by the City to the Consultant hereunder.

Accordingly, and notwithstanding any other term or condition of this Agreement, Consultant hereby agrees that the City shall not be liable to Consultant for money damages due to an alleged breach by the City of this Agreement, in an amount in excess of the "not to exceed

amount” of Consultant’s fees under this Agreement, which amount shall be reduced by any amount(s) actually paid by the City to Consultant hereunder.

Nothing contained in this subsection, or elsewhere in this Agreement, is in any way intended to be a waiver of the limitation placed upon City’s liability, as set forth in Section 768.28, Florida Statutes.

## ARTICLE 15. NOTICE

All written notices given to City by Consultant shall be addressed to:

City Manager’s Office  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
Attn: XXXXXXXXXXXXXXX

With a copy to:

Capital Improvement Projects Office  
City of Miami Beach  
1700 Convention Center Drive

Miami Beach, Florida 33139  
Attn: XXXXXXXXXXXXXXX

All written notices given to the Consultant from the City shall be addressed to:

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
Attn: XXXXXXXXXXXXXXX

All notices mailed to either party shall be deemed to be sufficiently transmitted if sent by certified mail, return receipt requested.

## ARTICLE 16. MISCELLANEOUS PROVISIONS

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

16.2 **EQUAL OPPORTUNITY EMPLOYMENT GOALS:** Consultant agrees that it will not discriminate against any employee or applicant for employment for work under this Agreement because of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital or familial status, or age, and will take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital or familial status, or age.

16.3 **PUBLIC ENTITY CRIMES ACT:** In accordance with the Public Entity Crimes Act (Section 287.133, Florida Statutes), a person or affiliate who is a consultant, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to the City, may not submit a bid on a contract with the City for the construction or repair of a public building or public work, may not bid on leases of real property to the City, may not be awarded or perform work as a contractor, supplier, subcontractor, or subconsultant under a contract with the City, and may not transact business with the City in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list. For violation of this subsection by Consultant, City shall have the right to terminate the Agreement without any liability to City, and pursue debarment of Consultant

16.4 **NO CONTINGENT FEE:** Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the

award or making of this Agreement. For the breach or violation of this subsection, City shall have the right to terminate the Agreement, without any liability or, at its discretion, to deduct from the contract price (or otherwise recover) the full amount of such fee, commission, percentage, gift, or consideration.

**16.5 LAWS AND REGULATIONS:**

16.5.1 The Consultant shall, during the Term of this Agreement, be governed by Federal, State, Miami-Dade County, and City laws, ordinances, and codes which may have a bearing on the Services involved in the Project.

16.5.2 Project Documents. In accordance with Section 119.07 (3) (ee), Florida Statutes, entitled "Inspection, Examination, and Duplication of Records; Exemptions," all building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, are exempt from the provisions of Section 119.07(1), Florida Statutes (inspection and copying of public records), and s. 24(a), Article I of the State Constitution. Information made exempt by this paragraph, with prior written approval from the City Manager, may be disclosed to another entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is performing work on or related to the Project; or upon a showing of good cause before a court of competent jurisdiction. The entities or persons receiving such information shall maintain the exempt status of the information.

16.5.2.1 In addition to the requirements in this subsection 16.5.2, the Consultant agrees to abide by all applicable Federal, State, and City procedures, as may be amended from time to time, by which the documents are handled, copied, and distributed which may include, but is not limited to, each employee of Consultant and sub-consultants that will be involved in the Project being required to sign an agreement stating that they will not copy, duplicate, or distribute the documents unless authorized by the City Manager, in writing.

16.5.2.2 The Consultant and its sub-consultants agree in writing that the Project documents are to be kept and maintained in a secure location.

16.5.2.3 Each set of the Project documents are to be numbered and the whereabouts of the documents shall be tracked at all times.

16.5.2.4 A log is developed to track each set of documents logging in the date, time, and name of the individual(s) that work on or view the documents.

16.6 **CORRECTIONS TO CONTRACT DOCUMENTS:** The Consultant shall prepare, without added compensation, all necessary supplemental documents to correct errors, omissions, and/or ambiguities which may exist in the Contract Documents prepared by Consultant, including documents prepared by its sub-consultants. Compliance with this subsection shall not be construed to relieve the Consultant from any liability resulting from any such errors, omissions, and/or ambiguities in the Contract Documents and other documents or Services related thereto.

16.7 **WARRANTY:** The Consultant warrants that the Services furnished to the City under this Agreement shall conform to the quality expected of and usually provided by the profession in the State of Florida applicable to the design and construction of public and commercial facilities.

16.8 **NON-EXCLUSIVITY:** Notwithstanding any provision of this non-exclusive Agreement, the City is not precluded from retaining or utilizing any other architect, engineer, design professional or other consultant to perform any incidental Basic Services, Additional Services, or other professional services within the contract limits defined in the Agreement. The Consultant shall have no claim against the City as a result of the City electing to retain or utilize such other architect, engineer, design professional, or other consultant to perform any such incidental Services.

g) 16.9 **ASSIGNMENT:** The Consultant shall not assign, transfer or convey this Agreement to any other person, firm, association or corporation, in whole or in part, without the prior written consent of the City Commission, which consent, if given at all, shall be at the Commission's sole option and discretion. However, the Consultant will be permitted to cause portions of the Services to be performed by sub-consultants, subject to the prior written approval of the City Manager.

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16.10 **SUCCESSORS AND ASSIGNS:** The Consultant and the City each binds himself/herself, his/her partners, successors, legal representatives and assigns to the other party of the Agreement and to the partners, successors, legal representatives, and assigns of such party in respect to all covenants of this Agreement. The Consultant shall afford the City (through the City Commission) the opportunity to approve or reject all proposed assignees, successors or other

changes in the ownership structure and composition of the Consultant. Failure to do so constitutes a breach of this Agreement by the Consultant.

**16.11 PROVISION OF ITEMS NECESSARY TO COMPLETE SERVICES:** In the performance of the Services prescribed herein, it shall be the responsibility of the Consultant to provide all salaries, wages, materials, equipment, sub-consultants, and other purchased services, etc., as necessary to complete said Services.

**16.12 INTENT OF AGREEMENT:**

g) 16.12.1 The intent of the Agreement is for the Consultant to provide design services, and to include all necessary items for the proper completion of such services for a fully functional Project which, when constructed in accordance with the design, will be able to be used by the City for its intended purpose. The Consultant shall perform, as Basic Services, such incidental work which may not be specifically referenced, as necessary to complete the Project.

g) 16.12.2 This Agreement is for the benefit of the parties only and it does not grant rights to a third party beneficiary, to any person, nor does it authorize anyone not a party to the Agreement to maintain a suit for personal injuries, professional liability, or property damage pursuant to the terms or provisions of the Agreement.

16.12.3 No acceptance, order, payment, or certificate of or by the City, or its employees or agents, shall either stop the City from asserting any rights or operate as a waiver of any provisions hereof or of any power or right herein reserved to the City or of any rights to damages herein provided.

16.13 This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written. It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless memorialized in written document approval and executed with the same formality and of equal dignity herewith.

**IN WITNESS WHEREOF**, the parties hereto have hereunto caused these presents to be signed in their names by their duly authorized officers and principals, attested by their respective witnesses and City Clerk on the day and year first hereinabove written.

Attest

CITY OF MIAMI BEACH:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

Attest

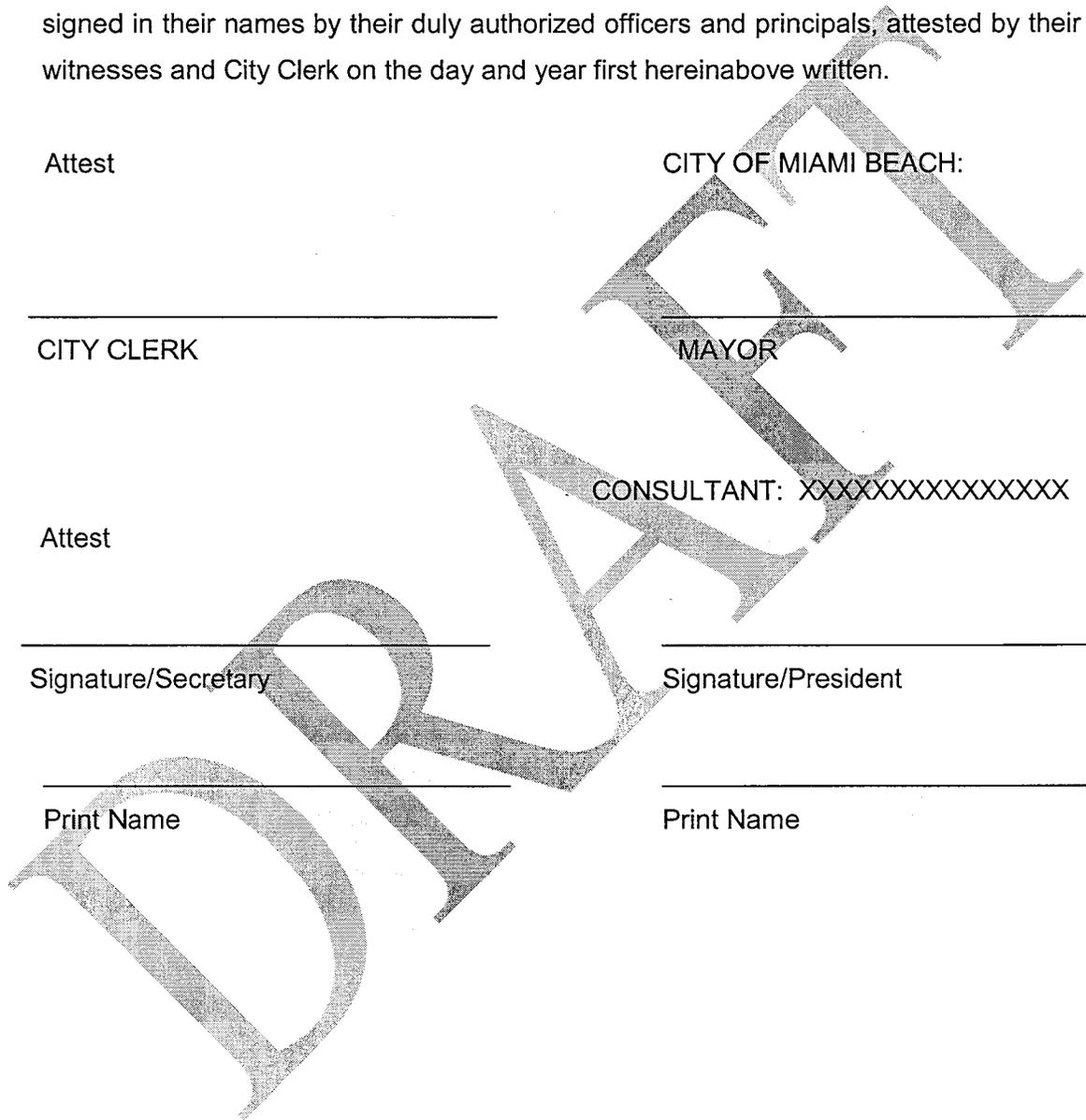
CONSULTANT: XXXXXXXXXXXXXXXX

\_\_\_\_\_  
Signature/Secretary

\_\_\_\_\_  
Signature/President

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name



DRAFT

SCHEDULE A

SCOPE OF SERVICES

DRAFT

SCHEDULE B

CONSULTANT COMPENSATION

:

Schedule of Payments

Planning Services *	\$ 0.00
Design Services*	\$XXXXXXXX
Bidding and Award Services	\$XXXXXXXX
Construction Administration **	\$XXXXXXXX
Reimbursable Allowance***	\$XXXXXXXX
Historic Preservation Board / Design Review Board (if required)	\$ 0.00

Note\*: These services will be paid lump sum based on percentage complete of each phase as identified in the individual tasks.

Note\*\*: Construction Administration will be paid on a monthly basis upon commencement of construction.

In the event that, through no fault of the Consultant, Construction Administration services are required to be extended, which extension shall be subject to prior City approval, and what shall be at the City's sole discretion, the Consultant agrees to extend said services for \$XXXXXX, per month, for the duration required to complete the Project.

Note\*\*\*: The Reimbursable Allowance belongs to the City and must be approved in writing, in advance, by the Project Coordinator. Unused portions will not be paid to the Consultant.

SCHEDULE C

HOURLY BILLING RATE SCHEDULE

DRAFT

SCHEDULE D

CONSTRUCTION COST BUDGET

DRAFT

PROJECT SCHEDULE

DRAFT

GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT

DRAFT

INSURANCE REQUIREMENTS AND SWORN AFFIDAVITS.

DRAFT

**SCHEDULE H**

**BEST VALUE AMENDMENT**

The Consultant agrees to abide by all the required documentation of the City's Performance Information Procurement System and submit the weekly reports.

**DRAFT**

**Condensed Title:**

**REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-097-KB FOR CONSULTING SERVICES FOR PUBLIC-PRIVATE PARTNERSHIPS (P3) FOR WORKFORCE HOUSING INITIATIVE**

**Key Intended Outcome Supported:**

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

N/A

**Item Summary/Recommendation:**

The City is seeking proposals from consulting firms interested in assisting the City in identifying and creating opportunities to partner with the private sector to develop workforce / affordable housing projects as approved by the City Commission, including (but not necessarily limited to) residential buildings and multi-use parking garages. The City is seeking proposals from consulting firms with proven experience in assisting public sector agencies with the negotiation and financing of public-private partnerships (P3) for the development of public workforce / affordable housing projects. The selected consultant shall serve as the City's primary advisor/consultant throughout each project working with multiple departments to achieve project goals and assist with P3 team selection and negotiation of development agreements. To achieve the desired goals, the Administration seeks the City Commission's approval to issue Request for Qualifications (RFQ) 2016-097-KB.

The Administration recommends that the Mayor and Commission approve the issuance of the RFQ No. 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce / Affordable Housing.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1	N/A	N/A	N/A
	2			
	<b>Total</b>			

**Financial Impact Summary: N/A**

**City Clerk's Office Legislative Tracking:**

Alex Denis, Maria Ruiz

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
AD  MR 	KGB 	JLM 

T:\AGENDA\2016\April\Procurement\2016-124-KB DCP Professional Services\RFQ 2016-124-KB DCP Professional Services - 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: May 11, 2016  
SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-097-KB FOR CONSULTING SERVICES FOR PUBLIC-PRIVATE PARTNERSHIPS (P3) FOR WORKFORCE HOUSING INITIATIVE**

### **ADMINISTRATION RECOMMENDATION**

Approve the issuance of the RFQ.

### **BACKGROUND**

The City is seeking proposals from consulting firms interested in assisting the City in identifying and creating opportunities to partner with the private sector to develop workforce / affordable housing development projects as approved by the City Commission, including residential buildings and parking garages among others. The City is seeking proposals from consulting firms with proven experience in assisting public sector agencies with the negotiation and financing of public-private partnerships (P3) for the development of public workforce / affordable housing. The selected consultant shall serve as the City's primary advisor/consultant throughout each project working with multiple departments to achieve project goals and assist with P3 and developer selection. To achieve the desired goals, the Administration seeks the City Commission's approval to issue Request for Qualifications (RFQ) 2016-097-KB. The most relevant sections of the RFQ, include:

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, Page 25, RFQ 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce Housing Initiative (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, Page 12, RFQ 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce Housing Initiative (attached).
- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, Page 14, RFQ 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce Housing Initiative (attached).

### **CONCLUSION**

The Administration recommends that the Mayor and Commission approve the issuance of the RFQ No. 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce / Affordable Housing.

### **ATTACHMENTS**

Attachment A: 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce Housing Initiative.

JLM / MT / MR / AD

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# REQUEST FOR QUALIFICATIONS (RFQ)

## **CONSULTING SERVICES FOR PUBLIC-PRIVATE PARTNERSHIPS (P3) FOR WORKFORCE/AFFORDABLE HOUSING PROJECTS**

2016-097-KB

**RFP ISSUANCE DATE: MAY 13, 2016**

**PROPOSALS DUE: JUNE 13, 2016 @ 3:00 PM**

**ISSUED BY:**



**MIAMIBEACH**

**KRISTY BADA, CONTRACTING OFFICER II**

PROCUREMENT DEPARTMENT

1700 Convention Center Drive, Miami Beach, FL 33139

305.673.7000 x6218 | [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

**TABLE OF CONTENTS**

<b><u>SOLICITATION SECTIONS:</u></b>		<b><u>PAGE</u></b>
0100	NOT UTILIZED .....	N/A
0200	INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS .....	X
0300	SUBMITTAL INSTRUCTIONS & FORMAT .....	X
0400	EVALUATION PROCESS .....	X
<b><u>APPENDICES:</u></b>		<b><u>PAGE</u></b>
APPENDIX A	RESPONSE CERTIFICATON, QUESTIONNAIRE AND AFFIDAVITS .....	X
APPENDIX B	“NO BID” FORM .....	X
APPENDIX C	MINIMUM REQUIREMENTS & SPECIFICATIONS .....	X

**SECTION 0200**

**INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS**

**1. GENERAL.** This Request for Qualifications (RFQ) 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 RFQ results in an award.

The City utilizes **PublicPurchase** ([www.publicpurchase.com](http://www.publicpurchase.com)) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFQ. Any prospective proposer who has received this RFQ by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFQ. **Failure to receive an addendum may result in disqualification of proposal submitted.**

**2. PURPOSE.**

At the direction of the Mayor and City Commission, the City is interested in pursuing the development of affordable or workforce housing projects throughout the City. Through this RFQ, the City is seeking proposals from firms experienced in providing consulting services to public agencies relating to public/private partnerships (hereinafter referred to as “P3”) for workforce or affordable housing projects. The successful firm shall assist the City in identifying and creating opportunities in partnership with the private sector to develop workforce housing in municipal-led development projects including existing or new residential buildings and new mixed-use parking garages, as well as other options as available. A non-exclusive listing of potential services the City is seeking pursuant to this RFQ is included in Attachment C.

This RFQ shall seek the qualifications of interested firms who will be considered by the City in accordance with the criteria and terms set forth herein. The selected consultant, and its sub-consultants, shall be precluded from participating on any team for any workforce / affordable housing project for which the selected consultant has provided services to the City pursuant to any award resulting from this RFQ.

**3. ANTICIPATED RFP TIMETABLE.** The tentative schedule for this solicitation is as follows:

RFP Issued	MAY 13, 2016
Pre-Proposal Meeting	MAY 24, 2016 at 10:00AM
Deadline for Receipt of Questions	JUNE 3, 2016 AT 5:00PM
Responses Due	JUNE 13, 2016 AT 3:00PM
Evaluation Committee Review	TBD
Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	TBD
Contract Negotiations	Following Commission Approval

**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

Additionally, the City Clerk is to be copied on all communications via e-mail at: [RafaelGranado@miamibeachfl.gov](mailto: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, 3<sup>rd</sup> 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 RFQ 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 RFQ by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this RFQ. 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 RFQ Timetable** section.

**7. CONE OF SILENCE.** This RFQ 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](mailto: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
- LOCAL PREFERENCE FOR MIAMI BEACH-BASED VENDORS..... CITY CODE SECTION 2-372
- 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. COMPLAINE WITH THE CITY'S LOBBYIST LAWS.** This RFQ 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 RFQ 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 RFQ 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. MIAMI BEACH-BASED VENDORS PREFERENCE.** Pursuant to City of Miami Beach Ordinance No. 2011-3747, a five (5) point preference will be given to a responsive and responsible Miami Beach-based Proposer.

**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 RFQ, 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 RFQ 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.** The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. 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:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) 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 and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

**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 RFQ; postpone or cancel, at any time, this RFQ process; or waive any irregularities in this RFQ, or in any responses received as a result of this RFQ. 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 RFQ. 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 RFQ (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 RFQ.** Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFQ, 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 RFQ to which Proposer took exception to (as said term and/or condition was originally set forth on the RFQ).

**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 RFQ solicitation process.

**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**
**SUBMITTAL INSTRUCTIONS AND FORMAT**

**1. SEALED RESPONSES.** One original Statement of Qualifications (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. Statement of Qualifications received electronically, either through email or facsimile, are not acceptable and will be rejected.

**2. LATE BIDS.** Statement of Qualifications 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 Statement of Qualifications 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. STATEMENTS OF QUALIFICATIONS FORMAT.** In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Statement of Qualifications, it is strongly recommended that Statement of Qualifications 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. Statement of Qualifications that do not include the required information will be deemed non-responsive and will not be considered.

<b>TAB 1</b>	<b>Cover Letter &amp; Minimum Qualifications Requirements</b>
<p><b>1.1 Cover Letter and Table of Contents.</b> The cover letter must indicate Proposer and Proposer Primary Contact for the purposes of this solicitation.</p>	
<p><b>1.2 Response Certification, Questionnaire &amp; Requirements Affidavit (Appendix A).</b> Attach Appendix A fully completed and executed.</p>	
<p><b>1.3 Minimum Qualifications Requirements.</b> Submit verifiable information documenting compliance with the minimum qualifications requirements established in Appendix C, Minimum Requirements and Specifications.</p>	
<p><b>1.4 Organizational Chart.</b> Submit a detailed organizational chart including, at a minimum, Prime Proposer, Project Manager (whom shall be an employee of the Prime Proposer*), all sub-consultants to the Prime Proposer, and the key personnel of Prime Proposer and all sub-consultants.</p>	
<p>*Proposals that include a Project Manager that is employed by any firm other than the Prime Proposer will deemed non-responsive and will not be considered.</p>	

<b>TAB 2</b>	<b>Experience &amp; Qualifications of the Prime Proposer (Firm)</b>
<p><b>2.1 Qualifications of Prime Proposer (Firm).</b> Submit detailed information regarding the firm's history and relevant experience and proven track record of providing public sector agencies with P3 consulting services relating to affordable / workforce housing projects. For each project that the proposer submits as evidence of experience, the following is required: project description, agency name, agency contact, contact telephone &amp; email, and year(s) and term of engagement.</p>	

**TAB 3 Experience & Qualifications of Sub-Consultants on Prime Proposer's Team (Firms)**

**3.1 Qualifications of Other Team Firms.** The prime proposer may include sub-consultants on its team. For each sub-consultant, submit detailed information regarding the firm's history and relevant experience and proven track record of providing public sector agencies with P3 consulting services relating to affordable / workforce housing projects. For each project that the proposer submits as evidence of experience, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.

**TAB 4 Experience and Qualifications of Key Personnel**

**4.1 Qualifications of Project Manager.** Provide detailed information, including resume and project information documenting experience providing the services described herein to public sector agencies, for the individual identified in Tab 1, Sub-section 1.4, as the Project Manager. For each project, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.

**4.1 Qualifications of Other Key Personnel.** Provide detailed information, including resume and project information documenting experience providing the services described herein to public sector agencies, for each individual identified in Tab 1, Sub-section 1.4, as the key personnel. For each project, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.

**Note:** After proposal submittal, the City reserves the right to require additional information from Proposer (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).

**SECTION 0400**
**STATEMENTS OF QUALIFICATIONS EVALUATION**

1. **Evaluation Committee.** An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the requirements set forth in the solicitation. If further information is desired, Proposals may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Statement of Qualifications 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 Statement of Qualifications only. The Evaluation Committee does not make an award recommendation to the City Manager. The results of Step 1 & Step 2 Evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission. In the event that only one responsive proposal is received, the City Manager, after determination that the sole responsive proposal materially meets the requirements of the RFP, may, without an evaluation committee, recommend to the City Commission that the Administration enter into negotiations.
  
2. **Step 1 Evaluation.** The first step will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step will consist of quantitative criteria established below to be added to the Evaluation Committee results by the Department of Procurement Management. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the qualifications criteria established below for Step 1, Qualitative Criteria. In doing so, the Evaluation Committee may review and score all proposals received, with or without conducting interview sessions.

Qualifications of Prime Proposer (Firm)	30
Qualifications of Sub-Consultants (Firms)	20
Qualifications of Project Manager (Individuals)	30
Qualifications of Other Key Personnel (Individuals)	20
<b>TOTAL AVAILABLE STEP 1 POINTS</b>	<b>100</b>

3. **Step 2 Evaluation.** Following the results of Step 1 Evaluation of qualitative criteria, the Proposer may receive additional quantitative criteria points to be added by the Department of Procurement Management to those points earned in Step 1, as follows.

<b>Step 2 - Quantitative Criteria</b>	<b>Maximum Points</b>
Veterans Preference	5
<b>TOTAL AVAILABLE STEP 2 POINTS</b>	<b>5</b>

**5. Determination of Final Ranking.** At the conclusion of the Evaluation Committee Step 1 scoring, Step 2 Points will be added to each evaluation committee member's scores by the Department of Procurement Management. Step 1 and 2 scores will be converted to rankings in accordance with the example below:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	22	15	12
	Total	104	91	92
	Rank	1	3	2
Committee Member 2	Step 1 Points	79	85	72
	Step 2 Points	22	15	12
	Total	101	100	84
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	22	15	12
	Total	102	89	78
	Rank	1	2	3
<b>Low Aggregate Score</b>		<b>3</b>	<b>7</b>	<b>8</b>
<b>Final Ranking*</b>		<b>1</b>	<b>2</b>	<b>3</b>

\* 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.

# APPENDIX A



# MIAMI BEACH

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## Response Certification, Questionnaire & Requirements Affidavit

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RFQ NO. 2016-097-KB  
FOR CONSULTING SERVICES FOR  
PUBLIC-PRIVATE PARTNERSHIPS (P3)  
FOR WORKFORCE HOUSING  
INITIATIVE

PROCUREMENT DIVISION  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Solicitation No: 2016-097-KB	Solicitation Title: FOR CONSULTING SERVICES FOR PUBLIC-PRIVATE PARTNERSHIPS (P3) FOR WORKFORCE HOUSING INITIATIVE	
Procurement Contact: KRISTY BADA	Tel: 305-673-7490 X6218	Email: KRISTYBADA@MIAMBEACHFL.GOV

**STATEMENTS OF QUALIFICATIONS CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT**

**Purpose:** The purpose of this Response Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposals of certain solicitation and contractual requirements, and to collect necessary information from Proposals in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Statement of Qualifications 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/](http://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/](http://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/](http://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. **Non-Discrimination.** Pursuant to City Ordinance No.2016-3990, the City shall not enter into a contract with a business unless the business represents that it does not and will not engage in a boycott as defined in Section 2-375(a) of the City Code, including the blacklisting, divesting from, or otherwise refusing to deal with a person or entity when such action is based on race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital or familial status, age or disability.

**SUBMITTAL REQUIREMENT:** No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees it is and shall remain in full compliance with Section 2-375 of the City of Miami Beach City Code.

11. **Moratorium on Travel to and the Purchase of Goods or Services from North Carolina and Mississippi.** Pursuant to Resolution 2016-29375, the City of Miami Beach, Florida, prohibits official City travel to the states of North Carolina and Mississippi, as well as the purchase of goods or services sourced in North Carolina and Mississippi. Proposer shall agree that no travel shall occur on behalf of the City to North Carolina or Mississippi, nor shall any product or services it provides to the City be sourced from these states.

**SUBMITTAL REQUIREMENT:** No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees it is and shall remain in full compliance with Resolution 2016-29375.

12. **Financial Capacity.** At the request of the City, each proposer shall arrange for Dun & Bradstreet to submit a Supplier Qualification Report (SQR) directly to the Procurement Contact named herein. If the SQR is requested, proposal will not be considered without receipt, by the City, of the SQR directly from Dun & Bradstreet. The cost of the preparation of the SQR shall be the responsibility of the Proposer. The Proposer shall request the SQR report from D&B at:

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>

**Proposals are responsible for the accuracy of the information contained in its SQR. It is highly recommended that each proposer review the information contained in its SQR for accuracy prior to submittal to the City and as early as possible in the solicitation process. For assistance with any portion of the SQR submittal process, contact Dun & Bradstreet at 800-424-2495.**

The City may seek, and require the Proposer to submit, any additional information it deems necessary to evaluate Proposers 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 and third-party data regarding financial capacity.

13. **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 Statement of Qualifications made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Statement of Qualifications, 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 Statement of Qualifications, may accept or reject Statement of Qualifications, and may accept Statement of Qualifications 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 Statement of Qualifications in response to this solicitation.

Following submission of Statement of Qualifications, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Statement of Qualifications 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 Proposals. 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. Proposals 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 Statement of Qualifications 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 Statement of Qualifications submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Statement of Qualifications.

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 Proposals will be bound only as, if and when a Statement of Qualifications, 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 Statement of Qualifications and supporting documents shall be subject to disclosure as required by such law. All Statement of Qualifications 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.

Proposals are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Statement of Qualifications, 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 Statement of Qualifications, 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 Statement of Qualifications is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposals 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 Proposals 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 Statement of Qualifications 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 \_\_\_\_\_)                    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

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## “No Bid” Form

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### RFQ NO. 2016-097-KB FOR CONSULTING SERVICES FOR PUBLIC-PRIVATE PARTNERSHIPS (P3) FOR WORKFORCE HOUSING INITIATIVE

PROCUREMENT DIVISION  
1700 Convention Center Drive  
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 STATEMENTS OF QUALIFICATIONS 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)

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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:** \_\_\_\_\_

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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 DEPARTMENT  
ATTN: **KRISTY BADA**  
STATEMENTS OF QUALIFICATIONS #2016-097-KB  
1755 MERIDIAN AVENUE, 3<sup>RD</sup> FLOOR  
MIAMI BEACH, FL 33139

# APPENDIX C



MIAMI BEACH

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## Minimum Requirements & Specifications

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RFQ NO. 2016-097-KB  
FOR CONSULTING SERVICES FOR  
PUBLIC-PRIVATE PARTNERSHIPS (P3)  
FOR WORKFORCE HOUSING  
INITIATIVE

PROCUREMENT DIVISION  
1700 Convention Center Drive  
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. The City may ask questions of a clarifying nature relating to the minimum requirements. However, the Proposer may not modify the projects submitted as qualifying projects.

1. Prime Proposer shall have provided consulting services relating to Public-Private Partnerships to a minimum of three (3) public sector agencies within the last ten (10) years.

**Required Submittals:** For each qualifying project, submit project name, project contact information (phone and email) and prime proposer's role in project.

**C2. Scope of Engagement.**

The following are example of potential projects where workforce / affordable housing may be considered:

**1. Barclay Plaza:** This 66-unit, three-story building located at 1940 Park Avenue, was originally acquired by MBCDC in 2007 with City Redevelopment Agency funds to create affordable housing. On May 6, 2015, the City Commission approved Resolution No. 2015-29017 accepting the recommendation of the Neighborhood/Community Affairs Committee to issue a Request For Proposals to identify a public-private partnership to develop this site for workforce housing serving households earning 120 to 140% Area Median Income (AMI).

**2. Joint development with City garages:** The City is in the process of evaluating various potential garages throughout the City, particularly in intercept locations to interface with transit. These locations include:

- a. Collins/13th Street (Parking Lot 16)
- b. Washington/ 10th Street (Parking Lot 13)
- c. 2660 Collins Ave (Parking Lot 55)
- d. 930 Washington Avenue (Parking Lot 12)
- e. 830 W 42nd Street (Parking Lot 62)
- f. 1625 West Avenue (Parking Lot 23)
- g. 1671 West Avenue (Parking Lot 24)

Pursuant to City Resolution approved on April 13, 2016, the Commission expressed a desire to include workforce housing in many of these locations. However, funding is limited for these projects and many may need to be developed as P3 projects.

**3. Additional Projects:** The desire for additional affordable and senior housing has also been expressed. Given declining HUD allocations, if these are to be pursued, P3 projects may be a viable method of delivery.

**C2. Anticipated Tasks.** The anticipated tasks for any consulting services agreement resulting from this RFQ are as follows. The City reserves the right to negotiate tasks, as well as fees, with the selected Proposer(s).

**1. Serve as the City's Primary advisor/Consultant**

Consultant will serve as the City's primary advisor/Consultant throughout each project working with multiple departments to achieve project goals.

**2. P3/Developer Procurement**

Consultant will:

- a. Advise regarding a competitive process or best determined process such as RFP's, RFQ's or RFLI's (selected procurement method) to attract key participants to the project(s) and assist in the development of required procurement documents.
- b. Assist in the evaluation and selection of possible City partners both from a technical and financial perspective.
- c. Participate in negotiating terms with any selected project(s) team(s).
- d. Respond to questions related to the project during the procurement process.
- e. Facilitate and provide the professional and technical expertise to lead key discussions regarding the project(s), including, but not limited to: community outreach, coordination of key participants, financing and contract negotiations.

**3.** The Consultant will be contracted for each individual project via Consultant Service Order (CSO).

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**Condensed Title:**

**REQUEST FOR APPROVAL TO ISSUE REQUEST FOR QUALIFICATIONS (RFQ) 2016-139-WG FOR AN ACCESS CONTROL AND SECURITY SYSTEM CONSULTANT.**

**Key Intended Outcome Supported:**

Enhance Pedestrian Safety Universally

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

**Item Summary/Recommendation:**

In 2014, All Hazards Vulnerability Assessments were conducted at several City facilities identified as critical infrastructure. As a result of these assessments, a number of technology related security issues were identified. Security cameras, access control, alarm and intrusion detection, non-monitoring of existing security cameras and the lack of systems integration are just some of the areas identified as needing to be addressed in order to enhance the City's overall safety and security.

To effectively mitigate these and other technology related security concerns, the services of a consultant are required to develop a comprehensive physical security master technology plan crafted to improve the City's overall security posture.

At its April 13, 2016, meeting, the Mayor and City Commission authorized the issuance of an RFQ for a surveillance security system consultant. However, the Administration finds it prudent to add access control systems to the scope of services so that security and access can be planned for and implemented in an integrated manner. Therefore, the RFQ is being re-submitted to the City Commission for authorization to issue with the added scope.

The City of Miami Beach seeks statements of qualifications from experienced consulting firms for services related to the design of access control, security camera and video surveillance systems, to include a video wall and video management system for centralized monitoring.

To seek the aforementioned services, the Administration recommends approval to issue RFQ 2016-139-WG, for an access control and security system consultant.

**ADMINISTRATION RECOMMENDATION**  
 Authorize the issuance.

**Advisory Board Recommendation:**

N/A

**Financial Information:** The annual cost associated with the access control and security system consultant is 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:**

<b>Department Director</b> CT AD	<b>Assistant City Manager</b> KGB	<b>City Manager</b> 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: May 11, 2016  
SUBJECT: **REQUEST FOR APPROVAL TO ISSUE REQUEST FOR QUALIFICATIONS (RFQ) 2016-139-WG FOR AN ACCESS CONTROL AND SECURITY SYSTEM CONSULTANT**

### ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFQ.

### BACKGROUND

In 2014, All Hazards Vulnerability Assessments were conducted at several City facilities identified as critical infrastructure. As a result of these assessments, a number of technology related security issues were identified. Security cameras, access control, alarm and intrusion detection, non-monitoring of existing security cameras and the lack of systems integration are just some of the areas identified as needing to be addressed in order to enhance the City's overall safety and security.

To effectively mitigate these and other technology related security concerns, the services of a consultant are required to develop a comprehensive physical security master technology plan crafted to improve the City's overall security posture.

At its April 13, 2016, meeting, the Mayor and City Commission authorized the issuance of an RFQ for a surveillance security system consultant. However, the Administration finds it prudent to add access control systems to the scope of services so that security and access can be planned for and implemented in an integrated manner. Therefore, the RFQ is being re-submitted to the City Commission for authorization to issue with the added scope.

The City of Miami Beach seeks statements of qualifications from experienced consulting firms for services related to the design of access control, security camera and video surveillance systems, to include a video wall and video management system for centralized monitoring.

To seek the aforementioned services, the Administration recommends approval to issue RFQ 2016-139-WG, for an access control and security system consultant.

- **SCOPE OF SERVICES.** Please Reference, Appendix C, Page 25, RFQ 2016-139-WG for an Access Control and Security System Consultant.
- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, Page 25, RFQ 2016-139-WG for an Access Control and Security System Consultant.
- **SUBMITTAL REQUIREMENTS.** Please Reference, Section 0300, Page 12, RFQ 2016-139-WG for an Access Control and Security System Consultant.
- **CRITERIA FOR EVALUATION.** Please Reference, Section 0400, Page 14, RFQ 2016-139-WG for an Access Control and Security System Consultant.

**CONCLUSION**

The Administration recommends that the Mayor and Commission authorize the issuance of RFQ 2016-139-WG for an Access Control and Security System Consultant.

**ATTACHMENTS**

Attachment A: RFQ 2016-139-WG Access Control and Security System Consultant.

JLM / KGB / CT / AD / WG

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# REQUEST FOR QUALIFICATIONS (RFQ)

ACCESS CONTROL AND SECURITY SYSTEM CONSULTANT

2016-139-WG

**RFQ ISSUANCE DATE: MAY 12, 2016**

**STATEMENTS OF QUALIFICATIONS DUE: JUNE 14, 2016 @ 3:00 PM**

**ISSUED BY:**



**MIAMIBEACH**

**William Garviso, Procurement Contracting Officer II**

PROCUREMENT DEPARTMENT

1755 Meridian Avenue, 3<sup>rd</sup> Floor, Miami Beach, FL 33139

305.673.7000 x**6650** | [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

**TABLE OF CONTENTS**

<b><u>SOLICITATION SECTIONS:</u></b>		<b><u>PAGE</u></b>
0100	NOT UTILIZED .....	N/A
0200	INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS .....	3
0300	SUBMITTAL INSTRUCTIONS & FORMAT .....	12
0400	EVALUATION PROCESS .....	14
<b><u>APPENDICES:</u></b>		<b><u>PAGE</u></b>
APPENDIX A	RESPONSE CERTIFICATON, QUESTIONNAIRE AND AFFIDAVITS .....	16
APPENDIX B	“NO BID” FORM .....	23
APPENDIX C	MINIMUM REQUIREMENTS & SPECIFICATIONS .....	25
APPENDIX D	INSURANCE REQUIREMENTS .....	28

**SECTION 0200                      INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS**

**1. GENERAL.** This Request for Qualifications (RFQ) 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 RFQ results in an award.

The City utilizes **PublicPurchase** ([www.publicpurchase.com](http://www.publicpurchase.com)) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFQ. Any prospective proposer who has received this RFQ by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this RFQ. **Failure to receive an addendum may result in disqualification of proposal submitted.**

**2. PURPOSE.**

The City of Miami Beach seeks statements of qualifications from experienced consulting firms for services related to access control and security systems city-wide, including (but not limited to):

- Facility Access Control
- Video Surveillance
- Intrusion Detection
- Fire & Life Safety

The selected consultant shall act in the capacity of owner’s representative in the evaluation of systems, solicitation process and installation of new systems. The selected consultant shall not have ties to any system manufacturers and shall be barred from responding to subsequent solicitations for any system in which it has had input into the specifications.

**3. SOLICITATION TIMETABLE.** The tentative schedule for this solicitation is as follows:

Solicitation Issued	May 12, 2016
Pre-Submittal Meeting	May 25, 2016 @ 10:00AM
Deadline for Receipt of Questions	June 3, 2016 @ 3:00PM
Responses Due	June 14, 2016 @ 3:00PM
Evaluation Committee Review	TBD
Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	TBD
Contract Negotiations	Following Commission Approval

**4. PROCUREMENT CONTACT.** Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact:  
William Garviso, CPPB

Telephone:  
305 673-7000 # 6650

Email:  
[williamgarviso@miamibeachfl.gov](mailto:williamgarviso@miamibeachfl.gov)

Additionally, the City Clerk is to be copied on all communications via e-mail at: [RafaelGranado@miamibeachfl.gov](mailto: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 RFQ Timetable section above at the following address:

**City of Miami Beach  
Procurement Department – 3<sup>rd</sup> Floor  
Conference Room  
1755 Meridian Avenue  
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: 9415468

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFQ 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 RFQ by any means other than through PublicPurchase must register immediately with PublicPurchase to assure it receives any addendum issued to this RFQ. 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 RFQ Timetable** section.

**7. CONE OF SILENCE.** This RFQ 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](mailto: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 2-37
- 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 RFQ 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 RFQ 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 RFQ 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. INTENTIONALLY OMITTED.**

**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 RFQ, 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 RFQ 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.** The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. 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:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) 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 and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

**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.

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*.

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~~**17. MIAMI BEACH-BASED VENDORS PREFERENCE.** Pursuant to City of Miami Beach Ordinance No. 2011-3747, a five (5) point preference will be given to a responsive and responsible Miami Beach-based Proposer.~~

**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 RFQ, 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 RFQ 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.

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- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) 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 and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

**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 RFQ; postpone or cancel, at any time, this RFQ process; or waive any irregularities in this RFQ, or in any responses received as a result of this RFQ. 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 RFQ. 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 RFQ (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 RFQ.** Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFQ, 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 RFQ to which Proposer took exception to (as said term and/or condition was originally set forth on the RFQ).

**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 RFQ solicitation process.

**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 SUBMITTAL INSTRUCTIONS AND FORMAT**

**1. SEALED RESPONSES.** One original Statement of Qualifications (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. Statement of Qualifications received electronically, either through email or facsimile, are not acceptable and will be rejected.

**2. LATE BIDS.** Statement of Qualifications 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 Statement of Qualifications 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. STATEMENTS OF QUALIFICATIONS FORMAT.** In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Statement of Qualifications, it is strongly recommended that Statement of Qualifications 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. Statement of Qualifications that do not include the required information will be deemed non-responsive and will not be considered.

<b>TAB 1</b>	<b>Cover Letter &amp; Minimum Qualifications Requirements</b>
<p><b>1.1 Cover Letter and Table of Contents.</b> The cover letter must indicate Proposer and Proposer Primary Contact for the purposes of this solicitation.</p> <p><b>1.2 Response Certification, Questionnaire &amp; Requirements Affidavit (Appendix A).</b> Attach Appendix A fully completed and executed.</p> <p><b>1.3 Minimum Qualifications Requirements.</b> Submit verifiable information documenting compliance with the minimum qualifications requirements established in Appendix C, Minimum Requirements and Specifications.</p>	

<b>TAB 2</b>	<b>Experience &amp; Qualifications</b>
<p><b>2.1 Qualifications of Proposing Firm.</b> Submit detailed information regarding the firm's history and relevant experience and proven track record of providing the scope of services similar as identified in this solicitation, including experience in providing similar scope of services to public sector agencies.</p> <p><b>2.2 References.</b> Submit at least three (3) references as evidence of similar experience. For each reference, the following is required: project/scope of work description, agency name, agency contact, contact telephone &amp; email, and year(s) and term of engagement.</p> <p><b>2.3 Qualifications of Proposer Team.</b> Provide an organizational chart of all personnel and consultants to be used for this project if awarded, the role that each team member will play in providing the services detailed herein and each team members' qualifications. A brief biography of each key member of the Consultant's team, to include sub-contractors, should be included. Be sure to list publications authored and professional speaking engagements.</p> <p>A resume of each key individual, including licensure, education, experience, and any other pertinent information, shall be included for each respondent team member to be assigned to this contract.</p> <p><b>Financial Capacity.</b> Upon request of the City, each proposer shall arrange for Dun &amp; Bradstreet to submit a Supplier Qualification Report (SQR) directly to the Procurement Contact named herein. No proposal will be considered without receipt, by the City, of the SQR directly from Dun &amp; Bradstreet. The cost of the preparation of the SQR shall be the responsibility of the Proposer. The Proposer shall request the SQR report from D&amp;B at:</p>	

<https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696>

Proposals are responsible for the accuracy of the information contained in its SQR. It is highly recommended that each proposer review the information contained in its SQR for accuracy prior to submittal to the City and as early as possible in the solicitation process. For assistance with any portion of the SQR submittal process, contact Dun & Bradstreet at 800-424-2495.

**Note:** After proposal submittal, the City reserves the right to require additional information from Proposer (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).

**SECTION 0400**

**STATEMENTS OF QUALIFICATIONS EVALUATION**

**1. Evaluation Committee.** An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the requirements set forth in the solicitation. If further information is desired, Proposals may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Statement of Qualifications 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 Statement of Qualifications only. The Evaluation Committee does not make an award recommendation to the City Manager. The results of Step 1 & Step 2 Evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission. In the event that only one responsive proposal is received, the City Manager, after determination that the sole responsive proposal materially meets the requirements of the RFQ, may, without an evaluation committee, recommend to the City Commission that the Administration enter into negotiations.

**2. Step 1 Evaluation.** The first step will consist of the qualitative criteria listed below to be considered by the Evaluation Committee. The second step will consist of quantitative criteria established below to be added to the Evaluation Committee results by the Department of Procurement Management. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Statement of Qualifications in accordance with the qualifications criteria established below for Step 1, Qualitative Criteria. In doing so, the Evaluation Committee may review and score all proposals received, with or without conducting interview sessions.

<b>Step 1 - Qualitative Criteria</b>	
Proposals shall be evaluated in accordance with the following evaluation criteria (in no particular order or weight):	
<ul style="list-style-type: none"> <li>• Similar project experience</li> <li>• References</li> <li>• Team member qualifications</li> <li>• or Other Factors or Information Requested under this RFQ</li> </ul>	
<b>TOTAL AVAILABLE STEP 1 POINTS</b>	
	<b>100</b>

**3. Step 2 Evaluation.** Following the results of Step 1 Evaluation of qualitative criteria, the Proposer may receive additional quantitative criteria points to be added by the Department of Procurement Management to those points earned in Step 1, as follows.

<b>Step 2 - Quantitative Criteria</b>	
Veterans Preference	5
<b>TOTAL AVAILABLE STEP 2 POINTS</b>	
	<b>5</b>

**4. Determination of Final Ranking.** At the conclusion of the Evaluation Committee Step 1 scoring, Step 2 Points will be added to each evaluation committee member's scores by the Department of Procurement Management. Step 1 and 2 scores will be converted to rankings in accordance with the example below:

		Proposer A	Proposer B	Proposer C
Committee Member 1	Step 1 Points	82	76	80
	Step 2 Points	22	15	12
	Total	104	91	92
	Rank	1	3	2
Committee Member 2	Step 1 Points	79	85	72
	Step 2 Points	22	15	12
	Total	101	100	84
	Rank	1	2	3
Committee Member 2	Step 1 Points	80	74	66
	Step 2 Points	22	15	12
	Total	102	89	78
	Rank	1	2	3
<b>Low Aggregate Score</b>		<b>3</b>	<b>7</b>	<b>8</b>
<b>Final Ranking*</b>		<b>1</b>	<b>2</b>	<b>3</b>

\* 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.

# APPENDIX A



# MIAMI BEACH

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## Response Certification, Questionnaire & Requirements Affidavit

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RFQ 2016-139-WG

Access Control and Security System  
Consultant

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue  
Miami Beach, Florida 33139

Solicitation No: RFQ 2016-139-WG	Solicitation Title: Access Control and Security System Consultant	
Procurement Contact: William Garviso, CPPB	Tel: 305 673-7000 # 6650	Email: williamgarviso@miamibeachfl.gov

**STATEMENTS OF QUALIFICATIONS CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT**

**Purpose:** The purpose of this Response Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposals of certain solicitation and contractual requirements, and to collect necessary information from Proposals in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Statement of Qualifications 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:	No of Employees
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/](http://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:

~~The City Commission approved Ordinance 2014-3897 on September 30, 2014 increasing the living wage rate to \$13.31/hourly without health benefits or \$11.62/hourly with health benefits with an effective date of January 1, 2015.~~

~~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/](http://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/](http://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.

11. **Non-Discrimination.** Pursuant to City Ordinance No.2016-3990, the City shall not enter into a contract with a business unless the business represents that it does not and will not engage in a boycott as defined in Section 2-375(a) of the City Code, including the blacklisting, divesting from, or otherwise refusing to deal with a person or entity when such action is based on race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital or familial status, age or disability.

**SUBMITTAL REQUIREMENT:** No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees it is and shall remain in full compliance with Section 2-375 of the City of Miami Beach City Code.

12. **Moratorium on Travel to and the Purchase of Goods or Services from North Carolina and Mississippi.** Pursuant to Resolution 2016-29375, the City of Miami Beach, Florida, prohibits official City travel to the states of North Carolina and Mississippi, as well as the purchase of goods or services sourced in North Carolina and Mississippi. Proposer shall agree that no travel shall occur on behalf of the City to North Carolina or Mississippi, nor shall any product or services it provides to the City be sourced from these states.

**SUBMITTAL REQUIREMENT:** No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees it is and shall remain in full compliance with Resolution 2016-29375.

## 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 Statement of Qualifications made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Statement of Qualifications, 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 Statement of Qualifications, may accept or reject Statement of Qualifications, and may accept Statement of Qualifications 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 Statement of Qualifications in response to this solicitation.

Following submission of Statement of Qualifications, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Statement of Qualifications 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 Proposals. 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. Proposals 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 Statement of Qualifications 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 Statement of Qualifications submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Statement of Qualifications.

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 Proposals will be bound only as, if and when a Statement of Qualifications, 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 Statement of Qualifications and supporting documents shall be subject to disclosure as required by such law. All Statement of Qualifications 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.

Proposals are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Statement of Qualifications, 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 Statement of Qualifications, 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 Statement of Qualifications is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposals 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 Proposals 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 Statement of Qualifications 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 \_\_\_\_\_ )  
 )  
 County of \_\_\_\_\_ )  
 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 \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public for the State of \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_.

# APPENDIX B



# MIAMI BEACH

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## “No Bid” Form

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RFQ 2016-139-WG

### Access Control and Security System Consultant

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue  
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 STATEMENTS OF QUALIFICATIONS 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)

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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:** \_\_\_\_\_

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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 DEPARTMENT  
ATTN: **WILLIAM GARVISO, CPPB**  
STATEMENTS OF QUALIFICATIONS #2016-139-WG  
1755 MERIDIAN AVENUE  
MIAMI BEACH, FL 33139

# APPENDIX C



MIAMI BEACH

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## Minimum Requirements & Specifications

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RFQ 2016-139-WG

Access Control and Security System  
Consultant

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue  
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.

Experience: The Consultant must have successfully completed a minimum three (3) projects that demonstrate expertise in the planning, design, integration, implementation and project management of access control and physical security systems for multi-facility companies and/or government agencies within the last ten (10) years.

**Submittal Requirement:** The Consultant should provide at a minimum three (3) references of similar completed projects completed within the last ten (10) years. References should include a summary of project, name, address, and phone number of the person responsible for overseeing the project.

**C2. Statement of Work Required.**

The City of Miami Beach is requesting statements of qualifications from experienced consulting firms for services related to the design of a security master technology plan for a variety City owned facilities. .

The Consultant shall be independent, not affiliated with any manufacturer or vendor of security equipment, nor are they to profit in any way from the City's selection of vendors or contractors.

The services to be provided by the successful firm will include but not be limited to the following:

Evaluate current systems at all participating department locations. (Existing systems review and analysis.)

- Assess existing camera systems, access control systems and any other physical security systems subject to integration.
- Assess City's existing microwave system to determine its suitability for use
- Coordinate and consult with IT Department regarding
  1. Current and suggested networking design
  2. Centralized storage design
  3. Server hardware requirements
  4. Centralized Role Based access strategy leveraging Active Directory

Conduct site surveys and interviews to determine the specific technology related security needs of the various departments within the City.

Define the requirements (scope of work) for a citywide security master technology plan incorporating:

- Video surveillance cameras and video management systems
- Advanced video analytics
- Access control and visitor management systems
- Alarm and intrusion detection systems

- Systems integration incorporating Physical Security Information Management (PSIM) software
- Mass notifications
- Central monitoring location(s) with video wall
- Parking revenue management system incorporating license plate readers.
- Traffic control
- LPR – License Plate Reader Technology
- Open architecture

Development of performance standards and functional requirements for each component of the plan.

Technical specifications and drawing preparation to include strategic camera placement and consolidation to higher mega pixel cameras where feasible.

Technology review and product selection

Procurement assistance. (Bid document preparation and bid analysis)

Project management (Owners representative)

Final acceptance testing and closeout assistance

Assist in the development of policies and procedures

Training

Maintenance program

# APPENDIX D



MIAMI BEACH

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## Insurance Requirements

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RFQ 2016-139-WG

Access Control and Security System  
Consultant

PROCUREMENT DEPARTMENT  
1755 Meridian Avenue  
Miami Beach, Florida 33139



# MIAMI BEACH

## INSURANCE REQUIREMENTS

### **PROFESSIONAL SERVICES**

Before beginning any work, and throughout the term of the contract (including renewal periods), the Provider shall indicate that insurance coverage has been obtained which meets the requirements as outlined below:

- A. Worker's Compensation for all employees of the provider as required by Florida Statute 440, and Employer's Liability Insurance in an amount not less than \$1,000,000.
- 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 \$1,000,000.

The insurance coverage required above must include a waiver of subrogation in favor of the City.

The insurance coverage required shall include those classifications, as listed in standard liability insurance manuals, which most nearly reflect the operations of the provider. 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 VI" 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.

#### **CERTIFICATE HOLDER MUST READ:**

**CITY OF MIAMI BEACH  
1700 CONVENTION CENTER DRIVE  
3<sup>rd</sup> 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.

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**C4**

**COMMISSION COMMITTEE  
ASSIGNMENTS**

**C4**

C4A Referral To The Sustainability And Resiliency Committee - Discussion Regarding The Securing And Storage Of Commercial Dumpsters.  
(Sponsored by Commissioner Michael Grieco)

Agenda Item CYA  
Date 5-11-16

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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: May 11, 2016

SUBJECT: **A REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO DISCUSS ADVERTISING OPPORTUNITIES WITHIN MUNICIPAL PARKING GARAGES AND NOT VISIBLE FROM THE RIGHT-OF-WAY.**

Pursuant to the City Code, advertising that is visible from the right-of way (ROW) is generally prohibited with a few notable exceptions related to transportation services such as buses, vehicles for hire (taxicabs), bike sharing (Citibike) etc. However, the Administration has identified an opportunity to enhance revenues in the City's parking garage system by allowing advertising at certain locations within the interior of garages that are not visible from the ROW. Examples of these are: parking stalls, striping, beams, wheel stops, elevator cabs/landings, interior walls, gates, and tickets. There are a number of agencies that provide turnkey services including marketing, installation, maintenance, and upkeep with a financial return to the City.

The Administration is seeking a referral of this item to the Finance and Citywide Projects Committee for discussion and direction.

JLM/KGB/SF 

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 22, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***A referral to the Land Use and Development Committee: an Ordinance amendment pertaining to alcoholic beverage establishments in the CD-3 district on 41st Street, in order to address compatibility issue with surrounding residential districts.***

Recently the West Avenue, Palm View, Sunset Harbor and South of 5<sup>th</sup> neighborhoods have expressed concern over possible nuisances that could be brought on by alcoholic beverage establishments in their vicinity. With this referral, I would like to take a proactive approach for the CD-3 district on 41<sup>st</sup> street, as it is surrounded by mostly single-family residential districts. This would allow for residents in close proximity to 41<sup>st</sup> Street to have adequate safeguards from the potential negative impacts associated with late-night establishments.

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

### MIAMI BEACH

**Commissioner John Elizabeth Alemán**

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Ricky Arriola, Commissioner  
DATE: May 3, 2016  
SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO DISCUSS 300 ALTON ROAD.**

Please add the above subject as a consent agenda item to the May 11, 2016 City Commission agenda. This item is to serve as a discussion regarding a proposed modification and extension of the long term lease for the Miami Beach Marina, as well as a proposed transfer of air rights from the City.

The buildings at the Miami Beach Marina were constructed in 1985. This is one of our assets that could provide a robust return to the City while simultaneously serving as an architectural beacon more emblematic of Miami Beach.

Representatives of the lessee will be present to discuss this request, and will provide the City with a term sheet for the proposed transaction.

Sincerely,  
Ricky Arriola

# MIAMIBEACH

**Ricky Arriola, Commissioner**  
Office of the Mayor and Commission  
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139  
Tel: 305-673-7000 x7107  
[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

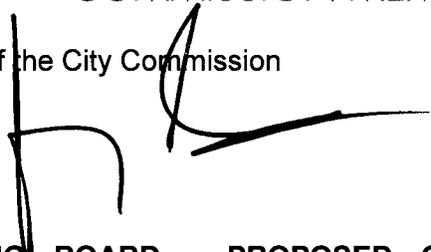
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# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: May 11, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD - PROPOSED ORDINANCE AMENDMENT PERTAINING TO NON-CONFORMING HOTEL USES IN THE RM-1 ZONING DISTRICT WEST OF ALTON ROAD.**

### ADMINISTRATION RECOMMENDATION

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

### HISTORY

On April 13, 2016, at the request of Commissioner Arriola, the City Commission referred an ordinance amendment pertaining to non-conforming hotel uses to the Land Use and Development Committee (Item C4R).

On April 20, 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 allowable development requirements for existing, non-conforming hotel uses located west of Alton Road. The City Attorney's Office has expressed some concerns with the proposed draft of the legislation, which will need to be addressed prior to the matter being considered by the Planning Board.

### CONCLUSION

In accordance with the April 20, 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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# 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: May 11, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD, DESIGN REVIEW BOARD AND HISTORIC PRESERVATION BOARD - PROPOSED ORDINANCE AMENDMENT TO CHAPTER 138 OF THE LAND DEVELOPMENT REGULATIONS PERTAINING TO SIGNAGE.**

### ADMINISTRATION RECOMMENDATION

Refer the proposed Ordinance Amendment to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation.

### HISTORY

On February 10, 2016, at the request of Commissioner Arriola, the City Commission referred an ordinance amendment pertaining to signs to the Land Use and Development Committee (Item C4G).

On April 20, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation.

### ANALYSIS

The American Planning Association (APA) recognizes that signs are an integral part of the character of a neighborhood, and being such, special care should be taken in the regulation and design of signs. Signs serve an important purpose in identifying businesses, commerce, buildings and sites. When properly designed and executed, signage can also accentuate the architecture of a building or structure.

Collectively, signage is a key component in place-making, giving an area a distinct feel. Signs are often times used informally as wayfinding landmarks, giving resident and visitors alike, a visual reference point to which be guided by. Concurrently, substandard sign regulations and poor sign design can negatively impact a neighborhood, contribute to urban blight and deter potential quality business. As such, land development regulations should require appropriate signage in terms of overall size, placement and dimensions. Additionally, sign regulations should promote, not constrict, design creativity. As noted in literature from the APA: "*Care in the design of signs— both public and private—is seen as a part of a larger effort in improving the quality of various places within a community.*"

The enforcement of sign regulations and design guidelines should be simple and straight the point. This will allow for both city staff and applicants to have a clear understanding of what the regulations are and how they are applied. Chapter 138 of the Land Development Regulations (LDR's) provides the City's existing signage regulations and minimum design standards for private properties. Chapter 138 also deals with requirements for business signage, temporary signage, as well as prohibited signage. However, the layout of the chapter is cumbersome, repetitive, and difficult to navigate. Additionally, the chapter's design standards are minimal and often do not provide applicants with sufficient information to determine the intent of the regulations. As a result, this has necessitated a regulatory environment that is lengthy and complex.

The proposed draft ordinance would modify Chapter 138 of the LDR's, in order to improve the overall design of exterior building signage, as well as streamline the approval process. The proposed modifications would complement the City's other efforts in streamlining the regulatory review process. The proposed draft ordinance revises the existing regulatory language, utilizing best practices in order to accomplish the following:

- Enhance, improve, and maintain the quality of signage throughout the city
- Promote sound urban design principles through the use of appropriate and well designed signage
- Improve the aesthetic appearance of new signs and maintain protections for designated historic signs
- Prevent future nonconforming signage.
- Reduce the number and type of sign variances being requested.
- Streamline the permitting processes with simplified and clearer regulations.

#### New Regulatory Charts

The proposed ordinance reorganizes Chapter 138, so that sections that complement one another are grouped together under the same Articles. The regulations and design standards for the different types of permissible non-temporary signs are all grouped together under Article II.

Article II is proposed to be modified in order to transfer information from a complicated table in section 138-172, to a series of condensed charts that carry all the pertinent information for the types of sign being sought. Each section describes the types of sign regulated by that chart, and provides regulations for signs in a more detailed and transparent fashion. Additionally, the charts contain graphics to better illustrate the individual sign types.

#### Substantive Modifications

The following is a summary of the substantive revisions proposed:

- Section 138-172 was moved to Section 138-17, modifying the ratio for the length of store frontage to sign area, as well as increasing the maximum allowable square footage in order to achieve better signage proportionality with a given façade. Also, the minimum area for wall signs, as well as the maximum height for detached signs, are proposed to be reduced.
- Section 138-139 and 138-172 were moved to Section 138-139 and 138-17 respectively, and modify the Certificate of Appropriateness requirements for cultural institution temporary banners and building id signs within the RM-3 district. It is recommended that both of these approvals be transferred to city staff, in order to streamline the approval process.
- New Sections (138-20 and 138-21) pertaining to minimum and supplemental design standards for exterior building signage have been added, which codify minimum design standards and incentive higher quality signage.

- Sign regulations for schools and religious institutions have been modified to allow more flexibility for larger properties, and to provide more latitude for promoting religious holidays and school events.

The attached draft ordinance is a clean copy of the revised sign code format. All new standards, regulations and procedures have been underscored. For the Planning Board, a more formal version of the ordinance, which includes a full title, whereas clauses and appropriate strike-thru's, will be provided. Additionally, the City Attorney's Office will be addressing any formatting and potential legal issues.

The Land Use and Development Committee also recommended that the legal non-conforming signs section be modified to allow for historic signs located within historic sites to be further protected. Staff will be drafting modified language to address this for the Planning Board.

### **CONCLUSION**

In accordance with the April 20, 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, Design Review Board and Historic Preservation Board for consideration and recommendation.

  
JLM/SMT/TRM

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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: May 11, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD - PROPOSED ORDINANCE AMENDMENT TO CHAPTER 130 OF THE LAND DEVELOPMENT REGULATIONS PERTAINING TO OFF-STREET PARKING.**

### **ADMINISTRATION RECOMMENDATION**

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

### **HISTORY**

On September 10, 2014, the City Commission updated the "Fee in Lieu of Parking" from \$35,000 to \$40,000 per parking space, in order to reflect changes in property values and consumer price indexes as required by Section 130-132 (d) of the City Code. In conjunction with this modification, the City Commission referred a discussion item to the Land Use and Development Committee pertaining to the current off-street parking requirements in Chapter 130 of the City Code.

On May 27, 2015, the Land Use and Development Committee discussed the item and directed the Administration to prepare a draft Ordinance, to be presented at the July 29, 2015 meeting. On July 29, 2015, the Land Use and Development Committee 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 Land Use and Development Committee meeting was cancelled, as was the December 2, 2015 meeting. On January 20, 2016, the item was continued to February 17, 2016. On February 17, 2016 the item was continued to a date certain of April 20, 2016.

On April 20, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board for consideration and recommendation.

### **ANALYSIS**

The attached draft ordinance proposes modifications to Chapter 130 that simplify and clarify existing procedures and standards for off-street parking. The changes proposed in the draft ordinance do not modify or affect the number of off-street parking spaces required within each of the City's Parking Districts, but does include a number of grammatical and scrivener's error

corrections, as well as the following non-substantive changes:

- Augmenting text descriptions of the various parking districts with maps.
- Clarifying and simplifying the procedures and requirements related to providing required parking spaces off-site, including a definition for distance measurement.
- Clarifying and simplifying minimum parking space dimension requirements.
- Clarifying when fees in lieu of providing required parking are assessed and that such fees have been incorporated into the fee schedule (Appendix A) of the Land Development Regulations.
- Updating obsolete reference citations.

The proposed ordinance also includes some substantive changes, which are designed to further clarify, streamline and simplify the application and administration of chapter 130. The following is a side-by-side comparison of these proposed modifications:

<b>Current Code</b>	<b>Proposed Ordinance</b>
Variance prohibition for required parking currently located in Sec. 118-353	Re-stated in Sec. 130-30
Required parking spaces cannot be removed except to accommodate trash rooms or ADA requirements	Non-conforming parking spaces can also be removed
When multiple parking reductions apply, the code does not establish an order of the reductions	Multiple reductions would be calculated in the order they appear in the code
Fractional parking credits or reductions are not specifically addressed	Fractional parking credits or reductions are rounded <i>down</i> to the nearest whole number
Signage for accessory uses in parking garages are limited to 10 square feet per use	Parking garage accessory use signage requirements are subject to the regulations of Chapter 138 (signage)
Temporary Parking Lot Time Frames: 3 year initial approval; Up to a 2 year extension by Planning Board; Up to 5 separate 1 year extensions by Planning Director. Max Time: 10 Years	Temporary Parking Lot Time Frames: 3 year initial approval; Up to 2 year extension by Planning Board. Max Time: 5 Years
Landscaping requirements listed in the temporary and provisional lot standards	Landscaping requirements moved to Chapter 126 (Landscaping)
Fee in Lieu of parking shall be evaluated yearly based on CPI by the	Fee in Lieu of parking shall be evaluated yearly based on CPI by the City Commission

Planning Director	
Parking credits issued for buildings built before October 1989 based on parking code from 1989	Parking credits issued for the prior use based on current code
Current code does not address a mixture of parking credits and parking spaces used to satisfy required parking	Clarifies that a project can use a mixture of parking credits and parking on-site to satisfy required parking
Underutilized parking lots and garages are required to submit annual reports	Underutilized parking lots and garages would be required to submit an updated report only when there are changes proposed
Current code lacks clarity as it pertains to requirements for valet and tandem parking spaces	Clarifies the minimum distance requirement, size, and restrictive covenants required for valet and tandem spaces

The Land Use Committee also recommended that Section 130-132(c) be modified to allow for the removal of parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. The revised language has been included in the attached draft ordinance.

**CONCLUSION**

In accordance with the April 20, 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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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 22, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***A consent item for referral to the Finance & Citywide Projects Committee to consider televising all city Special Master Hearings.***

My office has received feedback from residents that they would find the airing of the Special Master Hearings beneficial to staying up-to-date on city matters.

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

**MIAMI BEACH**

***Commissioner John Elizabeth Alemán***

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 26, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***A discussion item for referral to the Land Use and Development committee and the Planning Board: a proposed ordinance change for North Beach Town Center Districts.***

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

**MIAMI BEACH**

***Commissioner John Elizabeth Alemán***

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

TC NORTH BEACH TOWN CENTER DISTRICTS

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS" ARTICLE II "DISTRICT REGULATIONS", DIVISION 20 " TC NORTH BEACH TOWN CENTER DISTRICTS ", TO INCREASE THE ALLOWABLE HEIGHT FOR BUILDINGS ON LOTS OR A UNIFIED DEVELOPMENT SITE THAT ABUTS 72ND STREET IN THE TC-1 TOWN CENTER CORE DISTRICT TO 125 FEET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, a codified purpose of the North Beach Town Center districts is to promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas and attractive residential living environments with compatible office uses and neighborhood-oriented commercial services; and

**WHEREAS**, a codified purpose of the North Beach Town Center districts is to encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses; and

**WHEREAS**, a codified purpose of the North Beach Town Center districts is to create a place that represents a unique, attractive and memorable destination for residents and visitors; and

**WHEREAS**, a codified purpose of the North Beach Town Center districts is to enhance the community's character through the promotion of high-quality urban design; and

**WHEREAS**, a codified purpose of the TC-1 Town Center Core District is to promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment; and

**WHEREAS**, the North Beach Town Center area has seen limited improvement over the years and has faced financial constraints and neighborhood adjustments that have diminished the general condition of the neighborhood; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach Town Center area; and

**WHEREAS**, the City desires to encourage private property owners to assemble and redevelop properties comprehensively rather than in a piecemeal fashion; and

**WHEREAS**, the City of Miami Beach desires to allow additional height for buildings abutting 72nd Street, which may assist in improving the neighborhood by providing stimulus to the community through new commercial and residential uses; and

**WHEREAS**, additional height for buildings abutting 72nd Street will improve the overall urban design of the 72nd Street corridor; and

**WHEREAS**, the amendment set forth below is necessary to accomplish all of the above objectives.

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

**SECTION 1.** That Chapter 142, Article II entitled "District Regulations", Division 20 "TC North Beach Town Center Districts" is hereby amended as follows:

\* \* \*

**Sec. 142-737. Development Regulations.**

(a) The development regulations in the TC-1, TC-2 and TC-3 town center districts are as follows:

District	Maximum Floor Area Ratio (FAR)	Maximum Building Height	Maximum Number of Stories
TC-1 Town Center Core	For lots equal to or less than 45,000 sq. ft.—2.25  For lots greater than 45,000 sq. ft.—2.75	75 feet.  <u>Buildings on lots or a unified development site that abuts 72nd Street are permitted up to 125 feet.</u>  <del>however,</del> <u>Buildings fronting on 71st Street shall not exceed 50 feet in height subject to the additional setbacks below.</u>  <u>Except that any portion of the building above 50 feet shall be set back an additional 1 foot for every 1 foot in height above 50 feet (not applicable to buildings on lots or a unified development site that abuts 72nd Street).</u>	7 stories.  <u>Buildings on lots or a unified development site that abut 72nd Street — 10 stories.</u>

**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 be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
Eve Boutsis, City Attorney      \_\_\_\_\_  
Date

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

Verified by: \_\_\_\_\_  
Thomas Mooney, AICP  
Planning Director

Underscore denotes new language  
~~Strikethrough~~ denotes removed language



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 22, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***A consent item for referral to the Sustainability and Resiliency Committee to consider establishing a city sustainable procurement policy.***

As Miami Beach strives to become one of the U.S.'s most progressive and green cities, it is only logical for the city to consider adopting and fully implementing a city-wide sustainable procurement policy. In doing so, we would encourage the purchase and use of products and services that minimize the environmental impacts and fully incorporate sustainability standards.

We include an example of a sustainable purchasing policy in place in the City of Fort Lauderdale along with a useful tips guide used to facilitate their daily procurement operations.

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

MIAMI BEACH

**Commissioner John Elizabeth Alemán**

OFFICE OF MAYOR AND COMMISSION

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



# FINANCE – PROCUREMENT SERVICES

## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016/4/22/2016/12/21/2015

### City of Fort Lauderdale Sustainable Purchasing Policy

#### 1. Purpose

The City of Fort Lauderdale recognizes its responsibility to minimize negative impacts of its purchases on human health and the environment while supporting a diverse, equitable, and vibrant community and economy. The City recognizes that the products and services the City buys have inherent social, human, health, environmental and economic impacts and that the City should make procurement decisions that embody, promote, and encourage the City's commitment to sustainability.

This Sustainable Procurement Policy is intended to:

- Encourage the purchase and use of materials, products and services that best align with the City's fiscal, environmental, climate change, social, community, and performance goals;
- Reduce the environmental impacts from City use of products, including reduction of greenhouse gas emissions, reduction of landfill waste, health and safety risks, and resource consumption;
- Incorporate sustainability standards into procurement decisions;
- Empower Department and City Procurement staff to be innovative and demonstrate leadership by incorporating progressive and best-practice sustainability specifications, strategies, and practices in procurement decisions;
- Encourage vendors to promote products and services that they offer which are most suited to the City sustainability principles;
- Encourage and promote both local and national companies to bring forward emerging and progressive sustainable products and services, by being a consumer of such products and companies; and
- Communicate the City's commitment to sustainable procurement, by modeling the best product and services choices to citizens, other public agencies and private companies.

#### 2. Organizations Affected

All City departments that make purchases of goods and services or that contract with others to make purchases.



# FINANCE – PROCUREMENT SERVICES

## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016/22/2016/2/21/2015

### 3. Strategic Connections

#### *Press Play Fort Lauderdale: Our City, Our Strategic Plan 2018*

*Goal 12:* Be a leading government organization, managing resources wisely and sustainably.

*Objective 2:* Achieve excellent procurement services through technological advancements, improved procedures and outreach programs

*Strategic Initiative 4:* Develop a policy for sustainable product purchasing

### 4. Policy

#### a. General Policy Statement

The City shall acquire its goods and services in a manner that integrates fiscal responsibility, social equity, and community and environmental stewardship. Each City Department shall comply with this policy and actively encourage procurement decisions that reflect the policy objectives. The Procurement Services Division shall actively promote and encourage product and service acquisitions compliant with the policies and guidelines provided herein.

#### b. Sustainability Factors

Environmental factors to be considered in product and service acquisitions include, but are not limited to, the life cycle assessment of:

- Pollutant releases and toxins, especially persistent bioaccumulative toxins (PBTs), air emissions, and water pollution;
- Waste generation and waste minimization;
- Energy consumption;
- Greenhouse gas emissions;
- Recyclability and recycled content;
- Depletion of natural resources;
- Potential impact on human health and the environment;
- Impacts on biodiversity; and
- Environmental practices that vendors and manufacturers have incorporated into their office and production process.

Social equity factors to be considered include, but are not limited to:

- Human health impacts; and
- Use of local businesses, as defined by Code;



# FINANCE – PROCUREMENT SERVICES

## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016 4/22/2016 12/21/2015

### c. Preferences

The Procurement Services Division does not calculate a direct price preference for sustainable products in the selection of contractors because the City prefers to directly implement product decisions that are most environmentally preferable.

The City instead establishes a minimum specification with the most environmentally preferable solutions for particular products, and may also utilize a scored evaluation criteria allowing additional consideration for positive environmental product options, corporate practices, and other environmental solutions proposed by the vendors.

### 5. Use of Best Practices

The Purchasing Division and City employees will utilize best practices in sustainable procurement as they evolve. As it applies to this policy, best practices in sustainable procurement are those that utilize leading edge sustainability factors, standards, and procedures.

### 6. Source Reduction and Reuse

To address societal and community costs, such as landfill waste handling, toxin exposures, resource depletion, and greenhouse gas emissions, City departments will work to reduce consumption through means including but not limited to:

- Elimination of unnecessary purchases;
- Minimization of redundant purchases;
- Preference for purchase of:
  - remanufactured, recycled, or reusable products;
  - products with minimized packaging;
  - products without toxic chemicals;
  - products that are durable, long lasting, reusable, recyclable, or otherwise create less waste; and
  - products with manufacturer or vendor take-back programs.



# FINANCE – PROCUREMENT SERVICES

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## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016/22/2016/12/21/2015

### 7. Environmental Standards and Product and Certifications

**Standards:** The City of Fort Lauderdale will comply with all applicable local, state and federal regulations including the U.S. Environmental Protection Agency (USEPA) standards whenever published for a product or services.

**Third-Party Certifications:** City Departments and the Procurement Services Division may apply the most stringent third-party label standard available for a product or service being acquired. The City may use independent, third-party environmental product or service label certifications when writing specifications for, or procuring materials, products, or services, whenever a responsible label standard is applicable and available. Qualifying labels shall be:

- Developed and awarded by an impartial third-party;
- Developed in a public, transparent, and broad stakeholder process; and
- Represent specific and meaningful leadership criteria for that product or service category.

In addition, whenever possible, label standards used in product or service specifications should represent standards that take into account multiple attributes and life-cycle considerations, with claims verified by an independent third party.

Examples of third-party certifications are included in the attached “P-Card User’s Green Purchasing Tips”.

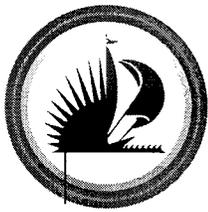
### 8. City Code and State and Federal Law

It is the intent of this policy to comply with all relevant City code and State and Federal laws. When such code or law is updated to accommodate a more rigorous standard, the policy shall be considered to likewise require such additional provision.

### 9. Acquisition Responsibilities

City Departments shall:

- Eliminate unnecessary purchases;
- Ensure City staff utilizes product and service standards and certifications and best practices that comply with this policy;



# FINANCE – PROCUREMENT SERVICES

## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016/4/22/2016/12/21/2015

- Serve on specification or best practice teams, to collaborate with other departments and the Purchasing Division in standards, strategies and specifications;
- Ensure internal policies and procedures that reference this policy and incorporate the use of sustainable products and services that meet the intent of this policy;
- Encourage pilot testing for environmentally preferable/sustainable products; and
- Consolidate orders and minimize transportation impacts.

The Procurement Services Division shall:

- Promote and ensure that solicitation and contract strategies incorporate the best practices in sustainable procurement;
- Stay current and informed on advances in sustainable procurement specifications and strategies;
- Consult with the experts available in the City when reviewing or designing specifications to ensure environmentally preferable specifications for the product or service being solicited are considered;
- Research and incorporate the USEPA, EPEAT or other appropriate best standards; incorporate the applicable third-party seal or certification as a product or service standard;
- Avoid the purchase of toxins when possible;
- Encourage vendors to bring forward environmentally preferable product and service approaches, solutions and alternatives;
- Ensure that evaluation criteria for selecting a product or service incorporates and encourages sustainable factors by providing scored points or incorporates minimum specifications;
- Ensure that the qualification of a company as a responsible bidder includes a criteria for incorporating environmental responsibility;
- Encourage and promote accessing contracts with other public agencies that offer sustainable products and best practices;
- Ensure purchasing guidelines and other internal procedures reference this policy and incorporate best practices for specifying products and services that meet the intent of this policy;
- Integrate standard sustainable procurement language into solicitation templates, and maintain and update such language to incorporate evolving standards; and
- Encourage pilot testing for environmentally preferable/sustainable products.



# FINANCE – PROCUREMENT SERVICES

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## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016/4/22/2016/12/21/2015

### 10. Education and Technical Assistance

The Procurement Services Division shall join the Public Works Sustainability Division and other Departments to:

- Utilize the City Green Team to advice, strategize and promote environmental purchasing;
- Disseminate information to City staff about sustainability standards and environmentally preferable practices and strategies;
- Disseminate information about vendors and City contracts for such products or services;
- Encourage and participate in user groups and other opportunities to test and discuss new products;
- Encourage employee attendance at internal and external trainings related to sustainability;
- Appoint Evaluation Teams for solicitation specifications and selections that include users knowledgeable or informed of the sustainable purchasing objectives and product specifications, standards and labels; and
- Encourage pilot testing of new environmentally preferable products or services.

### 11. Market Enhancement

The Procurement Services Division shall join with and encourage City Departments to:

- Seek opportunities to cooperate with other jurisdictions to enhance markets for environmentally preferable/sustainable products, to obtain favorable prices, and to reduce waste packaging and product by combining purchases/contracting for the same or similar products; and
- Promote and encourage vendors, particularly local vendors, in production and distribution of emerging and progressive products and services.



# FINANCE – PROCUREMENT SERVICES

## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: 4/28/2016/22/2016/2/21/2015

### Definitions

Environmentally Preferable Product: A product that has a reduced negative effect or increased positive effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, fabrication, manufacturing, packaging, distribution, reuse, operation, maintenance, and disposal of the product. This term includes, but is not limited to, recyclable products, recycled products, and reusable products.

Performance: The efficacy of a product, material or service to accomplish its intended task or job

Life Cycle Assessment (LCA): The comprehensive examination of a product's environmental impacts throughout its lifetime, including new material extraction, transportation, manufacturing, use, and disposal.

Recyclable Product: A product or package made from a material for which curbside or drop-off collection systems are in place for a majority of City residents or businesses, to divert from City solid waste for use as a raw material in the manufacture of another product or the reuse of the same product.

Recycled Content Product: A product containing a minimum of twenty-five percent (25%) recycled materials except in those cases where the U.S. Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation Recovery Act of 1976. In those cases, the minimum content of recycled material shall not be less than specified in the most current adopted issue of those guidelines.

Reusable Product: A product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ballpoint pen.

Sustainable Product: A product that achieves performance objectives while respecting the City's values and balancing: environmental stewardship, fiscal responsibility and community enhancement.

Sustainable Purchasing: Purchasing materials, products, and labor in a manner that reflects fiscal responsibility, community, and environmental stewardship.



# FINANCE – PROCUREMENT SERVICES

## SUSTAINABLE PURCHASING POLICY

Rev: 1 | Revision Date: 12/21/15 Print Date: ~~4/28/2016~~~~4/22/2016~~12/21/2015

### Attachments

P-Card User's Green Purchasing Tips

# P-CARD USER'S GREEN PURCHASING TIPS

## Equipment

## Electronics

## Paper Products

## Landscaping

## Food & Associated Supplies

 <b>YES!</b> Features to look for:	<ul style="list-style-type: none"> <li><input type="checkbox"/> Recycled materials</li> <li><input type="checkbox"/> Biodegradable</li> <li><input type="checkbox"/> Recyclable</li> <li><input type="checkbox"/> Refillable</li> <li><input type="checkbox"/> Remanufactured</li> <li><input type="checkbox"/> Reusable</li> <li><input type="checkbox"/> Non-toxic</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Energy-saving or Warranties</li> <li><input type="checkbox"/> Rechargeable</li> <li><input type="checkbox"/> Rented</li> <li><input type="checkbox"/> Reused</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Energy-saving features</li> <li><input type="checkbox"/> Recycled</li> <li><input type="checkbox"/> Reused, or Refurbished</li> <li><input type="checkbox"/> Rented</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Recovered materials</li> <li><input type="checkbox"/> Biodegradable</li> <li><input type="checkbox"/> Bio-based</li> <li><input type="checkbox"/> Water-conserving features</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Fair trade</li> <li><input type="checkbox"/> Organic</li> <li><input type="checkbox"/> Locally-grown or raised</li> </ul>
 <b>NO!</b> Features to avoid:	<ul style="list-style-type: none"> <li><input type="checkbox"/> Excessive packaging</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Excessive packaging</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Bleaching</li> <li><input type="checkbox"/> No recycled content</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Herbicides</li> <li><input type="checkbox"/> Pesticides</li> <li><input type="checkbox"/> Landscaping with species that have high water needs</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Styrofoam</li> <li><input type="checkbox"/> Bottled water</li> <li><input type="checkbox"/> Multilayer packages</li> <li><input type="checkbox"/> Single serving packages</li> </ul>
Associated Eco Symbols	  	     	  	  	  

Eco Symbol	Name/Website	Meaning
	<b>Energy Star</b> <a href="https://www.energystar.gov/">https://www.energystar.gov/</a>	Energy Star is a trusted, government-backed (EPA) symbol that signifies products that are aligned with the goals of reducing greenhouse gas emissions and saving energy.
	<b>Electronic Product Assessment Tool</b> <a href="http://www.epeat.net/">http://www.epeat.net/</a>	The Electronic Product Assessment Tool (EPEAT) evaluates the effect of a product on the environment. EPEAT assesses lifecycle environmental standards and ranks products on a gold, silver, and bronze system in accordance to the environmental performance criteria.
	<b>U.S. DOE's Federal Energy Mgmt. Pgm.</b> <a href="http://energy.gov/">http://energy.gov/</a>	The U.S. Department of Energy's Federal Energy Management Program (FEMP) works to accomplish energy change within organizations.

\*This information was modified from the City of Lawrence, Kansas purchasing policies.

	<p><b>Recycling</b> <a href="http://gyr.fortlauderdale.gov/">http://gyr.fortlauderdale.gov/</a></p>	<p>The recycling symbol with a shaded background signifies a paper product made from 100% recycled material. The recycling symbol with a white circle background signifies a paper product made from partially recycle material. A recycling symbol with no background signifies that content was made of recyclable materials.</p>
	<p><b>Chlorine Free Products</b> <a href="http://www.chlorinefreeproducts.org/">http://www.chlorinefreeproducts.org/</a></p>	<p>The Chlorine Free Products Association attributes the processed chlorine free symbol to products. This symbol is only allotted to products that are processed chlorine free or are totally chlorine free.</p>
	<p><b>Forest Stewardship Council</b> <a href="https://us.fsc.org/">https://us.fsc.org/</a></p>	<p>The Forest Stewardship Council is a not for-profit that provide a standard setting for the certification and labeling of forest products. These standards include indigenous people's rights respected and protected, maintenance of ecosystems, and plantation management to promote the conservation of natural forests.</p>
	<p><b>USDA BioPreferred</b> <a href="http://www.biopreferred.gov/BioPreferred/">http://www.biopreferred.gov/BioPreferred/</a></p>	<p>The USDA recognizes BioPreferred products as certified biobased products. Biobased products are commercial or industrial products (other than food or feed) that are composed in whole, or in significant part, of biological products, renewable agricultural materials (including plant, animal, and marine materials), or forestry materials, and also includes biobased intermediate ingredients or feedstocks.</p>
	<p><b>U.S. EPA Design for the Environment</b> <a href="http://www2.epa.gov/saferchoice">http://www2.epa.gov/saferchoice</a></p>	<p>Design for the Environment U.S. EPA label allows consumers to recognize a product that is safer for humans and the environment. Design for the Environment certified products are heavily researched to ensure that the product lines up with safe health and environmental</p>
	<p><b>WaterSense</b> <a href="http://www.epa.gov/watersense/">http://www.epa.gov/watersense/</a></p>	<p>WaterSense is an EPA partnership program. Products such as toilets, showerheads, and sink faucets that earn the WaterSense logo have been certified to conserve water, use less energy,</p>
	<p><b>Green Seal</b> <a href="http://www.greenseal.org/">http://www.greenseal.org/</a></p>	<p>Green Seal certifies products that are holistically designed to be environmentally responsible, including commercial and industrial cleaning products and copy and print paper.</p>
	<p><b>UL GreenGuard</b> <a href="http://greenguard.org/en/index.aspx">http://greenguard.org/en/index.aspx</a></p>	<p>Greenguard Environmental Institute, acquired by Underwriters Laboratory, and now known as UL GREENGUARD, is a certification program which requires that products undergo independent, scientific testing and ongoing monitoring of their chemical emissions and only products that meet stringent emissions standards qualify for certification. These standards are based on established criteria from key public health agencies.</p>
	<p><b>UL EcoLogo</b> <a href="http://industries.ul.com/environment/certification/validation-marks/ecologo-product-certification#cleaning">http://industries.ul.com/environment/certification/validation-marks/ecologo-product-certification#cleaning</a></p>	<p>UL EcoLogo certifies that a product complies with stringent, third-party, environmental performance standards which may include some or all of the following categories: materials; energy; manufacturing and operations; health and environment; product performance and use; and product stewardship and innovation.</p>
	<p><b>Rainforest Alliance Certified</b> <a href="http://www.rainforest-alliance.org/">http://www.rainforest-alliance.org/</a></p>	<p>Rainforest Alliance Certified farm and forest operations meet comprehensive standards that protect the environment and promote the rights and well-being of workers, their families and communities.</p>
	<p><b>ACMI Approved Product</b> <a href="http://www.acminet.org/">http://www.acminet.org/</a></p>	<p>The Art and Creative Materials Institute (ACMI) Approved Product (AP) Seal identifies products that are certified by a medical expert to be safe for humans, including children.</p>
	<p><b>Fair Trade Certified</b> <a href="http://fairtradeusa.org/certification">http://fairtradeusa.org/certification</a></p>	<p>To earn a license from Fair Trade USA and to use the Fair Trade Certified label on their products, companies must buy from certified farms and organizations, pay Fair Trade prices and premiums and submit to rigorous supply chain audits.</p>

\*This information was modified from the City of Lawrence, Kansas purchasing policies.

	<b>Biodegradable Products Institute</b> <a href="http://www.bpiworld.org/">http://www.bpiworld.org/</a>	The Biodegradable Products Institute (BPI) Compostable certification means that products meet ASTM D6400 or D6868 standards for biodegradability when composted.
	<b>USDA Organic</b> <a href="http://www.usda.gov/">http://www.usda.gov/</a>	Organic is a labeling term that indicates that the food or other agricultural product has been produced through approved methods that integrate cultural, biological and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.
	<b>US EPA Comprehensive Procurement Guidelines</b> <a href="http://www3.epa.gov/epawaste/conserve/tools/cpg/index.htm">http://www3.epa.gov/epawaste/conserve/tools/cpg/index.htm</a>	The <b>Comprehensive Procurement Guideline (CPG) program</b> is part of EPA's continuing effort to promote the use of materials recovered from solid waste. Buying recycled-content products ensures that the materials collected in recycling programs will be used again in the manufacture of new products. Currently there are 61 products designated in eight categories.

### QUESTIONS TO ASK BEFORE PULLING OUT YOUR P-CARD

1. Did you check the CityShare program before purchasing supplies, office equipment, or furniture?
2. Do you really need to buy this product or could you reuse an existing product or borrow or rent it?
3. What type of packaging does the product ship in?
4. Is it possible to buy this product in bulk or consolidate ordering?
5. If the equipment being purchased is only occasionally used, is it possible to rent it?
6. Could you buy this product in a long-lasting model instead of a disposable model (e.g. *Coffee mug versus a paper coffee cup*)?
7. Can I buy it from a local vendor to reduce travel miles?
8. Can it be recycled at the time of disposal?
9. Is it green certified?
10. Does it conserve energy, water, or other resources?

\*This information was modified from the City of Lawrence, Kansas purchasing policies.



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION  
MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: May 2nd, 2016  
SUBJECT: Agenda item for May 2016 City Commission Meeting

Please place the following item on the May 11<sup>th</sup> City Commission Meeting  
Consent Agenda: City School Bus Service within 2 Miles of Home School

***A referral to Finance and Citywide Projects Committee to work with Miami-Dade County Public Schools to assess the viability and interest in a City of Miami Beach school bus service within the 2-mile boundary of school bus service provided by MDCPS.***

Please refer to LTC 187-2016 from the Quality Education Committee.

MDCPS is able to provide anonymous data as to how many Miami Beach K-12 students live within 2 miles from their home school. MDCPS could also assist if necessary with surveying those parents and determining their level of interest in using such a service if it were available.

If we determine that there is adequate demand for a school bus within the 2-mile boundary, the Finance and Citywide Projects Committee could request City Staff to develop a cost estimate for the service. The purpose of this analysis is to vet this idea for alleviating rush hour traffic in Miami Beach associated with pickup and drop-off of students.

If you have any questions please do not hesitate to call our office at ext.6473.

Thank you!

MIAMI BEACH

**Commissioner John Elizabeth Alemán**

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / www.miamibeachfl.gov

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Ricky Arriola, Commissioner  
DATE: May 4, 2016  
SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO DISCUSS REVISING THE CULTURAL ARTS NEIGHBORHOOD DISTRICT OVERLAY (CANDO).**

Please add the above subject as a consent agenda item to the May 11, 2016 City Commission agenda.

The City Commission approved an ordinance establishing a Cultural Arts Neighborhood District Overlay in October 2007. The intent was to invigorate the Collins Park neighborhood by using arts & culture as its anchor. The area is now a vibrant arts community. I propose the CANDO be revisited so the Collins Park neighborhood can continue to mature.

Sincerely,  
Ricky Arriola

# MIAMIBEACH

**Ricky Arriola, Commissioner**  
Office of the Mayor and Commission  
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139  
Tel: 305-673-7000 x7107  
[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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C4M Referral To Neighborhood/Community Affairs Committee To Discuss Battle At The Beach.

(Sponsored by Commissioner Ricky Arriola)

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Micky Steinberg, Vice-Mayor

DATE: May 4, 2016

SUBJECT: Referral item for the May 11, 2016 City Commission Meeting

Please add to the May 11, 2016 City Commission agenda a referral to the Neighborhood/Community Affairs Committee regarding incorporating low floor trolleys to specifically improve accessibility for seniors and the disabled.

If you have any questions please do not hesitate to call our office.

Thank you,

Tathiane Trofino  
On behalf of Vice Mayor Micky Steinberg

MIAMIBEACH

***Aide to 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](http://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.*

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C40 Referral To The Finance And Citywide Projects Committee Meeting Of May 20, 2016 - Discussion Relating To City Clerk Rafael E. Granado's Annual Performance Evaluation.  
(Sponsored by Mayor Philip Levine)

Agenda Item C40  
Date 5-11-16

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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: May 11, 2016

SUBJECT: LAND USE AND DEVELOPMENT COMMITTEE MEETING OF APRIL 20, 2016

A Land Use and Development Committee meeting was held on April 20, 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, Eve Boutsis, Michael Belush, Rogelio Madan, Chief Daniel Oats, Hernan Cardeno, Carmen Sanchez, Jessica Gonzalez, and Maria Ruiz, as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:06 PM.

- 1. Discussion Regarding A Complete Review of Sign Ordinances.**  
(Continued from the March 30, 2016 LUDC Meeting  
Sponsored by Commissioner Ricky Arriola  
February 10, 2016 City Commission Meeting, Item C4G)

**AFTER-ACTION:**

Thomas Mooney introduced the item.  
Members of the public addressed the committee.

**MOTION: JA/MG (3-0)**

Recommend that the City Commission refer the item to the Historic Preservation Board, Design Review Board, and Planning Board with modifications to vacant storefront signage enforcement and non-conforming historic signage.

- 2. Proposed Comprehensive Plan Amendment Related to Sea Level Rise and Compliance with 2015 Florida Senate Bill 1094, Entitled "Peril of Flood".**

(Sponsored by City Commission  
April 13, 2016 City Commission Meeting, Item C4L)

**AFTER-ACTION:**

Thomas Mooney introduced the item.

**MOTION:** Continued to May 18, 2016 by acclamation.

**3. Annual Evaluation of Parking Impact Fee Structure.**

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

**AFTER-ACTION:**

Thomas Mooney introduced the item.

Members of the public addressed the committee.

An amendment regarding the removal of parking spaces for historic buildings was introduced.

**MOTION: MG/JA (3-0)**

Include amendment regarding the removal of parking spaces for historic buildings into the overall ordinance.

**MOTION: JA/MG (3-0)**

Recommend that the ordinance be referred to the Planning Board with a modification that temporary parking lots only be allowed to exist for three years with the possibility of a two year extension by the Planning Board and that review of the fee in lieu of parking shall occur instead of may occur annually.

**4. Discussion Regarding Potential Fiscal and Review Process Impacts of Having All New Single Family Home Construction Reviewed by the Design Review Board.**

(Continued from the March 30, 2016 LUDC Meeting  
Sponsored by Commissioner Joy Malakoff  
February 10, 2016 City Commission Meeting, Item C4J)

**AFTER-ACTION:**

Thomas Mooney introduced the item and described the system of architectural review in the City of Coral Gables.

Eve Boutsis provided additional details regarding the ministerial make-up of the Coral Gables Board of Architects and the Quasi-Judicial nature of the appeals process.

Commissioner Malakoff expressed support for the idea of having a Board of Architects.

Commissioner Malakoff described the need to modify the ethics section of the City Charter to allow for architects practicing within the City to be able to serve on a Board of Architects.

Members of the public addressed the committee.

Commissioner Aleman expressed concerns over the potential for there not being a quorum and for language to be included to allow homeowners to move forward if a quorum is not present.

**MOTION:** Continued to May 18, 2016 by Acclamation and that an enabling ordinance for a Board of Architects and a ballot question be drafted.

**5. Discussion Regarding Incentivizing Workforce Housing in the Private Sector.**

(Continued from the March 30, 2016 LUDC Meeting  
Sponsored by Commissioner Michael Grieco  
March 9, 2016 City Commission Meeting, Item C4D)

**AFTER-ACTION:**

Maria Ruiz introduced the item. The following list of ideas was read by Maria Ruiz and

members of the committee expressed support or rejected ideas by Acclamation:

- Extending existing benefits - Yes
- Provide financial assistance - Yes
- Impact Fee deferral/restructuring – Yes
- Reimbursement of impact fees using funds collected from market rate and commercial projects – Yes
- Mixed tenant projects – Yes
- Density bonuses offered in exchange for workforce housing – Yes, if no FAR increase is considered
- Increase FAR in CD-2 areas – No
- Micro-housing – Yes
- Reduce or remove parking requirements for workforce housing - Yes
- Amend setback requirements – Maybe depending on the project and neighborhood
- Utilize City-owned properties, including garages, to develop workforce housing – Yes
- Charge market price residential/commercial developments a fee to subsidize affordable and workforce housing (linkage fees) – Yes
- Amend the definition of workforce housing to include those earning 80% to 140% of AMI – Yes
- Encouragement of mixed-income housing through positive marketing efforts – Yes
- Promote education and outreach to developers to understand the incentives - Yes
- Research the possibility for short-term tax abatement for new projects – Yes
- Create a deed restriction program to preserve affordability for properties receiving incentives – Yes

Commissioner Malakoff expressed concerns with the ability of homeownership incentives to work due to the high cost of real estate in the City.

Commissioner Grieco described the potential for this to reduce traffic since more of the City's workforce would be able to live in the City and how this could improve the community. Commissioner Aleman expressed a need to ensure that the incentives are geared towards workers within the City and for a survey to take place to determine the needs for the workforce.

Members of the public addressed the committee.

**MOTION: MG/JA (3-0)**

Move the item and the above noted recommendations to the full City Commission for further discussion.

**6. Discussion Pertaining to Development Regulations And Guidelines for New Construction In the Palm View Historic District To Address Resiliency, Sustainability and Adaptation.**

(Sponsored by Commissioner Joy Malakoff  
March 9, 2016 City Commission Meeting, Item C4K)

**AFTER-ACTION:**

Thomas Mooney introduced the item.

**MOTION:** Continued to June 15, 2016 by Acclamation.

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

(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Michael Grieco  
February 10, 2016 City Commission Meeting, Item R9F)

**AFTER-ACTION:**

Chief Oats described issues regarding Medical Marijuana and his experience in Colorado. He recommended that the City lobby for local control of most issues. Commissioner Grieco described that any likely enabling legislation would allow for local control for the regulation of marijuana dispensaries. Hernan Cardeno described issues related to code enforcement for marijuana dispensaries. Commissioner Aleman requested additional information regarding if Cities are implementing impact fees for dispensaries.

**MOTION:** Continue the item to June 15, 2016 by acclamation.

**8. Discussion Pertaining to an Electronic Agenda System For All City Land Use Boards.**

(Sponsored by City Commission  
April 13, 2016 City Commission Meeting, Item C4A)

**AFTER-ACTION:**

Thomas Mooney introduced the item. Carmen Sanchez described the process to setup an electronic agenda system. Jessica Gonzalez provided an overview of the Novus Agenda system on the City's Website. The new video system for board hearings was described as well. Commissioner Aleman stated that she was ready to go paperless. Members of the public addressed the committee.

**MOTION:** No action taken.

**9. Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.**

(Sponsored by Commissioner Michael Grieco  
April 13, 2016 City Commission Meeting, Item C4B)

**AFTER-ACTION:**

The Chairperson of the Sunset Harbour homeowners association introduced the proposal to limit rooftop and deck accessory bar uses. Members of the public addressed the committee.

**MOTION:** The item was continued to May 18, 2016 by acclamation.

**10. Discussion Regarding Operational Regulations for Alcoholic Beverage Establishments South of Fifth Street.**

(Sponsored by Commissioner Michael Grieco  
April 13, 2016 City Commission Meeting, Item C4C)

**AFTER-ACTION:**

Commissioner Grieco introduced the item. He described concerns with allowing 5 am liquor

sales adjacent to residential areas and detailed a proposal to limit future bars in the South of Fifth Neighborhood from applying for 5 am liquor licenses.

Commissioner Aleman expressed a desire to take steps to prevent 5 am liquor sales along 41<sup>st</sup> Street.

Members of the public addressed the committee.

**MOTION: MG/JA (3-0)**

Continue the item to May 18, 2016 and direct staff to consider Frank Del Vecchio's language and prepare a draft ordinance amendment.

**11. Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH).**

(Sponsored by Commissioner Michael Grieco  
April 13, 2016 City Commission Meeting, Item C4E)

**AFTER-ACTION:**

Daniel Ciraldo of the Miami Design Preservation League made a presentation on elevating structures.

Commissioners expressed concerns over the cost of elevating properties.

Commissioner Aleman wanted to understand if an engineer could determine if certain homes were feasible to elevate.

Thomas Mooney stated that he would seek more information from the Building Official.

**MOTION: JA/JM (2-0)**

That City staff research additional incentives that would encourage single-family homeowners to renovate homes and continue the item to June 15, 2016 by acclamation.

**12. Discussion On The Transit Hub On The 500 Block Of Alton Road.**

(Sponsored by Commissioner Ricky Arriola  
April 13, 2016 City Commission Meeting, Item C4Q)

**AFTER-ACTION:**

Graham Penn introduced the item on behalf of the applicant for a transit hub.

The architect provided an overview of the project.

Members of the public addressed the committee.

Commissioner Aleman stated that it was great that members of the public were thinking about these concepts; however, that it was premature as studies and agreements regarding a proposed transit system were still pending.

**MOTION:** The item was continued to May 18, 2016 by acclamation.

**13. Discussion Regarding Non-Conforming Use Amendments.**

(Sponsored by Commissioner Ricky Arriola  
April 13, 2016 City Commission Meeting, Item C4R)

**AFTER-ACTION:**

Thomas Mooney introduced the item.

Issues regarding the non-conforming hotel use at the site of the former DiLido Hotel were described.

Eve Boutsis described concerns regarding allowing non-conforming uses to continue and the setting of precedent for future non-conforming uses.

Monika Entin addressed the committee on behalf of the applicant and stated that the proposal would reduce the non-conformity.

**MOTION: JA/JM (2-0)**

That a draft ordinance, prepared by City staff, based on the proposal, be referred to the Planning Board.

The meeting adjourned at 5:50 p.m.

  
JLM/SMT/TRM/RAM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

April 20, 2016

City Commission Chambers

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1.	Tim Wilcox	305-970-7147	Yes	TWILCOX@aol.com
2.	NICK BARSHEL	305-982-5538	NO	@
3.	Daniel Grubb	305-996-9535	V	dgc223@gmail.com
4.	Monya Larkin	305-542-3445	✓	mentin@mc2cming.com
5.	SEBASTIAN VETER	305-433-2211	XO	@VETBUNDEBETAD
6.	JJ WOOD	786-246-4857	NO	@VERISAPARTNERS
7.	Russell Coakley	305-775-6432	YES	REALBUT@CREDITAGENTS
8.	Graham Penn			@
9.				@
10.				@
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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: May 11, 2016  
SUBJECT: REPORT OF THE NEIGHBORHOOD COMMUNITY AFFAIRS COMMITTEE (NCAC)  
MEETING ON FRIDAY, APRIL 15, 2016

A meeting of the Neighborhood/Community Affairs Committee was held on Friday, April 15, 2016 at 2:00 p.m. in the Commission Chamber, 3rd Floor of City Hall. Commissioners in attendance: Commissioners Michael Grieco, Micky Steinberg, John Elizabeth Alemán, and Joy Malakoff. Members from the Administration and the public were also in attendance.

### THE MEETING OPENED AT 2:04 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

Max Sklar, Director of Tourism, Culture, and Economic Development presented the item. Max Sklar said they have continued to work on the guidelines, some items have remained the same and some have changed since he last presented this item.

Max Sklar said in regards to food trailers, he and his team are still recommending the elimination of them 1 year following the adoption of the rules and regulations.

Max Sklar said they have gone back and looked at the buffer zones closely at the direction of the committee and have gone property by property. The desire is to try to balance the needs of the hotel and condominiums and the members of the public. Staff is recommending that in locations where there are no adjacent beach concessions in a location and/or the property is adjacent to a public upland property (i.e. public park or parking lot) a buffer zone will not be required because the public space will serve as a buffer zone. They also went through where the physical environment is limiting, like beach erosion and the narrowing beach. They are suggesting that because of the constraints in the topography of the beach as well as the number of condos and hotels within the stretch of 14-21 streets, there be no buffer zones except for street ends and the area east of beach concessions closest to the shore line. Those would serve as buffer zones in that area.

Commissioner Malakoff asked Max Sklar how wide the buffer zones are on the street ends between 14-21 streets. Max Sklar said they are the width of the street end and there are usually life guard stands there. The access for the public is at the street ends.

Commissioner Grieco asked where and how many buffer zones is Max Sklar recommending. Max Sklar said they are suggesting 10 concession locations that would have a buffer zone. Where there are 2 private concessions abutting each other and are not in a location between 14 and 21 streets and there is no public property, that is where a buffer zone would be.

Commissioner Alemán said it makes no sense to have a buffer zone in between 2 private properties.

Dr. Morris Sunshine, resident spoke. He requested this item to be deferred on behalf of the Marine and Waterfront Protection Authority because this is a serious issue and they had no opportunity to review this proposal.

Carolina Jones, resident spoke. She asked how much beach equipment can be deployed at the beginning of the day.

Max Sklar said that it is difficult to deploy the equipment at various times throughout the day. His recommendation is that the concessionaires deploy the equipment as they see fit.

Commissioner Grieco asked how many changes were made in this version of the item. Max Sklar said only a handful; therefore the Marine and Waterfront Protection Authority has had ample time to review the item for the last couple years.

Max Sklar said this item was not on the agenda of Marine and Waterfront Protection Authority and that is why they did not attend their meeting to discuss this.

Commissioner Alemán said she is glad they worked through the deployment restriction. She understands the logistics of the putting out the equipment. Once you have concession customers and they are being serviced, the equipment should be out.

Kathie Brooks, Assistant City Manager said that Max Sklar has only presented on the buffer zones and there are other changes that were made from the last time he presented at the committee, so she asked if maybe he should present those changes before they talk as a general discussion.

Max Sklar said another change is restricting the amount of storage boxes of the linear frontage of the concession to 40%, previously they weren't allowed to extend to stack them east or west of each other. As they look at it more closely the concessionaires would either have to eliminate chairs and umbrellas as part of their operation or the City has to allow them to stack them east or west of each other. Max Sklar and his team are recommending they be permitted to stack the storage equipment east and west of each other.

Max Sklar said City is requiring for storage boxes to be placed at the corners of the workable area to mark the actual beach concession area, which was one of the

recommendations of the Marine and Waterfront Protection Authority. This will help to easily note if they are outside of the designated area. They are also requiring the concessionaires to have open to the public signage on the huts and stands so it is clear to the public they are able to use the area and rent chairs.

At the direction of the committee, disposable ash trays will be added. Instead of the stationary ones they will have disposable ones that can be given out to anyone who needs them.

Max Sklar said there are a number of trailers about 6 or so that are on the beach and never come off. They want them to come off and not be there over night. They will be allowed to bring on the trailers in the morning during peak weekends and holidays to unload equipment and they will have to remove the equipment and trailers that evening as well. They can ask for approval to have this if it is not a holiday and the City can either approve it or not.

Commissioner Malakoff asked if there is something regarding glass and plastic in the food concession rules. Max Sklar said the sale of cans or glass containers is prohibited and plastic straws are not allowed as well. Commissioner Malakoff why the private concessionaires can't use paper cups instead of plastic. Max Sklar said because they are trying to service the guests at a high level and they don't believe they can do so with paper cups, they start to disintegrate after a short time.

Commissioner Grieco said the areas where there are private concessionaires they tend to be cleaner even with plastic cups.

Commissioner Grieco said that he understands Commissioner Malakoff's point, maybe they can change the language to follow whatever the city code dictates and they can move forward to the Commission. If the city code ever changes it will be malleable to that.

Max Sklar said there was some expression from the committee that the penalties were too low. The first offense was \$50 he increased it to \$250, the second offense was \$100 he increased it to \$500, and so on and so forth up until the third offense is proposed to be \$1,000 and the fourth \$1,500. This would be for the same violation. Max Sklar said they are also proposing a 3 month transition period where there would just be verbal warnings to allow people to get used to the changes.

Commissioner Alemán asked about something previously discussed with a fine the concession would have to be closed down for a defined period of time. Max Sklar said the concern he has with that kind of fine is penalizing not only the hotel, but the guests as well. Commissioner Steinberg said maybe this is something maybe we can discuss down the line, because she understands Max Sklar's point.

Commissioner Grieco agrees with what Commissioner Steinberg said. Maybe we can see if anyone is getting to that point. If there are people that are just abusing and just taking the fine and the fines aren't doing their jobs, maybe after it goes to commission a 6 month or year check in period can be put on to revisit and see how it is going.

Commissioner Malakoff said that she wanted to make sure the license of a concessionaire can be revoked by the City Manager if they are abusing their privileges.

Max Sklar said that rule still applies.

Commissioner Steinberg said that she wants to move this to the full commission. She also asked about the food trailers, she thinks it should be a 2 year gap for the elimination of them rather than 1. She likes the recommendation about the buffer zones from the City.

David Bannister, 1500 Ocean Drive Condominium Association spoke. He said that removing the food trailers will not be a good idea; the residents will have nowhere else to go on the beach.

Seth Schummer, resident spoke. He agrees with David Bannister.

Commissioner Alemán said she would like to eliminate the buffer zones in between 2 private properties. Commissioner Grieco agrees.

**MOTION:** Commissioner Steinberg motioned to move this item to the full commission. Also to amend the 1 year period before the elimination of the food trailers to 2 years. Commissioner Alemán seconded with also amended to eliminate the buffer zones in between 2 private properties.

**DIRECTION:** Go to full commission.

## **2. Discussion Regarding A Competition Swimming Pool**

Commission Item C4K, June 10, 2015  
(Sponsored by Commissioner Malakoff)

John Rebar, Parks and Recreation Director

### **AFTER-ACTION**

John Rebar, Parks and Recreation Director presented the item. He said that they were here today to present a feasibility study or experiment on the idea of a competition swimming pool. King Ballard and Doug Winicker were here present some numbers and site options. John Rebar said this is a Finance and Citywide Projects Committee conversation as well. There is a lot going on in the Parks and Recreation Department and the Master Plans are not fully funded to get through all of the phases. He would like to have a conversation to see how they can make everything happen and prioritize the projects.

Commissioner Steinberg said John Rebar brings up a good point. We need to make sure that the funding is available and refer it to the commission for it to be referred to Finance and Citywide Projects Committee. She thinks that there should be a workshop about all of the projects going on.

Commissioner Alemán asked if they can reduce some of the options before this item goes to the Finance and Citywide Projects Committee.

Kathie Brooks, Assistant City Manager suggested as far as Finance is concerned to refer as part of the budget discussions because it is where the community priorities will be discussed.

King Ballard from King Ballard and Associates and Doug Winicker from Water Technology presented a PowerPoint with details. They looked at three competitive facility options. They were also given five sites to look at. Demographics were studied. The citywide option is a 25 yard by 25 meters. The regional option is 50 meters. The international option is 50 meters with a diving tower, plus a 6 lane 25 meter pool.

Commissioner Grieco said that he doesn't believe the committee will be committing to any options because the financials need to be discussed first.

Commissioner Alemán asked about the naming rights and sponsorships under a regional option instead of the international option. She said the citywide and regional options would be the ones that she would be interested in.

Commissioner Grieco said he thinks they can make a world class facility even if it is not on the international level.

Commissioner Alemán asked how many competitive swimmers did the consultants learn that we have on Miami Beach. When this goes to commission she would like them to note the numbers.

Charles Pilamungo, coach of the team at Miami Beach Senior High School spoke. The swim team needs to be split up into 2 to train in different pools. All of their swim meets are hosted at Miami Dade College.

Carolina Jones, resident spoke. She said there are a number of things that were considered when they looked at these options with the Parks and Recreation Advisory Board. She said she would like to see us look at all of the sites in Miami Beach, there is a pool manufacture called Mrytha and they make pools at a much lower cost.

Jonathan Groff, resident said that we need to stop sending our kids off of the beach for all of the activities.

**MOTION: Vote of acclamation for this to go to the full commission and then be referred to the Finance and Citywide Projects Committee.**

**3. Discussion Regarding Naming The Accessible Beach And Playground At Allison Park, 65<sup>th</sup> Street And Collins Avenue, "Sabrina's Beach And Playground At Allison Park"**

Commission Item C4L, April 15, 2015  
(Sponsored by Commissioner Malakoff)

John Rebar, Parks and Recreation Director

**AFTER-ACTION**

**DIRECTION:** Defer to May 15, 2016 NCAC Meeting.

**4. Update on Muss Park Pavilion**

Commission Item R9W, February 10, 2016  
(Sponsored by Vice-Mayor Steinberg)

David Martinez, Capital Improvement Projects Director

### **AFTER-ACTION**

David Martinez, Capital Improvement Projects Director presented the item. David Martinez said on April 5<sup>th</sup> they went to the Design Review Board to present what the commission had directed to move forward with, which was a fully enclosed pavilion as originally planned over the last couple of years. Several residents convinced the board to rethink the layout and asked them to go back to the Design Review Board in June. This is starting to put an impact on time to get this done. David Martinez said they would want to go back to the DRB in May and try to get approved there. They might have a chance to construct this starting in September.

Commissioner Grieco asked if the people on the DRB understand the time table. David Martinez said that he doesn't think that was taken into account. He said they reached out to several residents in the area and it seemed like everything was okay and then it went in a different direction.

Commissioner Alemán said something happened at DRB that made her uncomfortable; they entertained a dialogue of the operating procedures at Muss Park, which she didn't think they were supposed to be talking about.

David Martinez said they will be presenting an item in May requesting a waiver to the parking component that planning agrees on.

### **NO ACTION TAKEN**

#### **5. Discussion Regarding Proposed Site Options For New Fire Station No. 1**

Commission Item C4A, January 13, 2016  
(Capital Improvement Projects)

David Martinez, Capital Improvement Projects Director

### **AFTER-ACTION**

David Martinez, Capital Improvement Projects Director presented the item. Last time this item was at NCAC, the committee asked for David Martinez and CIP to look at the option 5, which is the main parking lot off of 11 street in Flamingo Park between the tennis center and the PAL building. A consultant has been hired since and they have been looking at some schemes, but they are not quite ready to display. There will not be any greenspace affected. The PAL building may or may not be affected. They are looking at how the parking will be affected. They are looking into an additional parking area because that is important.

Commissioner Grieco said that the Boys and Girls Club is also opening soon because there will a demand for parking from this project too. He hopes it is being calculated in.

David Martinez said the height is being discussed. He said they will be prepared to show definite alternatives for the next NCAC meeting, he is not comfortable right now with

some of the alternatives. The idea is not to affect any greenspace. The one green area that will be temporary impacted is where the Property Management is currently held.

Jack Johnson, resident spoke. The Flamingo Park Neighborhood Association would like the committee to reconsider the other options besides option 5. If the new fire station has to be on 11 street, they ask it be designed in way to move it a little west. They suggest putting the new fire house where the PAL building is now and put parking on top of the building.

Commissioner Grieco said he believes it was unanimous to put the fire station in the location on 11 street. He said he thinks Jack Johnson does have some valid points.

Commissioner Alemán said she loves the idea of relocating PAL and keeping the grand entrance.

Jonathan Groff, resident spoke. He feels that they need adequate parking at Flamingo Park, more than we have now. He suggested looking at the northwest lot by the baseball field.

Commissioner Alemán asked if the lot that Jonathan Groff mentioned on the list for possible garage conversion.

Kathie Brooks, Assistant City Manager said no and that we are trying to put those garages in intercept locations rather than interior to the City. Hopefully the street car will be running on Washington Avenue and Alton Road.

**DIRECTION:** Come back to May 15, 2016 NCAC meeting to discuss further.

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

Commission Item C4G, January 13, 2016  
(Sponsored by Commissioner Alemán)

Jose Gonzalez, Transportation Director

**AFTER-ACTION**

Commissioner Grieco said this item and item number 14 go together.

Jose Gonzalez, Transportation Director communicated with Commissioner Arriola's office today about the competition. The permanent installation of the crosswalk should be done as the overall construction project and timed as such.

Commissioner Grieco said he is expecting a budget piece this summer of the project as part of the CIP budget for fiscal year 16-17.

Jose Gonzalez said they are looking at different materials and are working with CIP and Public Works. At this point they have about 3 or 4 options. They will be approaching the County with the options and come back with an update.

Commissioner Grieco said to combine items 6 and 14 to carry on with an update for May

15, 2016 NCAC meeting.

**DIRECTION:** Combine items 6 and 14 and come back with an update May 15, 2016 NCAC meeting.

**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**

Commissioner Grieco said he knows that this was discussed at the commission meeting on Wednesday.

Jeff Oris, Economic Development Division Director presented the item. Jeff Oris said that there are a number of sites where the skate park may or may not work.

Carolina Jones, resident spoke. She said she wanted to know what the direction of the commission was, if everyone was on board with the all wheels park.

Commissioner Grieco said he likes the all wheels park idea. The question is where to put it.

Commissioner Alemán said there is a draft set of requirements, space, amenities, bathrooms, etc. The setup of requirements need to be finalized. A community meeting should be noticed with the sites and hear residents input and then take it to the Parks and Recreation Advisory Board and then to the North Beach Steering committee. After all of that go back to commission with the recommendations.

Jeff Oris said the top 3 locations are the 72 street lot, the west lots, and the south end of North Shore Open Space Park.

Carolina Jones said she likes the location at North Shore Open Space Park, but that the west lots is the easier option.

Commissioner Alemán would like the City to vet all 3 of the sites and bring back a recommendation. She thinks a town hall should be done and notice all 3 locations.

Commissioner Grieco said he thinks this should go to the neighbors first. Commissioner Alemán agrees.

Jeff Oris said if North Shore Open Space Park were a location, it can be done around the existing greenspace, not bulldoze it and put concrete there.

Commissioner Alemán said everyone should be aware of the meeting.

**DIRECTION:** Vet all 3 options and have a town hall meeting for the public.

**8. Discussion On Encroachments In The Public Right-Of-Way**

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

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

**AFTER-ACTION**

David Martinez, Capital Improvement Projects Director presented the item. David Martinez said the purpose of the this item being referred to this committee is because of the construction projects that go on in the neighborhoods. There is a lot of time and dollars that come into play. He would like some direction from the committee on how to approach these situations.

Commissioner Grieco said he does not wish to standardize anything because the neighborhoods are all unique.

Bruce Mowry, City Engineer presented a PowerPoint to the committee. Bruce defined the term right-of-way as the paved area of the road, the road shoulders, the sidewalks, swales, and all other property adjacent to the road owned by the city for the construction and operation of the road or other facilities. He also defined other words like swales and encroachments.

David Martinez continued on with the presentation of encroachment examples. He explained they look at the encroachments based on the availability of the right-of-way.

Eric Carpenter, Eric Carpenter, Assistant City Manager/Public Works Director continued on with the presentation. He explained when talking about encroachments they are looking at life safety, drainage, an equity. He said they are looking for direction and guidelines on how to deal with the examples that were shown. Eric Carpenter said where the entire public right-of-way ends up behind someone hedge where you can't see through or get through is when it becomes a problem.

Commissioner Malakoff said she thinks we should have a plan for utilities and that they should be in the swale area and not under the streets to have to be dug up. She also thinks life safety is important, if you are driving around the corner you need to see if a car is coming the other way. She also thinks drainage is extremely important. All in all Commissioner Malakoff thinks it should be a on a neighborhood by neighborhood basis.

Commissioner Alemán said there are going to be a lot of CIP projects that will be going on in the future that are disruptive to the neighbors. She is not interested in standardizing the encroachments. Commissioner Alemán said she thinks the owners should be responsible for maintaining the encroachments if the City if not going to ask them to remove them.

Commissioner Steinberg said she thinks life safety, utilities, visibility, signage, and drainage are things that are not negotiable. She does agree that it should be unique to each neighborhood.

Jackie Lalonde, president of Sunset Islands III and IV Association spoke. She said they

urge the committee to reject the standardization of neighborhoods. Her and her team has presented a plan for the City made by their own engineer.

Terry Bienstock, resident in Sunset Island III spoke. He addressed many safety concerns. He said that the report Jackie Lalonde spoke about is not valid and he urges the committee to disregard it.

Commissioner Grieco said safety should not be dictated by accident reports.

Commissioner Alemán said that she drove around Sunset Islands today. She said she noticed that some of the hedges were covering light fixtures. She said removing hedges for safety and projects is important.

Peter Luria, resident spoke. He complimented the Public Works and CIP departments for a fair presentation. He presented a resolution passed by the Disability Access Committee who recommended the sidewalks be kept.

Commissioner Grieco said that he needs time to digest this and asked what his colleagues think.

Commissioner Steinberg said she would love to sit down with Eric Carpenter one-on-one.

Commissioner Alemán said she would like to leave the encroachments alone unless they interfere with a City project or if there is a safety issue.

**DIRECTION:** Come back next month with a better picture.

**9. Traffic Management Alternatives Discussed At The February 24, 2016 Commission Workshop On Traffic Management**

Commission Item C4I, March 9, 2016  
(Transportation)

Jose Gonzalez, Transportation Director

**AFTER-ACTION**

**DIRECTION:** Defer to May 15, 2016 NCAC Meeting.

**10. Discussion On Traffic Calming Efforts On Prairie Avenue and In Bayshore Neighborhood**

Commission Item C4J, March 9, 2016  
(Sponsored by Commissioner Grieco)

Jose Gonzalez, Transportation Director

**AFTER-ACTION**

Commissioner Grieco said that this item had been discussed at the April 13th Commission Meeting this past Wednesday.

## **NO ACTION TAKEN**

- 11. March 9, 2016, Action Of The City Commission To Accept The Recommendation Of The Neighborhood/Community Affairs Committee To Keep And Renovate The Robert C. Haas Handball Court Building, And To Remove The Previously Approved Recommendation To Include Four Additional Single Wall Handball Courts And Four New Padel Courts, As These Items Are Recommended Not To Be Incorporated Into The Flamingo Park Master Plan; And Recommending A Discussion Of Other Activities/Options For The Master Plan**

Commission Item R7D, March 9, 2016

(Sponsored by Mayor Levine)

John Rebar, Parks and Recreation Director

## **AFTER-ACTION**

John Rebar, Parks and Recreation Director presented the item. At the March 9, 2016 commission meeting direction was given not to pursue adding padel tennis to the area and take the conversation to the Parks and Recreation Advisory Board and then come back to this committee. Looking at the area, unanimous recommendation is putting batting cages.

Commissioner Steinberg said that she believes the parks serve the community at large and are great. She thinks maybe to put some of these activities in North Beach, in order to have great parks everywhere in the City. She thinks we need to move forward with the Flamingo Park Master Plan.

Jonathan Groff, chair of the Parks and Recreation Advisory Board spoke.

Commissioner Malakoff asked how much space does a batting cage take up. Jonathan Groff said he doesn't believe they take up a lot of room at all. He thinks it would be a very nice addition to the park, which is the number 1 recommendation of the Parks and Recreation Advisory Board.

Commissioner Alemán said that she recently visited batting cages at another location and it was pretty compact. John Rebar said batting cages can fit in a small space.

Carolina Jones, resident and members of the Parks and Recreation Advisory Board spoke. She said they never considered this option in Flamingo Park instead of North Beach, it was an additional idea to the North Beach plan.

Jack Johnson, resident spoke. He agrees with what Commissioner Steinberg said about moving forward with the Flamingo Park Master Plan and not continually think of new uses for the park.

Commissioner Grieco asked how we got to the point of looking to add activities to the park because before the item was just about handball courts. John Rebar explained that staff was directed a few years ago to find a place to introduce padel. Today's recommendation was a direction from the Commission to not introduce padel, but to go back to the Parks and Recreation Advisory Board for suggestions to add anything to the area before we closed it and moved forward.

Commissioner Alemán said that she is interested in listening to the recommendation of the Parks and Recreation Advisory Board about the batting cages.

James Inckoloff, resident spoke. He does not wish for them to keep adding activities in Flamingo Park.

Matis Cohen, business owner spoke. He encourages the activities to be brought to North Beach.

Commissioner Grieco said he doesn't believe padel is right for Flamingo Park and there might be another place for it in Miami Beach in the future.

Commissioner Steinberg said she loves the Flamingo Park tennis facility is top notch, but she would also like to have North Shore tennis be top notch and she loves how active our City is.

Commissioner Malakoff asked if there is space for padel at the North Shore Park. John Rebar said no there is not.

John Rebar said without any further action from this committee and the recommendation from the full commission the Master Plan will include renovating what is there now.

Commissioner Steinberg said if the batting cage isn't a huge deal we can always incorporate it later. She would like to move forward with the Master Plan at this point. John should look at other places for the batting cages.

**MOTION 1:** Commissioner Steinberg motioned to move forward with the Flamingo Master Plan. Commissioner Alemán seconded.

**MOTION 2:** Commissioner Alemán motioned to look to find a home for a batting cage close to any of our existing baseball facilities. Commissioner Steinberg seconded.

**DIRECTION:** Come back to NCAC when a home is found for the batting cages.

## **12. Monthly Crime Update**

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

Mark Causey, Police Major

### **AFTER-ACTION**

Mark Causey, Police Major presented the item. Mark Causey said that there have been many good arrests involving pimps and human trafficking. A woman has been drugging the victims and stealing their expensive watches.

Mark Causey said that they had a couple from Palm Beach walking on the shore line and the criminals pulled a fire arm on them. The police caught the criminals and found the fire arms as well.

Mark Causey said there had also been many other different types of cases that led to successful apprehensions.

Mark Causey said there was also a successful DUI checkpoint the week before. All the ending results from spring break have been more positive than the previous year.

Commissioner Grieco asked about the violent crime stats in general. Mark Causey said he believes they are down by 2.5%, home invasions have been down and car thefts as well.

Commissioner Grieco asked about the beach hours in Lummus Park. Mark Causey said police is waiting for the word from commission, but they are set to start at 10 p.m. Mark Causey said he believed it needed to go to second reading.

Mark Causey said the the past 3 weeks the midnight suppression team they have probably had about 30 prostitution arrests. The main thing that they are catching the prostitutions with is a concoction to put the customers to sleep. Very few police is catching are from Florida.

The robbery clearance rate is close to 60%.

Mark Causey said they are ready for Floatopia and Captain Jones is running it.

Commission Alemán said that she went to a lunch put on by Kristy house today and they shared statistics of 1 in 4 girls and 1 in 6 boys will be victims of sexual abuse before their 18th birthday. 72,000 of the kids enrolled today in the public schools will be victims of sexual abuse before their 18th birthday. If anyone would like to help they can go to [kristyhouse.org](http://kristyhouse.org).

## **NO ACTION TAKEN**

### **13. Discussion And Action Plan Related To Combatting Illegal Short Term Rentals Citywide**

Commission Item C4D, April 13, 2016  
(Sponsored by Commissioner Michael Grieco)

Hernan Cardeno, Director of Code Compliance

#### **AFTER-ACTION**

Commissioner Alemán would like to co-sponsor this item.

Hernan Cardeno, Director of Code Compliance presented the item.

Commissioner Grieco said this has been a complaint driven process unless something falls in our lap. He asked if we need to increase staff or come up with a special unit.

Commissioner Alemán said if there is a way to be proactive and she would like us to find a way to work with air b and b to collect data that is not anonymous. Maybe also working with the IRS.

Hernan Cardeno said that last fiscal year the commission designated 2 code compliance officers to be short term rental investigators. They are averaging 220 investigations. This year they are trending toward 400 cases. Since 2012 there have been about 1,200 cases that they have investigated. As far as making it proactive they have a code compliance service that has seen an increase from 17,000 annual that have gone to 41,000 last year. Just on adjudications alone since the beginning of this fiscal year there are 32 overall since 2012 317 of the 1,200 investigations were adjudicated from the Special Master.

Hernan Cardeno said that this commission took action with the Mayor sponsoring to increase the first line penalties \$20,000 and second \$40,000 and additional \$25,000 is the home is 5,000 square feet or more. He thinks collectively the commission understands what the problem is. There are many advertisements out there. Hernan Cardeno's concern is the safety and inspections.

Commissioner Grieco asked if there is a way to come up with a plan because it is twofold. There are single family homes and apartments being rented out. He is wondering if we can create safe guard recommendations and go building by building to take steps to enforce the rules. He asked if Hernan Cardeno thinks we have the ability to do this. Hernan Cardeno said we can expand on community outreach.

Commissioner Alemán asked if there is something to add to lobbying agenda of what the advertisements are required to say and make it a law.

Commissioner Grieco said he is concerned about the state government being allowed to legislate businesses that are not based out of the state.

Hernan Cardeno said there are companion citations that can be issued to the realtor or broker of the properties.

Aleksandr Boksner, Deputy City Attorney said we can hold everyone responsible in the chain of allowing and authorizing illegal use. Sometimes there is a homeowner who contracts with a realtor or maintenance company. Procedural due process needs to be provided. We can bring in force of action and lean the property so this no longer stays an issue.

Commissioner Grieco said this is a good thing to put on for the summer. He said a lot of his colleagues get calls about this issue frequently.

Aleksandr Boksner said the recent amendment which took affect a month or so ago allows us to use the advertisement that creates a rebuttal presumption that there is a violation of the ordinance. It puts a legal responsibility onto the violator that they were not violating the City's ordinance. He doesn't believe it has developed enough to see how effective it is yet.

Commissioner Alemán said she does want us to reach out to air b and b. They know every single address that these short term rentals are taking place at.

Commissioner Grieco asked if we are calling listings. Hernan Cardeno said after we get the complaint we go back and look on the internet to do companion violations for the

advertising, but right now we do it complaint driven.

Commissioner Alemán asked if we would create a communication piece to the realtors to let them know that we are getting serious about the violations. Hernan Cardeno suggested for Communications department to send something out and put it on social media.

Aleksandr Boksner said we have had circumstances where we have issue violations to property owners for having their property advertised and that they had no knowledge this was done and they initiated legal action against the individual. This requires dedicated resources and a financial commitment from the officials to move forward.

Commissioner Grieco said this item was a multi commissioner referral and they can meet with Aleksandr Boksner privately and give them a list of tools needed. He thinks it will not be very expensive and we can make the money back with fines.

Commissioner Alemán asked what the close rate is when violations are issued. Hernan Cardeno said this fiscal year to date we had 202 complaints and issued 118 notices of violation and adjudicated this month we have 32.

Aleksandr Boksner said there are mechanisms of dealing with the use and occupancy in the condominiums. The City has ability to revoke the use of occupancy if there is evidence that there is a use that has not been approved, but that is a pretty heavy hammer that we have only employed a half a dozen times. Hernan Cardeno said building goes in and pulls the certificate of occupancy then they pull the utilities. Aleksandr Boksner said that is only in limited circumstances. Hernan Cardeno said this that is the enforcement of the special master order, in the March 9<sup>th</sup> amendment that was passed, the City has the ability to vacate the property with the police department without a cease and desist order.

Kathie Brooks, Assistant City Manager asked Commissioner Grieco for the communications item if there can be a motion to the commission.

**MOTION: Vote of acclamation to move the item to the full commission to have the Communications department initiate contact with realtors and post on social media.**

**14. Discussion On The City Of Miami Beach Conducting A Design Competition For An Iconic Crosswalk/Intersection On 12<sup>th</sup> and Ocean**

Commission Item C40, April 13, 2016

(Sponsored by Commissioner Ricky Arriola)

Jose Gonzalez, Transportation Director

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

**AFTER-ACTION**

Commissioner Grieco said this item and item number 14 go together.

Jose Gonzalez, Transportation Director communicated with Commissioner Arriola's office today about the competition. The permanent installation of the crosswalk should

be done as the overall construction project and timed as such.

Commissioner Grieco said he is expecting a budget piece this summer of the project as part of the CIP budget for fiscal year 16-17.

Jose Gonzalez said they are looking at different materials and are working with CIP and Public Works. At this point they have about 3 or 4 options. They will be approaching the County with the options and come back with an update.

Commissioner Grieco said to combine items 6 and 14 to carry on with an update for May 15, 2016 NCAC meeting.

**DIRECTION:** Combine items 6 and 14 and come back with an update May 15, 2016 NCAC meeting.

**15. Discuss Having ADA Accessible Playground Components In All City Parks**

Commission Item R9G, April 13, 2016  
(Sponsored by Vice-Mayor Micky Steinberg)

John Rebar, Parks and Recreation Director

**AFTER-ACTION**

**DIRECTION:** Defer to May 15, 2016 NCAC meeting.

**16. Discussion Regarding I-95 Express Lane Access To The Julia Tuttle Causeway**

Commission Item R9P, April 13, 2016  
(Sponsored by Commissioner Michael Grieco)

Jose Gonzalez, Transportation Director

**AFTER-ACTION**

**DIRECTION:** Defer to May 15, 2016 NCAC meeting.

Meeting adjourned at 5:32 P.M.

JLM/KGB/MTG

C6C Report Of The April 22, 2016 Finance And Citywide Projects Committee Meeting: **1.** Discussion Regarding Referral To The Neighborhood/Community Affairs Committee To Discuss Proposed Site Options For New Fire Station No. 1. **2.** Discussion Regarding The Creation Of The Ocean Court Green Alley, Española Way (East) Green Alley. **3.** Discussion To Consider And Explore The Impact Of A Car Sharing Pilot Program. **4.** Discussion Regarding A Review Of The Fine Schedule For Littering On The Beach. **5.** Discussion Regarding Miami New Drama Becoming The Resident Theater And Venue Manager For The Colony Theater As A Pilot Program. **6.** Discussion Regarding The Creation Of The City Of Miami Beach Transportation Fund. **7.** Discussion To Consider Adopting The Disability Access Committee's Request For The City To Support Power Access Inc. For Disability Awareness Events. **8.** Discussion To Consider The Closed Captioning For The Hearing Impaired Of The City's Video-Recorded Meetings And Events. **9.** Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17<sup>th</sup> Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.

**(Item to be Submitted in Supplemental)**

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**C7**

**RESOLUTIONS**

**C7**

**Condensed Title:**

A Resolution Authorizing the City Manager or his Designee to Apply for and Accept Nine (9) Grants and Apply for Two (2) Grant Renewals.

**Key Intended Outcome Supported:**

1) 2) and 7) Maximize the Miami Beach Brand as a World Class Destination; 3) and 4) Ensure comprehensive mobility addressing all modes throughout the City; 5) Achieve educational (K-12) excellence; 6) Ensure reliable stormwater management and resiliency against flooding by implementing select short and long-term solutions including addressing sea-level rise; 8) and 9) Enhance beauty and vibrancy of urban and residential neighborhood; and 10) and 11) Induce public school accountability mainly at Middle School.

**Supporting Data: 2014 Community Satisfaction Survey/Other data:** 1); N/A; 2) and 7) Nearly three out of four residents (74%) maintained the City of Miami Beach was effective in its historic preservation efforts; 3) and 4) When asked how to improve the quality of life in Miami Beach 'Improving traffic' was the number one solution; 5) 75% of residents with children are very satisfied or satisfied with our City's public schools compared to 51% in 2007. Since 2013-14, the City of Miami Beach in partnership with neighboring municipalities funded a Nurse Initiative and Nurse Enhancement Initiative providing service to over 4,000 children/visits, an average of 80% of the total school populations visiting the Miami Beach funded HClOS in 2013-14 and 2014-15, and majority of students returning to class; 6) Business owners' positive ratings for emergency/hurricane preparedness varied slightly across zones from a low of 85% in South Beach to a high of 90% in North Beach and Storm drainage remains a difficult and declining issue as only 25% of residents rated it as excellent or good; 8) When asked "Is there any geographic area of Miami Beach that needs to be improved?", 74% of residents responded "North Beach"; 9) 43% of residents claimed to be willing to trade on-street parking on main streets for shade trees and landscaping; 10) Students who regularly attended high-quality after school/mentoring programs over two years demonstrated gains of up to 20 percentiles in standardized math test scores compared to their peers who were routinely unsupervised during the afterschool hours (Policy Studies Associates, 2007); 11) High quality preschool education produces an average immediate effect of about (0.50) a standard deviation on cognitive development, the equivalent of 7 or 8 points on an IQ test. (National Institute for Early Education Research Rutgers).

**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 city expenses), and execute any and all documents or agreements in connection with grants and funding requests from the following sources: 1) Florida Department of State, in the approximate amount of \$500,000 for the Miami City Ballet Project; 2) Florida Department of State, in the approximate amount of \$500,000 for the Carl Fisher Clubhouse; 3) Florida Department of Transportation, in the approximate amount of \$400,000 for the Middle Beach Trolley; 4) US Department of Transportation, in the approximate amount of \$3,000,000 for the Intelligent Transportation System and Parking Management; and retroactively for: 5) Harvard's Innovations In American Government Program in the approximate amount of \$100,000 for the Health Connect in Our Schools; 6) US Department of Homeland Security Pre-Disaster Mitigation and Flood Mitigation Assistance Programs in the combined approximate amount of \$2,500,000 for mitigation activities; 7) Florida Department of State, in the approximate amount of \$50,000 for the Carl Fisher Clubhouse; 8) The Miami Foundation's Public Space Challenge for cultural and arts initiatives; 9) Miami-Dade County's Neat Streets Program in the approximate amount of \$15,000 for reforestation; and renewal of the following grants: 10) Children's Trust, Out of School in the approximate amount of \$450,000; and, 11) Children's Trust Parenting and Home Visitation in the approximate amount of \$250,000.

**Financial Information:**

Source of funds	#	Grant Name/Project	Approx. Award	Approximate Match Amount/Source
	1	Florida Department of State, Division of Cultural Affairs/ Miami Beach City Ballet Building	\$500,000	\$190,229 – City Center RDA Capital Fund \$309,771 – Miami City Ballet
	2	Florida Department of State, Division of Cultural Affairs/Carl Fisher Clubhouse	\$500,000	\$500,000/ RDA Series 2015A

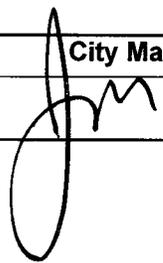
3	Florida Department of Transportation/ Transit Service Development	\$400,000	\$400,000/ Matching funds will be requested during the FY 2017 Budget Cycle
4	US Department of Transportation, Federal Highway Administration/ Intelligent Transportation System	\$3,000,000	\$3,000,000/Transportation Concurrency and Mitigation
5	Harvard's Innovations in American Government/Health Connect in Our Schools	\$100,000	N/A
6	US Department of Homeland Security/ Pre-Disaster Mitigation and Flood Mitigation Assistance	\$2,500,000	\$625,000/ Matching funds will be requested through the FY 2017 Budget Cycle
7	Florida Department of State, Division of Historical Resources/ Carl Fisher Clubhouse	\$50,000	\$50,000/ RDA Series 2015A
8	Miami Foundation/Public Space Challenge	TBD	N/A
9	Miami-Dade County Neat Streets/Trees	\$15,000	\$15,000/ Greenspace Management Reforestation #011 9509 000676
10	Children's Trust/Out of the School Program	\$450,000	N/A
11	Children's Trust/ Parent-Child Home Program	\$250,000	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: May 11, 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, AND APPROPRIATE FUNDING (INCLUDING MATCHING FUNDS AND ANY RELATED CITY EXPENSES), AND EXECUTE ANY AND ALL DOCUMENTS OR AGREEMENTS IN CONNECTION WITH THE FOLLOWING GRANTS AND FUNDING REQUESTS: 1) FLORIDA DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS, CULTURAL FACILITIES PROGRAM, IN THE APPROXIMATE AMOUNT OF \$500,000 FOR THE MIAMI CITY BALLET PROJECT; 2) FLORIDA DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS, CULTURAL FACILITIES PROGRAM, IN THE APPROXIMATE AMOUNT OF \$500,000 FOR THE CARL FISHER CLUBHOUSE; 3) FLORIDA DEPARTMENT OF TRANSPORTATION, TRANSIT SERVICE DEVELOPMENT PROGRAM, IN THE APPROXIMATE AMOUNT OF \$400,000 FOR THE MIDDLE BEACH TROLLEY; 4) US DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION IN THE APPROXIMATE AMOUNT OF \$3,000,000 FOR THE INTELLIGENT TRANSPORTATION SYSTEM AND PARKING MANAGEMENT SYSTEMS; AND RETROACTIVELY FOR: 5) HARVARD'S INNOVATIONS IN AMERICAN GOVERNMENT PROGRAM IN THE APPROXIMATE AMOUNT OF \$100,000 FOR THE HEALTH CONNECT IN OUR SCHOOLS INITIATIVE; 6) US DEPARTMENT OF HOMELAND SECURITY PRE-DISASTER MITIGATION AND FLOOD MITIGATION ASSISTANCE PROGRAMS IN THE COMBINED APPROXIMATE AMOUNT OF \$2,500,000 FOR MITIGATION ACTIVITIES; 7) FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, IN THE APPROXIMATE AMOUNT OF \$50,000 FOR THE CARL FISHER CLUBHOUSE; 8) THE MIAMI FOUNDATION'S PUBLIC SPACE CHALLENGE FOR CULTURAL AND ARTS PROJECTS; 9) MIAMI-DADE COUNTY'S NEAT STREETS PROGRAM IN THE APPROXIMATE AMOUNT OF \$15,000 FOR A REFORESTATION PROJECT; AND RENEWAL OF THE FOLLOWING TWO GRANTS: 10) CHILDREN'S TRUST, OUT OF SCHOOL PROGRAM IN THE APPROXIMATE AMOUNT OF \$450,000; AND, 11) CHILDREN'S TRUST PARENTING AND HOME VISITATION PROGRAM IN THE APPROXIMATE AMOUNT OF \$250,000.**

## **ADMINISTRATION RECOMMENDATION**

Adopt the Resolution.

## **ANALYSIS**

1. Approval to submit a grant application to the Florida Department of State, Division of Cultural Affairs, Cultural Facilities Program, in the approximate amount of \$500,000 for the Miami Beach City Ballet Project.

The Cultural Facilities Program coordinates and guides the State of Florida's support and funding of renovation, new construction, or acquisition of cultural facilities. The applicant's mission must be to directly conduct arts and cultural programming. By program definition, a cultural facility is a building, which shall be used for the programming, production, presentation, exhibition of any of the arts and cultural disciplines. These disciplines are music, dance, theatre, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, and programs of museums and must comprise at least 85% of facility use. The Program is intended for bricks and mortar construction, renovation, or for acquisition. State funding is not to be used for landscaping, constructing or fabricating exhibits.

Miami Beach City Ballet intends to apply for funding for the renovation for their building located at 2200 Liberty Avenue. Proposed improvements include new windows, roof renovations and restoration of the building exterior. The City owns the land and building and has a lease agreement with Miami City Ballet. Matching funds in the amount of \$500,000 will be provided from City funds (\$190,229 from City Center RDA Capital Fund); and the balance, up to \$309,771 from Miami City Ballet. This project supports the key intended outcome to maximize the Miami Beach Brand as a World Class destination.

2. Approval to submit a grant application to the Florida Department of State, Division of Cultural Affairs, Cultural Facilities Program, in the approximate amount of \$500,000 for the Carl Fisher Clubhouse

The Carl Fisher Clubhouse Project is comprised of the restoration of the historic one-story structure and the adjacent annex building. The Carl Fisher Clubhouse, built in 1916 by Architect August Geiger, is the oldest public building in Miami Beach and is designed in "an eclectic revival style with Spanish idiom and Dutch Colonial elements". The Project will restore the Carl Fisher Clubhouse and allow it to serve as an event space for the adjoining Convention Center.

The scope of work for the Clubhouse and the annex building includes new air conditioning, electrical power, fire alarm, lighting and plumbing systems. This work will be done in conjunction with aesthetic restorations to the Clubhouse's interior and exterior that will be in harmony with the its historic character and will meet the Secretary of the Interiors Standards. Additionally, structural evaluation and analysis will be performed and any deficiencies will be corrected.

The Administration intends to apply to the State Cultural Facilities Program for funding in the approximate amount of \$500,000 for renovation of the clubhouse. The grant requires matching funds in the amount of \$500,000, which are available in RDA Series 2015A funds. This project supports the key intended outcome to maximize the Miami Beach Brand as a World Class destination.

3. Approval to submit a grant application to the Florida Department of Transportation, Transit Service Development Program, in the approximate amount of \$400,000 for the Middle Beach Trolley

The Public Transit Service Development Program was enacted by the Florida Legislature to provide initial funding for special projects. The Public Transit Service Development Program is authorized in Chapter 341, Florida Statutes. The program goal is to provide new and innovative techniques or measures that can be used to improve or expand public transit services. Service Development Projects include projects involving the use of new technologies; services, routes, or vehicle frequencies; the purchase of special transportation services; and other such techniques for increasing service to the riding public.

The City of Miami Beach is requesting State Fiscal Year 2018 funding (commencing July 1, 2017) in the approximate amount of \$400,000 for the Operating and Maintenance for costs of a public transit trolley service in Middle Beach. The trolley will provide a uniquely configured local circulator route to complement the existing Miami Dade Transit bus service while providing support for future transportation plans. The Miami Dade MPO Middle Beach Transit Study as well as Miami Dade Transit's 2007 Coastal Communities Transit Plan support the need for the proposed service. The route is intended to serve hotels as well as carry residents and visitors to/from work and non-work destinations such as restaurants, entertainment venues, shopping centers, and recreation and education facilities.

This grant requires matching funds and the City will request matching funds in the approximate amount of \$400,000 during the FY 2017 budget cycle. This project supports the key intended outcome to ensure comprehensive mobility addressing all modes throughout the City.

4. US Department of Transportation, Federal Highway Administration in the Approximate amount of \$3,000,000 for the Intelligent Transportation Systems and Parking Management Systems

Section 503(c)(4) of Title 23 of the United States Code (23 USC 503(c)(4)) directs the DOT to establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment. \$60 Million is available in federal funding to provide grants to eligible entities to develop model deployment sites for large-scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment.

The Administration intends to submit an application for the implementation of Intelligent Transportation Systems (ITS) and Parking Management Systems. The City is focusing on various components such as traffic monitoring cameras, bluetooth/wi-fi readers for travel time estimation and real-time travelers information systems and adaptive Traffic Control Systems. The project has received approval from Miami-Dade County and Florida Department of Transportation. Due to the high number of events and visitors, congestion and limited capacity of the City's transportation network, the City is constantly considering innovative ways to improve traffic flow, Level of Service, and travel times. The Transportation Element of the City of Miami Beach 2025 Comprehensive Plan describes its goal as: "It shall be the goal of the City of Miami Beach to provide, maintain, and improve a sustainable, safe, convenient and energy efficient multi-modal transportation system". As described in the statement, the City has made it its policy to strive to improve traffic conditions.

It is the Administration's goal is to apply for funding for ITS technology to manage traffic demand in the approximate amount of \$3 million. The grant requires matching funds, and the City will use matching funds in the amount of \$3 million in Transportation Concurrency and Mitigation Funds for this grant. This project supports the key intended outcome to ensure comprehensive mobility addressing all modes throughout the city.

5. Retroactive approval to submit a grant application in the amount of \$100,000 to Harvard's Innovations in American Government Awards for to bring the Health Connect in Our Schools suite to underserved public schools

The Innovations in American Government Awards is the nation's preeminent program devoted to recognizing and promoting excellence and creativity in the public sector. The program highlights exemplary models of government innovation and advances efforts to address the nation's most pressing public concerns. The Award serves as a catalyst for bringing creative and effective solutions to some of government's most urgent and seemingly intractable challenges

The City partnered with stakeholders to bring the Health Connect in Our School (HCIOS) suite to our underserved schools. The ongoing partnership is designed to identify, prevent, or remedy student health problems, and improve access to quality health care, and other relevant community supports, through delivery of comprehensive services in the schools, and appropriate referrals to community care. For the 2015-2016 school year, the five neighboring municipalities, (Miami Beach, North Bay Village, Town of Bay Harbor Islands, Town of Surfside and Bal Harbor Village), Miami Beach Chamber Education Foundation and the Children's Trust joined together to sustain the health initiative and expand to include behavioral health services to all youth at the three of our schools. The City and its partners will continue to monitor the status of school health programs in all Miami Beach public schools. If awarded, the program will provide \$100,000 to the program. Matching funds are not required. This project supports the key intended outcome to achieve educational (K-12) excellence.

6. Retroactive approval to submit grant applications to the US Department of Homeland Security Pre-Disaster Mitigation and Flood Mitigation Assistance Programs in the combined approximate amount of \$2,500,000.

The Pre-Disaster Mitigation (PDM) Program, authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, is designed to assist States, territories, federally recognized tribes, and local communities in implementing a sustained pre-disaster natural hazard mitigation program. The goal is to reduce overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding in future disasters. The program awards planning and project grants and provides opportunities for raising public awareness about reducing future losses before disaster strikes. PDM grants are funded annually by Congressional appropriations and are awarded on a nationally competitive basis.

The Administration has submitted applications to the Pre-Disaster Mitigation and Flood Mitigation Programs for mitigation projects, including portable generators, drainage projects, a planning document and a cultural and historical resources hazard mitigation plan. The total combined amount requested is approximately \$2,500,000. The grant requires 25% local matching funds. Matching funds in the total amount of \$625,000 will be requested during the FY 2017 capital budget process. This project supports the key intended outcome to ensure reliable stormwater management and resiliency against flooding by implementing select short and long-term solutions including addressing sea-level rise.

7. Retroactive approval to submit a grant application to the Florida Department of State, Division of Historical Resources, in the approximate amount of \$50,000 for the Carl Fisher Clubhouse.

The State's Division of Historical Resources Small Matching Grants Program allocates state funds appropriated by the Legislature and federal funds apportioned to the State by the U. S. Department of the Interior, National Park Service, for the preservation and protection of the state's historic and archaeological sites and properties. The program is administered by the Bureau of Historic Preservation, Division of Historical Resources. Small Matching grants are awarded annually, through the Historic Preservation Grants Program for the rehabilitation and restoration of historic structures.

The Carl Fisher Clubhouse Project is comprised of the restoration of the historic one-story structure and the adjacent annex building. The Carl Fisher Clubhouse, built in 1916 by Architect August Geiger, is the oldest public building in Miami Beach and is designed in "an eclectic revival style with Spanish idiom and Dutch Colonial elements". The Project will restore the Carl Fisher Clubhouse to its former glory and allows it to serve as an event space for the adjoining Convention Center. The scope of work for the Clubhouse and the annex building includes new air conditioning, electrical power, fire alarm, lighting and plumbing systems. This work will be done in conjunction with aesthetic restorations to the Clubhouse's interior and exterior that will be in harmony with the its historic character and meet the Secretary of the Interiors Standards. Additionally, structural evaluation and analysis will be performed and any deficiencies will be corrected.

The Administration has applied for funding for the restoration of the Carl Fisher Clubhouse for \$50,000. Matching funds, in the approximate amount of \$50,000 are available in RDA Series 2015A funds. This project supports the key intended outcome to enhance beauty and vibrancy of urban and residential neighborhoods; focusing on cleanliness, historic assets in select neighborhoods and redevelopment areas.

8. Retroactive approval to submit a grant application to The Miami Foundation, Public Space Challenge for Various Public Space Initiatives

The Miami Foundation's Public Space Challenge provides funding for the best ideas for creating, improving and activating parks, plazas and local gathering places. Together with Health Foundation of South Florida and the Office of Miami-Dade County Commissioner Juan C. Zapata, the Challenge will invest a total of \$305,000 to make the top ideas a reality. Funding amount is determined at the time of award.

The City has submitted requests for aesthetic enhancement to city pump stations and for arts programming/projects at Altos Del Mar Park and Lummus Park. Matching funds are not required and this project supports the key intended outcome to enhance beauty and vibrancy of urban and residential neighborhoods; focusing on cleanliness, historic assets in select neighborhoods and redevelopment areas.

9. Retroactive approval to submit a grant application to Miami-Dade County's Neat Streets Program, in the approximate amount of \$15,000 for trees

Formerly known as the Community Image Advisory Board, "Neat Streets Miami" is a Miami-Dade County board dedicated to the maintenance and beautification of transportation gateways, corridors and connections. The Board provides funding through the Neat Streets Program for reforestation efforts taking place in Miami-Dade County.

The Administration has requested funding in the amount of \$15,000 for trees for the North Beach area (Normandy North). This grant requires matching funds in the amount of \$15,000 and funding is available in the Greenspace Management Reforestation account. This project supports the key intended outcome to revitalize key neighborhoods, starting with North Beach and Ocean Drive.

10. Approval to submit a grant renewal request to Children's Trust, Out of School Program in the approximate amount of \$450,000

The Children's Trust Out of School Program provides funding to address targeted geographic areas and to reach at-risk populations in Miami-Dade County. The purpose of the program is to target resources to meet the more complex needs of vulnerable children and families. Funds are available for summer camps and after-school programs that stimulate academic, athletic, cultural and social learning in a nurturing and supervised environment while parents are working and during times of day when adolescents are most prone to at-risk behavior. The program provides after school services to approximately 250 children ages 5-12 years old residing primarily in the City of Miami Beach. The program offers activities to children, including physical fitness, nutrition education, homework and literacy support. Program goals are to improve academic skills and literacy and improve physical health and fitness.

This grant renewal is for the period of August 2016 through July 2017. The program supports the key intended outcome to induce public school accountability mainly at the Middle School. This grant renewal does not require matching funds.

11. Approval to submit a grant renewal request to Children's Trust under the Parenting and Home Visitation Program, for the Miami Beach Parent-Child Home Program in the approximate amount of \$250,000

The Miami Beach Parent-Child Home Program will promote effective parenting through group and home visiting settings for both parents and children in the City of Miami Beach. The program includes structured design of activities and outcomes grounded in the following evidence-based programs. This comprehensive program meets the specific needs of each family and offers professional and peer support, education and skill-building opportunities for parents/primary caregivers and their children to: enhance parent-child and family relationships; reduce parent stress; support healthy child development, school readiness, and academic success.

The City's Housing and Community Services Department has been running this program successfully and intends to apply for renewal of these funds in the approximate amount of \$250,000 to continue this program. This grant does not require matching funds. This project supports the key intended outcome to induce public school accountability mainly at Middle School.

**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, and appropriate funding (including matching funds and any related city expenses), and execute any and all documents or agreements in connection with the following grants and funding requests: 1) Florida Department of State, Division of Cultural Affairs, Cultural Facilities Program, in the approximate amount of \$500,000 for the Miami City Ballet Project; 2) Florida Department of State, Division of Cultural Affairs, Cultural Facilities Program, in the approximate amount of \$500,000 for the Carl Fisher Clubhouse; 3) Florida Department of Transportation, Transit Service Development Program, in the approximate amount of \$400,000 for the Middle Beach Trolley; 4) US Department of Transportation, Federal Highway Administration in the approximate amount of \$3,000,000 for the Intelligent Transportation System And Parking Management Systems Program; and retroactively for: 5) Harvard's Innovations In American Government Program in the approximate amount of \$100,000; 6) US Department of Homeland Security Pre-Disaster Mitigation and Flood Mitigation Assistance Programs in the combined approximate amount of \$2,500,000; 7) Florida Department of State, Division of Historical Resources, in the approximate amount of \$50,000 for the Carl Fisher Clubhouse; 8) The Miami Foundation's Public Space Challenge; 9) Miami-Dade County's Neat Streets Program in the approximate amount of \$15,000; and renewal of the following two grants: 10) Children's Trust, Out of School Program in the approximate amount of \$450,000; and, 11) Children's Trust Parenting and Home Visitation Program in the approximate amount of \$250,000.

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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, Approving And Authorizing The Mayor And The City Clerk To Grant A Revision To Expand An Existing Utility Easement To Florida Power And Light On Lot B Of The Hibiscus Island Tract For The Installation And Maintenance Of Conduits, Switch Cabinets, And A Capacitor Bank That Will Provide For Underground Service Of The Lighting System.

**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:**

During the planning of the Palm and Hibiscus Island Neighborhood Right of Way (ROW) Improvement Project, the Palm-Hibiscus-Star Islands Association (HOA) initiated a petition for the undergrounding of aerial utilities. The HOA elected to pursue the creation of a Special Taxing District with Miami Dade County in order to finance the expenses associated with the undergrounding utilities project.

On December 7, 2010 after various public hearings, the registered voters elected to move forward with the undergrounding utilities project for Hibiscus Island only. Florida Power and Light (FPL) prepared and submitted preliminary drawings and a cost proposal for the overhead- to- underground conversion for the neighborhood.

On December 12, 2012, the City Commission granted a Utility Easement to FPL to install and maintain conduits, switch cabinets, and a capacitor bank to provide for underground service of the lighting system.

On September 18, 2014, the City contracted with Lanzo Construction Co., Florida for design-build services for Neighborhood No. 13: Palm and Hibiscus Islands ROW infrastructure improvements project (project). During final review of the construction documents for this project, FPL requested to expand the limits of the existing utility easement, in order to place two (2) additional conduits as deemed necessary in the development of the final design, to provide underground services west of West Palm Midway.

FPL, in collaboration with the City, assessed the site conditions. FPL determined that the optimal location for the installation and maintenance of these conduits is within the West Palm Midway Median, Lot B. The Administration concurs with the expansion of the limits of the existing FPL site easement.

**THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.**

Source of Funds:	Amount	Account
OBPI	Total	
<b>Financial Impact Summary:</b>		

**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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO GRANT A REVISION TO EXPAND AN EXISTING UTILITY EASEMENT TO FLORIDA POWER AND LIGHT ON LOT B OF THE HIBISCUS ISLAND TRACT FOR THE INSTALLATION AND MAINTENANCE OF CONDUITS, SWITCH CABINETS, AND A CAPACITOR BANK THAT WILL PROVIDE FOR UNDERGROUND SERVICE OF THE LIGHTING SYSTEM.**

### **FUNDING**

No funding is required in order to grant the easement.

### **ADMINISTRATION RECOMMENDATION**

The Administration recommends approval of the Resolution.

### **BACKGROUND / ANALYSIS**

During the planning of the Palm and Hibiscus Island Neighborhood Right of Way (ROW) Improvement Project, the Palm-Hibiscus-Star Islands Association (HOA) initiated a petition for the undergrounding of aerial utilities. The HOA elected to pursue the creation of a Special Taxing District with Miami Dade County in order to finance the expenses associated with the undergrounding utilities project.

On December 7, 2010 after various public hearings, the registered voters elected to move forward with the undergrounding utilities project for Hibiscus Island only. Florida Power and Light (FPL) prepared and submitted preliminary drawings and a cost proposal for the overhead- to- underground conversion for the neighborhood.

On December 12, 2012, the City Commission granted a Utility Easement to FPL to install and maintain conduits, switch cabinets, and a capacitor bank to provide for underground service of the lighting system. The granted easement is shown on Exhibit A.

On September 18, 2014, the City contracted with Lanzo Construction Co., Florida for design-build services for Neighborhood No. 13: Palm and Hibiscus Islands ROW infrastructure improvements

project (project). During final review of the construction documents for this project, FPL requested to expand the limits of the existing utility easement, as shown on Exhibit B, in order to place two (2) additional conduits as deemed necessary in the development of the final design, to provide underground services west of West Palm Midway.

FPL, in collaboration with the City, assessed the site conditions. FPL determined that the optimal location for the installation and maintenance of these conduits is within the West Palm Midway Median, Lot B (as shown on Exhibit B). The Administration concurs with the expansion of the limits of the existing FPL site easement.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Resolution granting the utility easement.

Attachments:

Exhibit A - Sketch and Legal Description of Existing Easement

Exhibit B - Sketch and Legal Description of Proposed Easement

  
JM/ETC/DM

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A REVISED AND EXPANDED UTILITY EASEMENT WITH FLORIDA POWER & LIGHT (FPL), AT THE WEST PALM MIDWAY MEDIAN, WITHIN LOT B OF HIBISCUS ISLAND, AS RECORDED IN PLAT BOOK 8, PAGE 75, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; FOR THE INSTALLATION AND MAINTENANCE OF CONDUITS, SWITCH CABINETS, AND A CAPACITOR BANK IN ORDER TO PROVIDE UNDERGROUND ELECTRICAL SERVICES TO THE ISLAND; A COPY OF WHICH REVISED EASEMENT IS ATTACHED HERETO AS EXHIBIT A.**

**WHEREAS**, during the planning of the Palm and Hibiscus Island Neighborhood Right of Way (ROW) Improvement Project, the Palm-Hibiscus-Star Islands Association (HOA) initiated a petition for the undergrounding of aerial utilities; and

**WHEREAS**, the HOA elected to pursue the creation of a Special Taxing District with Miami Dade County in order to finance the expenses associated with undergrounding the electrical utilities to the Islands; and

**WHEREAS**, on December 7, 2010, after various public hearings, the registered voters elected to move forward with the undergrounding utilities project for Hibiscus Island, only, and Florida Power and Light (FPL) prepared and submitted preliminary drawings and a cost proposal for the overhead – to – underground conversion of the utilities for Hibiscus Island; and

**WHEREAS**, on December 12, 2012, the City Commission granted a utility easement to FPL to install and maintain conduits, switch cabinets, and a capacitor bank to provide for underground service of the electrical systems for the Island; and

**WHEREAS**, on September 18, 2014, the City contracted with Lanzo Construction Co., Florida for design-build services for Neighborhood No. 13: Palm and Hibiscus Islands ROW infrastructure improvements project (project); and

**WHEREAS**, during final review of the construction documents for the ROW infrastructure project, FPL requested to expand the limits of the existing utility easement, in order to place two (2) additional conduits in order to provide underground services west of West Palm Midway Median, within Hibiscus Island; and

**WHEREAS**, FPL, in collaboration with the City, assessed the site conditions and FPL determined that the optimal location for the installation and maintenance of these conduits is within the West Palm Midway Median, at Tract B, Hibiscus Island, according

to the plat thereof recorded in Plat Book 8, page 75, of the public records of Miami Dade County; and

**WHEREAS**, the amended easement would ensure proper underground utility services will be provided to the residents of Hibiscus Island.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission authorize the Mayor and the City Clerk to execute a revised and expanded utility easement with Florida Power & Light (FPL), at the West Palm Midway Median, within Lot B of Hibiscus Island, as recorded in Plat Book 8, at Page 75, of the public records of Miami-Dade County; for the installation and maintenance of conduits, switch cabinets, and a capacitor bank in order to provide underground electrical services to the Island.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**PHILIP LEVINE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**RAFAEL E. GRANADO, CITY CLERK**

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Raul Cisil* 4-28-16  
\_\_\_\_\_  
City Attorney Date  
*fab*

Work Request No.

# UNDERGROUND EASEMENT (BUSINESS)

Sec.32, Twp 53, Rge 42E

Parcel I.D.  
(Maintained by County  
Appraiser)

This Instrument Prepared By

Name: Brian T. Bellino PSM  
Co. Name: City of Miami Beach  
Address: 1700 Convention Center Dr  
Miami Beach, Florida 33139

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("**FPL**"), and other **public utilities** a non-exclusive easement forever for the construction, operation and maintenance of underground utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See attached Exhibit A

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

City of Miami Beach

(Witness' Signature)

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: Philip Levine, Mayor \_\_\_\_\_

Print Address: 1700 Convention Center Dr.

Miami Beach, Florida 33139

(Witness' Signature)

Print Name: \_\_\_\_\_

(Witness)

ATTEST: \_\_\_\_\_

City Clerk, Rafael Granado

STATE OF FLORIDA AND COUNTY OF MIAMI-DADE The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Philip Levine, the Mayor of the City of Miami Beach, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.  
(Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name \_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Paul David 4-28-16  
City Attorney Date



Work Request No. 3085431

Sec. 32, Twp 53 S, Rge 42 E

Parcel I.D. 02-323-00-60-890  
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 6/11

**EASEMENT  
(BUSINESS)**

This Instrument Prepared by

Name: Brian T. Bellino, PSM  
Co. Name: City of Miami Beach  
Address: 1700 Convention Center Dr  
Miami Beach, FL 33139

pg 1 of 2

CFN 2013R0795304  
OR Bk 28854 Pgs 4796 - 4797 (2pgs)  
RECORDED 10/07/2013 09:19:11  
DEED DOC TAX 0.60  
SURTAX 0.45  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Reserved for Circuit Court

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement described as follows:

Legal Description (See Exhibit A "Easement Area")

Together with the right to permit FPL to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for FPL's communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on September 26, 2013

Signed, sealed and delivered in the presence of:

[Signature] 9/26/13  
(Witness Signature)

Print Name: Rafael E. Granado  
(Witness)

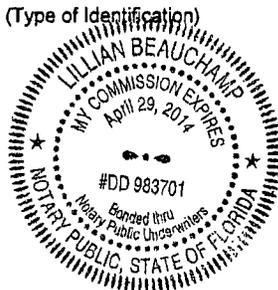
[Signature]  
(Witness Signature)

Print Name: Lilia Cardillo  
(Witness)

Entity name  
By: [Signature]  
Print Name: Matti Herrera Bower  
Mayor  
Print Address: 1700 Convention Center Drive  
Miami Beach, FL 33139

STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 26th day of September, 2013, by Matti H. Bower, the Mayor of City of Miami Beach a municipality, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.

My Commission Expires:



[Signature]  
Notary Public, Signature  
Print Name Lillian Beauchamp

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

[Signature] 9-17-13  
City Attorney Date



Work Request No. 3085431

Sec. 32, Twp 53 S, Rge 42 E

Parcel I.D. 02-3232-00-60-890  
(Maintained by County Appraiser)

### UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By  
Name: Brian T. Bellino, PSM  
Co. Name: City of Miami Beach  
Address: 1700 Convention Center Dr  
Miami Beach, Fl. 33139

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See attached Legal Description and Sketch

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

City of Miami Beach

\_\_\_\_\_  
(Witness' Signature)

By: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

Print Name: \_\_\_\_\_

\_\_\_\_\_  
(Witness' Signature)

Print Address: \_\_\_\_\_

Print Name: \_\_\_\_\_  
(Witness)

STATE OF \_\_\_\_\_ AND COUNTY OF \_\_\_\_\_. The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ a \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification, and who did (did not) take an oath.  
(Type of Identification)

My Commission Expires:

\_\_\_\_\_  
Notary Public, Signature

Print Name \_\_\_\_\_



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**Condensed Title:**

A RESOLUTION TO RECAPTURE \$111,313.24 OF FY11/12 AND \$46,422.76 OF FY14/15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND REALLOCATE SAID CDBG FUNDS TO THE LOTTIE APARTMENTS - REHABILITATION AND RELOCATION PROJECT; AMEND THE FY11/12 AND FY14/15 ACTION PLANS; AMEND THE FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AUTHORIZING CITY MANAGER TO SUBMIT CHANGES TO HUD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENT(S); AND 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.

The City awarded a total of \$240,000 of CDBG funds: (\$120,000 in FY11/12 and \$120,000 in FY 14/15) to the Office of Tourism, Culture And Economic Development to provide façade improvements funds to businesses in the North Beach Area as a way to incentivize economic development and revitalize the area.

The Program has had problems in its implementation including:

1. Business owners in the area normally do not carry flood insurance - a mandatory element under CDBG rules
2. Only census tracts 39.09 and 39.11 in the North Beach area qualify for CDBG fund investment
3. Staff continues to wait on HUD's determination regarding the Area Benefit interpretation to be able to expand the Program's reach outside census tracts 39.09 and 39.11.

The City is seeking to recapture and reallocate the following balances to comply with expenditure and timeliness guidelines:

Fiscal Year	Amount to be Recaptured
FY 2011/2012	\$ 111,313.24
FY 2014/2015	\$ 46,422.76
<b>Total</b>	<b>\$ 157,736.00</b>

The recaptured balances will be reallocated to the Lottie Apartments – Rehabilitation and Relocation Project to help cover a budget gap in the rehabilitation of this City-owned residential property.

These recaptures trigger the amendment of the *Action Plans* for FY11/12 and FY14/15 and the substantial amendment of the FY13-17 *Consolidated Plan* which will be completed by staff upon approval by the Mayor and Commission.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:	Amount	Account
1	\$ 111,313.24	135-5612-000346
2	\$ 46,422.76	132-5612-000346
3		
<b>Total</b>	<b>\$157,736.00</b>	

**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 (N)	KGB (Signature)	JLM (Signature)

# 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: May 11, 2016

SUBJECT: **A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO RECAPTURE \$111,313.24 OF FY11/12 AND \$46,422.76 OF FY14/15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND REALLOCATE SAID CDBG FUNDS TO THE LOTTIE APARTMENTS - REHABILITATION AND RELOCATION PROJECT; AMEND THE FY11/12 AND FY14/15 ACTION PLANS; AMEND THE FY 2013 THROUGH 2017 CONSOLIDATED PLAN; AUTHORIZING CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO HUD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENT(S) FOR SUB-RECIPIENT(S); 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 its *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 income 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 its Five-Year *Consolidated Plan* or its 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 *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 FY11/12 and FY14/15 *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 April 1, 2016 through May 2, 2016. No comments were received.

**ANALYSIS**

The City Commission approved the FY 2011/2012 *Action Plan* for via Resolution No. 2011-27694 adopted on July 13, 2011 and awarded \$120,000 to the Office of Tourism, Culture and Economic Development (“Office”) to provide façade improvements funds to businesses in the North Beach Area as a means of incentivizing economic development and revitalizing the area. In addition, the City Commission approved the FY 2014/2015 *Action Plan* via Resolution No. 2014-28635 adopted on June 11, 2014 and awarded an additional \$120,000 to the Office for the same purpose.

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. The City Commission amended the previously approved reallocation of \$73,577.24 from FY 2011/2012 to FY 2014/2015 via Resolution No. 2016-29316 adopted on March 9, 2016 to match the amendment reported to HUD and the allocation of funds between City accounts.

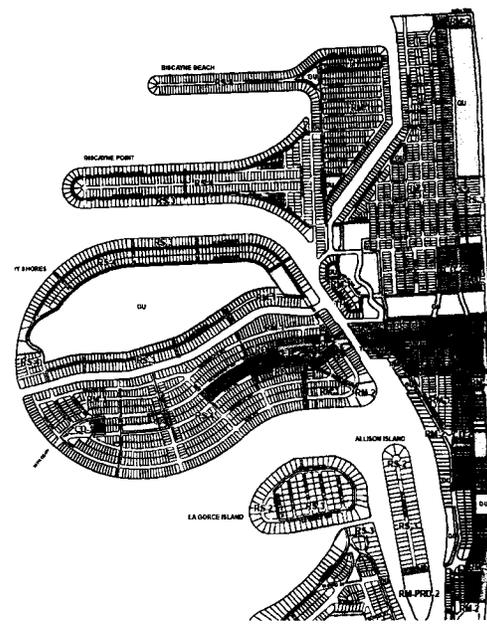
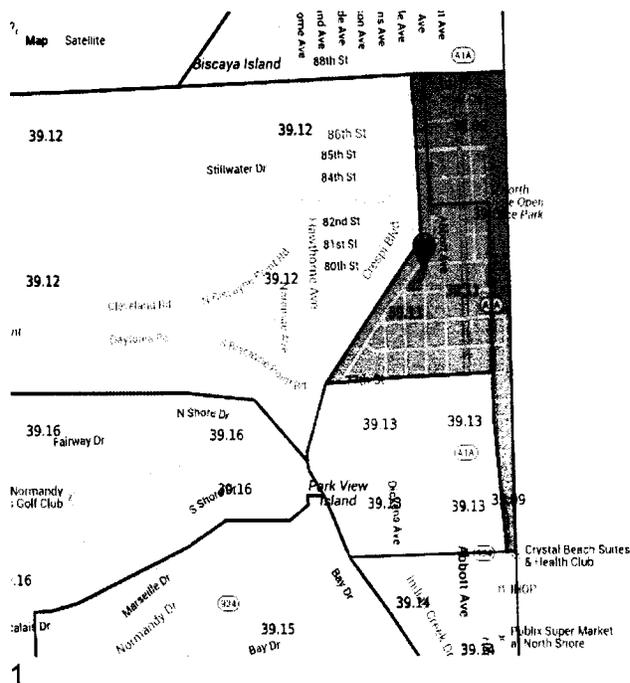
In addition, and as a result of a programmatic monitoring visit, the Office of Housing and Community Development, a Division of the Office of Housing and Community Services, requested the repayment of \$37,736 from the Office for assistance previously provided to the following businesses:

Address	CDBG Funds Invested
7309 Collins Avenue	\$ 7,882.00
7331 Collins Avenue	\$ 11,947.00
7440 Collins Avenue	\$ 17,907.00
<b>TOTAL</b>	<b>\$ 37,736.00</b>

The repayment was required as these businesses were unable or unwilling to provide proof of flood insurance coverage. Unfortunately, US Department of Housing and Community Development (HUD) rules and regulations make flood insurance a mandatory requirement. The repayment took place in January 2016 and is included in the \$111,313.24 balance from FY11/12 to be recaptured.

The intent of the North Beach Façade Improvements Program (FIP) was to incentivize economic development in the North Beach area and provide assistance to low-and moderate-income persons by providing an area benefit as a National Objective. FIP offered minor exterior improvements including awnings replacement and/or installation, painting, window upgrades and sign replacement to businesses located in the commercial district. However, FIP was difficult to implement for the following reasons:

1. Building owners in this area normally do not carry flood insurance. Having paid the buildings in full, they stopped carrying flood insurance due to its high cost. Although the small business owners who lease the space would greatly benefit from FIP by making their businesses more attractive to customers, there is no short term benefit for the building owner who is leasing to them. Unfortunately, flood insurance is a mandatory requirement for all CDBG-funded projects.
2. Although, the City requested HUD's authorization to increase the target area from 73<sup>rd</sup> to 75<sup>th</sup> Streets on Collins Avenue to include the entire District (from 63<sup>rd</sup> Street to 87<sup>th</sup> Terrace, Atlantic Ocean to Biscayne Bay), only census tracts 39.11 and 39.09 qualify for CDBG fund investments. However, those two tracts do not have a commercial district.



1 HUD map for 2016 Qualified Census Tracts [https://www.huduser.gov/portal/sadda/sadda\\_gct.html](https://www.huduser.gov/portal/sadda/sadda_gct.html)

2 Official Zoning Map of the City of Miami Beach <http://miamibeachfl.gov/planning/scroll.aspx?id=25704>

3. Staff requested HUD's guidance with regard to the interpretation of "Area Benefit" stating that the businesses in the area will benefit from the investment of CDBG funds. However, that question was posted a while ago and, to this date, staff has not received an determination of HUD's "Area Benefit" interpretation.

For the reasons stated above, staff recommends the recapture of the funds previously allocated to the Façade Improvement Program and proposes they be reallocated to the rehabilitation of the Lottie Apartments located at 530 75 Street, a low-to moderate-income rental building owned by the City and managed by the Office of Housing and Community Development. This funding will help cover the cost of structural repairs needed to provide decent, safe and sanitary affordable housing. This project was originally funded with CDBG funds in Fiscal Year 2015/2016. However, the amount allocated was deemed insufficient for the extent of repairs identified.

### **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 agreement.

F:\RHCD\5ALL\HSG-CD\CDBG\CDBG FY 2011 2012\North Beach Façade Improvement Program\CDBG FIP Recapture Memo  
05.11.16.doc

  
JLM/KGE/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 RECAPTURE \$111,313.24 OF FY 2011/2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND \$46,422.76 OF FY 2014/2015 CDBG FUNDS; AND APPROVING A SUBSTANTIAL AMENDMENT TO THE FY 2011/2012 AND FY 2014/2015 ACTION PLANS, AND AN AMENDMENT TO THE FY 2013 THROUGH 2017 CONSOLIDATED PLAN, TO REALLOCATE SAID CDBG FUNDS, IN THE TOTAL SUM OF \$157,736, TO THE LOTTIE APARTMENTS - REHABILITATION AND RELOCATION PROJECT; AUTHORIZING THE CITY MANAGER TO SUBMIT THE REQUISITE REVISED ACTION PLANS AND CONSOLIDATED PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENT(S) FOR SUB-RECIPIENT(S) AND 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 programs; 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 City Commission approved the FY 2011/2012 *Action Plan* via Resolution No. 2011-27694, adopted on July 13, 2011, and awarded \$120,000 to the Office of Tourism, Culture and Economic Development to provide façade improvements funds to businesses in the North Beach Area as a means of incentivizing economic development and revitalizing the area ("North Beach Façade Improvement Program"); and

**WHEREAS**, the City Commission approved the FY 2014/2015 *Action Plan* via Resolution No. 2014-28635, adopted on June 11, 2014, and awarded an additional \$120,000 to the Office of Tourism, Culture and Economic Development for the Façade Improvement Program; and

**WHEREAS**, the City Commission approved the reallocation of \$73,577.24 for FY 2011/2012 via Resolution No. 2014-28877, adopted on December 17, 2014, from the Façade Improvement Program; and

**WHEREAS**, the City Commission amended the previously approved reallocation of \$73,577.24 from FY 2011/2012 to FY 2014/2015 via Resolution No. 2016-29316, adopted on March 9, 2016, for the Façade Improvement Program; and

**WHEREAS**, CDBG funds in the amount of \$111,313.24 from FY 2011/2012 and 46,422.76 from FY 2014/2015, for a total of \$157,736, remain unspent and the Administration recommends that said CDBG funds be recaptured and reallocated in order to meet HUD's expenditure and timeliness guidelines; and

**WHEREAS**, as per the Citizen Participation Plan, a change in the use of funds of 50% or more from one eligible activity to another triggers a Substantial Amendment to the Action Plan; and

**WHEREAS**, the CDBG funds to be recaptured constitute 100% of the balances of each activity; and

**WHEREAS**, the Administration recommends approving a Substantial Amendment to the FY 2011/2012 and FY 2014/2015 *Action Plans* and an amendment to the 2013 through 2017 *Consolidated Plan*, to include the reallocation of the recaptured CDBG funds; and

**WHEREAS**, the Administration recommends the reallocation of these CDBG funds to the Lottie Apartments – Rehabilitation and Relocation Project by the Office of Housing and Community Services; and

**WHEREAS**, the City provided a thirty (30) day public comment period from April 1, 2016 to May 2, 2016 and a public meeting on April 19, 2016 to comment on the proposed Substantial Amendments to the *Action Plans* and the amendment to 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 hereby approve and authorize the City Manager to recapture \$111,313.24 of FY 2011/2012 Community Development Block Grant (CDBG) funds and \$46,422.76 of FY 2014/2015 CDBG funds; and approve a Substantial Amendment to the FY 2011/2012 and FY 2014/2015 *Action Plans*, and an amendment to the FY 2013 through 2017 *Consolidated Plan* to reallocate said CDBG funds, in the total sum of \$157,736, to the Lottie Apartments - rehabilitation and relocation project; authorize the City Manager to submit the requisite revised action plans and consolidated plan to the U.S. Department of Housing and Urban Development (HUD); and further authorize the Mayor and City Clerk to execute agreement(s) for sub-recipient(s) and the City Manager to execute City interdepartmental agreements.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rand O'Neil* 4-28-16  
\_\_\_\_\_  
City Attorney *DOIT* Date

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**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida authorizing the City Manager and City Clerk to execute a voluntary cooperation and operational mutual aid agreement with the City of Aventura.

**Key Intended Outcome Supported:**

Maintain crime rates at or below national trends.

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

**Issue:**

Should the Administration adopt the Resolution?

**Item Summary/Recommendation:**

The City of Miami Beach and the City of Aventura, Florida because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are or are likely to be beyond the control, personnel, equipment or facilities of the Miami Beach Police Department or the City of Aventura Police Department, believe that it is beneficial for each to participate in a Mutual Aid Agreement as authorized by Chapter 23, Florida Statutes. The Mutual Aid Agreement will allow for the sharing of law enforcement resources and the rendering of assistance both during routine and intensive law enforcement situations.

It is recommended that the Resolution be adopted.

**Advisory Board Recommendation:**

NA

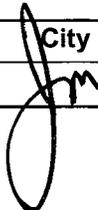
**Financial Information:**

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

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Chief Daniel J. Oates 		

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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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF AVENTURA, FLORIDA, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID BENEFIT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND THE CITY OF AVENTURA, FLORIDA.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

The City of Miami Beach and the City of Aventura, Florida because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are or are likely to be beyond the control, personnel, equipment or facilities of the Miami Beach Police Department or the City of Aventura Police Department, believe that it is beneficial for each to participate in a Mutual Aid Agreement as authorized by Chapter 23, Florida Statutes.

The Mutual Aid Agreement will allow for the sharing of law enforcement resources and the rendering of assistance both during routine and intensive law enforcement situations.

### CONCLUSION

It is recommended that the Mayor and City Commission adopt this Resolution and authorize the signing of the Mutual Aid Agreement that will allow for the sharing of law enforcement resources.

JLM:DJ0:DW

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF AVENTURA, FLORIDA, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS AND MUTUAL AID BENEFIT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND THE CITY OF AVENTURA, FLORIDA.

**WHEREAS**, it is the responsibility of the respective governments of the City of Miami Beach and City of Aventura, Florida to ensure the public safety of their citizens by providing adequate levels of police service to address any foreseeable routine or emergency situation; and

**WHEREAS**, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of services, personnel, equipment, or facilities of the City of Miami Beach Police Department and the City of Aventura Police Department; and

**WHEREAS**, it is necessary to ensure that these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the City of Miami Beach and the City of Aventura; and

**WHEREAS**, the City of Miami Beach, Florida and the City of Aventura, Florida have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into the attached Voluntary Cooperation and Operational Assistance Mutual Aid Agreement.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, hereby authorize the City Manager and City Clerk to execute a Voluntary Cooperation and Operational Assistance Mutual Aid Agreement with the City of Aventura, Florida for the purpose of coordinating law enforcement planning, operations, and mutual aid benefit between the City of Miami Beach and the City of Aventura, Florida.

**PASSED and ADOPTED** this \_\_\_\_\_ day of MAY, 2016.

ATTEST:

\_\_\_\_\_  
RAFAEL GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR  
APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
*[Signature]* 5/28/16  
CITY ATTORNEY DATE  
MAF

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**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida authorizing the City Manager and City Clerk to execute a renewed Memorandum of Understanding (MOU) with the Florida Department of Law Enforcement for continued use of the Regional Law Enforcement Exchange.

**Key Intended Outcome Supported:**

Maintain crime rates at or below national trends.

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

**Issue:**

Should the Administration adopt the Resolution?

**Item Summary/Recommendation:**

The Miami Beach Police Department (MBPD) is a participating agency in the Regional Law Enforcement Exchange (RLEX) hosted by the Florida Department of Law Enforcement (FDLE). This system provides authorized police personnel access to offense reports, supplemental police reports, and arrest affidavits that assists sworn police personnel in identifying and apprehending subjects who may be involved in crimes in their respective jurisdiction. It is accessed via the Criminal Justice Network (CJNET), a web-based application transmitted through the City of Miami Beach's current high speed network connection, with the full support of the IT Department. The FDLE has already provided, at no cost to the City, the equipment necessary to transmit the data, and has also provided, and will continue to provide, technical support for the RLEX. The FDLE has added new elements to the RLEX which are designed to increase the shared information contained in records throughout the State of Florida, and nationally through the Federal Bureau of Investigation's National Data Exchange System (N-DEX). As a result, the FDLE wishes to execute a renewed MOU with the City of Miami Beach on behalf of the Miami Beach Police Department. The proposed MOU details the background and purpose of the RLEX, parties, authority, source, status and purpose of shared information, responsibilities of contributors of information, access to information, use and dissemination of information, security, costs, liability, effective dates, duration, modification, termination notice and contract. It is recommended that the Resolution be adopted.

**Advisory Board Recommendation:**

NA

**Financial Information:**

Source of Funds:		Amount	Account
<div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">N/A</div> OBPI	1		
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Chief Daniel J. Oates <i>DJO</i>		<i>DM</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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A RENEWED REGIONAL LAW ENFORCEMENT EXCHANGE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, ON BEHALF OF THE MIAMI BEACH POLICE DEPARTMENT, AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, WHICH SHALL ALLOW THE MIAMI BEACH POLICE DEPARTMENT TO ACCESS AND SHARE VARIOUS CRIMINAL JUSTICE INFORMATION THAT IS CONTAINED IN BOTH THE LAW ENFORCEMENT RECORDS OF PARTICIPATING FLORIDA LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE OF FLORIDA AND WITHIN THE FEDERAL BUREAU OF INVESTIGATION'S NATIONAL DATA EXCHANGE SYSTEM.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

The Miami Beach Police Department (MBPD) is a participating agency in the Regional Law Enforcement Exchange (RLEX) hosted by the Florida Department of Law Enforcement (FDLE). This system provides authorized police personnel access to offense reports, supplemental police reports, and arrest affidavits that assists sworn police personnel in identifying and apprehending subjects who may be involved in crimes in their respective jurisdiction. The RLEX therefore provides MBPD detectives and patrol officers with an enhanced capability to link a suspect to a particular crime and/or identify a potential subject or fugitive. It is accessed via the Criminal Justice Network (CJNET), a web-based application transmitted through the City of Miami Beach's current high speed network connection, with the full support of the Information Technology Department. The FDLE has already provided, at no cost to the City of Miami Beach, the equipment necessary to transmit the data, and has also provided, and will continue to provide, technical support for the RLEX.

The FDLE has added new elements to the RLEX which are designed to increase the shared information contained in records throughout the State of Florida, and nationally through the Federal Bureau of Investigation's National Data Exchange System (N-DEX). As a result, the FDLE wishes to execute a renewed Memorandum of Understanding with the City of Miami Beach on behalf of the MBPD. The proposed Memorandum of Understanding details the background and purpose of the RLEX, parties, authority, source, status and purpose of

shared information, responsibilities of contributors of information, access to information, use and dissemination of information, security, costs, liability, effective dates, duration, modification, termination notice and contract.

**FISCAL IMPACT**

There is no fiscal impact created by the proposed Memorandum of Understanding.

**CONCLUSION**

It is recommended that the Mayor and City Commission adopt this Resolution and authorize the execution of the proposed Memorandum of Understanding.

JLM:DJO:DW 

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A RENEWED REGIONAL LAW ENFORCEMENT EXCHANGE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, ON BEHALF OF THE MIAMI BEACH POLICE DEPARTMENT, AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, WHICH SHALL ALLOW THE MIAMI BEACH POLICE DEPARTMENT TO ACCESS AND SHARE VARIOUS CRIMINAL JUSTICE INFORMATION THAT IS CONTAINED IN BOTH THE LAW ENFORCEMENT RECORDS OF PARTICIPATING FLORIDA LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE OF FLORIDA AND WITHIN THE FEDERAL BUREAU OF INVESTIGATION'S NATIONAL DATA EXCHANGE SYSTEM.**

**WHEREAS**, the Florida Department of Law Enforcement has added new elements to the Regional Law Enforcement Exchange System (RLEX) designed to increase the shared information contained in records throughout the State of Florida and nationally through the Federal Bureau of Investigation's National Data Exchange System (N-DEX); and

**WHEREAS**, the RLEX provides authorized police personnel access to offense reports, supplemental police reports, and arrest affidavits that will assist sworn police personnel in identifying and apprehending subjects who may be involved in crimes in their respective jurisdiction; and

**WHEREAS**, the Florida Department of Law Enforcement wishes to execute a renewed Memorandum of Understanding with the City of Miami Beach on behalf of the Miami Beach Police Department, said Memorandum of Understanding detailing the background and purpose of the RLEX, parties, authority, source, status and purpose of shared information, responsibilities of contributors of information, access to information, use and dissemination of information, security, costs, liability, effective dates, duration, modification, termination notice and contract; and

**WHEREAS**, Miami Beach Police Department detectives and patrol officers depend greatly on information that may link a suspect to a particular crime and/or identify a potential subject or fugitive, and having access to participating police agencies reports and records greatly enhances this capability; and

**WHEREAS**, the RLEX can be accessed via the Criminal Justice Network (CJNET), a web-based application transmitted through the City of Miami Beach's current high speed network connection, with the full support of the Information Technology Department; and

**WHEREAS**, the Florida Department of Law Enforcement, at no cost to the City of Miami Beach, provided the Miami Beach Police Department with the equipment necessary to transmit the data, and has also provided, and will continue to provide, technical support for the RLEX.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the City Manager and City Clerk are authorized to execute the Regional Law Enforcement Exchange Memorandum of Understanding between the City of Miami Beach, on behalf of the Miami Beach Police Department, and the Florida Department of Law Enforcement, which shall allow the Miami

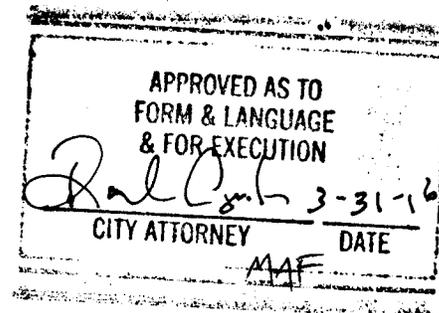
Beach Police Department to access and share various criminal justice information that is contained in both the law enforcement records of participating Florida law enforcement agencies throughout the State of Florida and within the Federal Bureau of Investigation's National Data Exchange System.

**PASSED and ADOPTED** this \_\_\_\_\_ day of MAY, 2016.

**ATTEST BY:**

\_\_\_\_\_  
MAYOR PHILIP LEVINE

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK



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**Condensed Title:**

A Resolution of the Mayor and City Commission, waiving, by 5/7th vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City, and authorizing the City Manager, or his designee, to enter into a one-year agreement between the City of Miami Beach and ParkMe, Inc, for the Miami Beach parking application, based on the same terms as the City's prior agreement with ParkMe, Inc.

**Key Intended Outcome Supported:**

Ensure Comprehensive Mobility Addressing All Modes Throughout The City.

**Supporting Data (Surveys, Environmental Scan, etc.):** Miami Beach Customer Survey indicates 74% of residents and 72% of businesses rate the availability of parking across the City as too little or much too little. Availability of parking was one of the changes residents identified to make Miami Beach a better to live, work or play.

**Item Summary/Recommendation:**

On June 7, 2013, the City entered into an agreement with ParkMe, Inc. pursuant to the Mayor and Commissions award of Request for Proposals (RFP) No. 32-10/11 for Mobile Applications Developers for Municipal Parking, Transportation, Park and Recreation, Special Events, and Other City Services.

The services provided in the agreement included a branding customization of the mobile application that includes routing (driving directions) from a default location to a selected parking location using mapping capabilities. The application also includes real time information regarding parking availability which interfaces with the City's gated/revenue control software as well as a probability "heat" index for availability at metered spaces. The agreement also includes ongoing hosting and support of the mobile app.

The initial development cost of the application was a one-time fee of \$30,000 and there are no maintenance fees associated with the hosting and support services provided. The three (3) year agreement term is set to expire on June 7, 2016, and there are no options for renewal.

The City is pursuing an Intelligent Transportation System (ITS) and Smart Parking System (SPS) and engaged Kimley-Horn and Associates, Inc. as a result of Request for Qualifications (RFQ) No. 2015-115-JR as Program Manager. An important component of the ITS/SPS initiative is the provision of an array of mobile application services for dissemination of traffic and parking information to users. This segment of the ITS/SPS is on schedule and the timeline for defining the scope for the ITS/SPS mobile application is July 2016.

It is the City's intent to issue a formal competitive procurement process for the engagement of a firm to provide the ITS/SPS services including a mobile application. The City would be best served by providing uninterrupted service of the current parking mobile application. To this end, a waiver of competitive bids is necessary in order to extend the current agreement with ParkMe for a one-year period.

Please note ParkMe is agreeable to a one-year extension of the existing agreement under the same terms and conditions. Also, ParkMe would not be precluded from participating in future procurement solicitations.

**Administration Recommendation: Adopt the Resolution.**

**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;"> <span style="font-size: 8px;">OBPI</span> </div>	1		
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Saul Frances

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
SF	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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7<sup>TH</sup> VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A ONE-YEAR AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND PARKME, INC, FOR THE MIAMI BEACH PARKING APPLICATION, BASED ON THE SAME TERMS AS THE CITY'S PRIOR AGREEMENT WITH PARKME, INC.**

### ADMINISTRATION RECOMMENDATION

Approve a one-year renewal of the Agreement between the City of Miami Beach and ParkMe Inc. for the Miami Beach branded parking application.

### BACKGROUND AND ANALYSIS

On June 7, 2013, the City entered into an agreement with ParkMe, Inc. pursuant to the Mayor and Commissions award of Request for Proposals (RFP) No. 32-10/11 for Mobile Applications Developers for Municipal Parking, Transportation, Park and Recreation, Special Events, and Other City Services.

The services provided in the agreement included a branding customization of the mobile application that includes routing (driving directions) from a default location to a selected parking location using mapping capabilities. Additionally, each parking facility for which the City provides data features attributes such as street address, number of spaces, parking rates, hours of operation, etc. The application also includes real time information regarding parking availability which interfaces with the City's gated/revenue control software as well as a probability "heat" index for availability at metered spaces. The agreement also includes ongoing hosting and support of the mobile app.

The initial development cost of the application was a one-time fee of \$30,000 and there are no maintenance fees associated with the hosting and support services provided.

The three (3) year agreement term is set to expire on June 7, 2016, and there are no options for renewal.

As you know, the City is pursuing an Intelligent Transportation System (ITS) and Smart Parking System (SPS) and engaged Kimley-Horn and Associates, Inc. as a result of Request for Qualifications (RFQ) No. 2015-115-JR as Program Manager.

An important component of the ITS/SPS initiative is the provision of an array of mobile application services for dissemination of traffic and parking information to users. This segment of the ITS/SPS is on schedule and the timeline for defining the scope for the ITS/SPS mobile application is July 2016.

It is the City's intent to issue a formal competitive procurement process for the engagement of a firm to provide the ITS/SPS services including a mobile application.

The City would be best served by providing uninterrupted service of the current parking mobile application. To this end, a waiver of competitive bids is necessary in order to extend the current agreement with ParkMe for a one-year period.

Please note ParkMe is agreeable to a one-year extension of the existing agreement under the same terms and conditions. Also, ParkMe would not be precluded from participating in future procurement solicitations.

### **RECOMMENDATION**

It is recommended that the Mayor and City Commission approve a bid-waiver to enter into a one-year agreement between the City of Miami Beach and Park Me. LLC to allow for the completion of the ITS/SPS and issuance of a formal competitive procurement process for the complete array of services that will be part of the comprehensive transportation solution.

JLM/KGB/SF 

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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 AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH TYLER TECHNOLOGIES, INC. (PREVIOUSLY NEW WORLD SYSTEMS CORPORATION) TO PROVIDE CUSTOM EFFECTIVE RESPONSE FORCE SOFTWARE ENHANCEMENTS TO THE COMPUTER ASSISTED DISPATCH (CAD) SYSTEM FOR THE CITY'S FIRE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$45,000.

**Key Intended Outcome Supported:**

N/A

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

N/A

**Item Summary/Recommendation:**

On March 9, 2016, the Mayor and City Commission approved the City Manager's recommendation to waive competitive bidding requirements by 5/7ths vote, finding such waiver to be in the best interest of the City, and authorized the Administration to finalize negotiations with Tyler Technologies, Inc. (previously New World Systems Corporation); and further approved and authorized the City Manager and City Clerk, upon successful negotiations, to execute a new SSMA for a term of two (2) years, with up to three (3) one-year renewals, in an amount not to exceed \$1,739,796. The parties subsequently finalized and executed the SSMA.

As part of the new agreement with New World approved by the City Commission on March 9, 2016, the Fire Department intends to upgrade its system to include Effective Response Force (ERF) functionality. ERF 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. ERF functionality allows the Fire Department to assess as the necessary amount of staffing and equipment specific to each type of emergency and to be able to arrive on scene within a targeted amount of time. ERF functionality allows the Fire Department to deploy resources to effectively and efficiently respond to emergencies and mitigate any risks from under deployment of resources. This allows responses to minimize life and property casualties and maximize the safety of the responding firefighters, paramedics, police officers, and other first responders.

While a discussion on the ERF functionality was included in the agenda item considered and approved by the City Commission on March 9, 2016, the "not to exceed amount" of the item, which as stated as \$1,739,796, inadvertently did not include the cost of the ERF functionality estimated at \$45,000. Therefore, the purpose of this item is to seek the City Commission authority to complete the agreement with Tyler for the ERF functionality at a cost not to exceed \$45,000.

Based on the foregoing, the City Manager recommends that the Mayor and City Commission approve the Resolution authorizing the City Manager and City Clerk to execute an Additional Services Agreement with Tyler Technologies, Inc. to provide ERF enhancements to the computer assisted dispatch (CAD) system for the City's Fire Department, in an amount not to exceed \$45,000, which shall be subject to the City's acceptance of and satisfaction with the proposed software enhancement.

**RECOMMENDATION**  
**APPROVE THE RESOLUTION**

**Advisory Board Recommendation:**

NA

**Financial Information:**

Source of Funds:	Amount	Account
OBPI	1	
	Total	

**Financial Impact Summary:** All funds expended shall have been previously approved for the purposes stated herein.

**City Clerk's Office Legislative Tracking:**

Chief Oates, Chief Fernandez

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
VF 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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH TYLER TECHNOLOGIES, INC. (PREVIOUSLY NEW WORLD SYSTEMS CORPORATION) TO PROVIDE CUSTOM EFFECTIVE RESPONSE FORCE SOFTWARE ENHANCEMENTS TO THE COMPUTER ASSISTED DISPATCH (CAD) SYSTEM FOR THE CITY'S FIRE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$45,000.**

### **ADMINISTRATION RECOMMENDATION**

Adopt the Resolution.

### **BACKGROUND**

In February 2008, the City of Miami Beach ("City") entered into a five (5) year Standard Software Maintenance Agreement ("SSMA") with New World Systems Corporation (NWS). This contract covered software maintenance for all aspects of the Computer Aided Dispatch (CAD) system.

On March 9, 2016, the Mayor and City Commission approved the City Manager's recommendation to waive competitive bidding requirements by 5/7ths vote, finding such waiver to be in the best interest of the City, and authorized the Administration to finalize negotiations with Tyler Technologies, Inc. (previously New World Systems Corporation); and further approved and authorized the City Manager and City Clerk, upon successful negotiations, to execute a new SSMA for a term of two (2) years, with up to three (3) one-year renewals, in an amount not to exceed \$1,739,796. The parties subsequently finalized and executed the SSMA.

As part of the new agreement with New World approved by the City Commission on March 9, 2016, the Fire Department intends to upgrade its system to include Effective Response Force (ERF) functionality. ERF 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.

ERF functionality allows the Fire Department to assess as the necessary amount of staffing and equipment specific to each type of emergency and to be able to arrive on scene within a targeted amount of time. ERF functionality allows the Fire Department to deploy resources to effectively and efficiently respond to emergencies and mitigate any risks from under deployment of resources. This allows responses to minimize life and property casualties and maximize the safety of the responding firefighters, paramedics, police officers, and other first responders.

While a discussion on the ERF functionality was included in the agenda item considered and approved by the City Commission on March 9, 2016, the "not to exceed amount" of the item, which as stated as \$1,739,796, inadvertently did not include the cost of the ERF functionality estimated at \$45,000. Therefore, the purpose of this item is to seek the City Commission authority to complete the agreement with Tyler for the ERF functionality at a cost not to exceed \$45,000.

**CITY MANAGER'S RECOMMENDATION**

Based on the foregoing, I recommend that the Mayor and City Commission approve the Resolution authorizing the City Manager and City Clerk to execute an Additional Services Agreement with Tyler Technologies, Inc. to provide ERF enhancements to the computer assisted dispatch (CAD) system for the City's Fire Department, in an amount not to exceed \$45,000, which shall be subject to the City's acceptance of and satisfaction with the proposed software enhancement.

JLM / VF / AD

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH TYLER TECHNOLOGIES, INC. (PREVIOUSLY NEW WORLD SYSTEMS CORPORATION) TO PROVIDE CUSTOM EFFECTIVE RESPONSE FORCE SOFTWARE ENHANCEMENTS TO THE COMPUTER ASSISTED DISPATCH (CAD) SYSTEM FOR THE CITY'S FIRE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$45,000.**

**WHEREAS**, on March 9, 2016, the Mayor and City Commission adopted Resolution No. 2016-29333, accepting the City Manager's recommendation by 5/7ths vote to waive the competitive bidding requirement, and authorizing the Administration to finalize negotiations with Tyler Technologies, Inc. ("Tyler") (previously New World Systems Corporation) and, if such negotiations were successful, approving and authorizing the City Manager and City Clerk to execute a Standard Software Maintenance Agreement ("SSMA") for a term of two years, with up to three one-year renewal options, in an amount not to exceed \$1,739,796; and

**WHEREAS**, the parties subsequently finalized and executed the SSMA; and

**WHEREAS**, the SSMA provides software and maintenance for all aspects of the computer assisted dispatch ("CAD") system used by the City's Police Department, Fire Department, and Office of Emergency Management; and

**WHEREAS**, the effective maintenance of the CAD system is critical to the operational and planning activities of the Police Department, Fire Department, and Office of Emergency Management; and

**WHEREAS**, in addition to the required software and maintenance provided for in the SSMA, the Fire Department has requested that an Effective Response Force ("ERF") enhancement be implemented as soon as possible; and

**WHEREAS**, ERF is an asset monitoring and utilization tool that is required by the Fire Department in order to maintain its national accreditation; and

**WHEREAS**, the Administration now seeks approval to amend the SSMA to require Tyler to develop and implement an ERF compliance and reporting tool; and

**WHEREAS**, the Fire Department has determined that the proposed ERF tool will promote operational efficiencies that are tailored to the unique characteristics of the department.

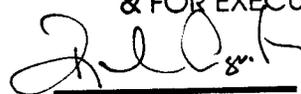
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the City Manager's recommendation and authorize the City Manager and City Clerk to execute an Additional Services Agreement with Tyler Technologies Inc. (previously New World Systems Corporation) to provide custom Effective Response Force (ERF) software enhancements to the computer assisted dispatch system for the City's Fire Department, in an amount not to exceed \$45,000.

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

5/2/16  
\_\_\_\_\_  
Date

NK

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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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER (AS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION) AND WAIVING, BY A 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST; AND APPROVING AND AUTHORIZING THE VENDORS LISTED IN EXHIBIT A TO THIS RESOLUTION FOR THE PURCHASE OF FOOD AND SNACKS, RIDES AND INFLATABLES AND OTHER PROGRAM EXPENSES FOR THE CITY'S PARKS AND RECREATION DEPARTMENTS' PARTICIPANTS IN THEIR AFTER-SCHOOL PROGRAMS, SUMMER CAMPS, SPECIAL EVENTS AND OTHER PROGRAMMED ACTIVITIES; SAID WAIVER SHALL BE AUTHORIZED FOR A PERIOD OF THREE (3) YEARS, ON A YEAR-TO-YEAR BASIS, CONTINGENT UPON CITY COMMISSION APPROVAL OF THE DEPARTMENT'S RELATED BUDGET ALLOCATION(S) DURING THE ADOPTION OF THE CITY'S ANNUAL BUDGET, IN AN ANNUAL AMOUNT NOT TO EXCEED \$270,000.**

### BACKGROUND

At the April 17, 2013 City Commission Meeting, Resolution No. 2013-28180 (Exhibit B) was passed approving the waiving, by a 5/7<sup>th</sup> vote, the formal competitive bidding requirements, finding such waiver to be in the City's best interest, and authorizing the purchase of food and snacks from Publix, Costco, Gordon Foods, and BJ's Wholesale to be consumed by: a) the City's Parks and Recreation Department's (the Department) participants in their After-School program, summer camps, special events and other programmed activities, and b) other departments and offices citywide, as approved in their respective annual budgets for a period of three (3) years.

The Department holds various programs and events throughout the year that require the purchase of food, snacks, rides, inflatables and other necessary program expenses. The funds for these items are allocated annually through the department's approved budget.

#### *Snacks and Food/Program Expenses*

As part of the After-School Program, No School Days and Summer Camp curriculum, the Department provides free snacks to all participants (estimated average daily attendance of 1,000 children). These snacks are purchased on a bi-weekly to a monthly basis by the park staff at local grocery or wholesale stores. Aside from the daily programming, food and miscellaneous program expenses are regularly purchased for athletics, seniors, teens and toddler programs and activities such as Thanksgiving, Holiday, Valentine's Day, New Years and the end of season parties. Additionally, the Department also provides food to Guild for the Blind and to the special needs population

programs.

The Department has procedures in place to properly safeguard the delivery and safekeeping of these items. All programmed sites have proper refrigeration as mandated by the Department of Health. The managers at each site are tasked with assuring proper inventory controls and distribution to the children during regular After-School and summer programming along with maintaining the same safeguards and procedures during the other planned events and activities.

#### *Rides and Inflatables*

The Parks and Recreation Department holds multiple events for thousands of residents throughout the year that require the rental of rides and inflatables such as:

- Back to School Bash
- Hispanic Heritage Festival
- Safe Night of Fright
- Halloween Happenings
- Winter Wonderland
- Cupid's Carnival
- Leprechaun's Carnival
- Spring Eggstravaganza
- Fall Fest

In the past, staff has found it very difficult to acquire identical quotes from inflatable and ride vendors as not all companies have the same products to offer. These special events are a very important staple in the City and the department would like to offer a variety of inflatable and rides from different local vendors throughout the year.

The department will work with the respective departments to stay in compliance with the City's established budgetary, procurement and administrative procedures.

#### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the Mayor and City Commission waive the formal competitive bidding requirement, by a 5/7<sup>th</sup>'s vote, as permitted under Section 52-367(e) of the City Code, as being in the best interest of the City.

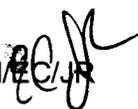
#### **CONCLUSION**

With the expiration of Resolution No. 2013-28228 in April 2016, the Administration recommends the adoption of the Resolution approving the waiver, by a 5/7<sup>th</sup>'s vote, of the formal competitive bidding requirements, finding such waiver to be in the City's best interest, and authorizing the purchase of food and snacks, rides and inflatables and program expenses to include the vendors listed in Exhibit A to be used and consumed by the City's Parks and Recreation Departments' participants in their after-school programs, summer camps, special events and other programmed activities; said waiver shall be authorized for a period of three (3) years, on a year-to-year basis, contingent upon City Commission approval of the department's related budget allocation(s) during the adoption of the City's annual budget, in an annual amount not to exceed \$270,000.

Attachment

*Exhibit A – List of Vendors*

*Exhibit B - Resolution No. 2013-28180*

JLM/EC/JR  


RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER (AS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION) AND WAIVING, BY A 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST; AND APPROVING THE VENDORS LISTED IN EXHIBIT A TO THIS RESOLUTION FOR THE PURCHASE OF FOOD AND SNACKS, RIDES AND INFLATABLES, AND OTHER PROGRAM EXPENSES TO BE USED BY THE PARTICIPANTS OF THE CITY'S PARKS AND RECREATION DEPARTMENTS' AFTER-SCHOOL PROGRAMS, SUMMER CAMPS, SPECIAL EVENTS AND OTHER PROGRAMMED ACTIVITIES; SAID WAIVER SHALL BE AUTHORIZED FOR A PERIOD OF THREE (3) YEARS, ON A YEAR-TO-YEAR BASIS, CONTINGENT UPON CITY COMMISSION APPROVAL OF THE DEPARTMENT'S RELATED BUDGET ALLOCATION(S) DURING THE ADOPTION OF THE CITY'S ANNUAL BUDGET, IN AN ANNUAL AMOUNT NOT TO EXCEED \$270,000.**

**WHEREAS**, at the April 17, 2013 City Commission Meeting, the Mayor and City Commission adopted Resolution No. 2013-28180, approving the waiver, by a 5/7<sup>th</sup>s vote, the formal competitive bidding requirement, finding such waiver to be in the City's best interest, and authorizing the purchase of food and snacks from Publix, Costco, Gordon Foods, and BJ's Wholesale to be consumed by: a) the City's Parks and Recreation Department's (the Department) participants in their after-school program, summer camps, special events and other programmed activities, and b) other departments and offices citywide, as approved in their respective annual budgets for a period of three (3) years; and

**WHEREAS**, the Department holds various programs and events throughout the year that require the purchase of food, snacks, rides, inflatables and other necessary program expenses; and the funds for these items are allocated annually through the department's approved budget; and

**WHEREAS**, as part of the after-school program, no school days and summer camp curriculum, the Department provides free snacks to all participants (estimated average daily attendance of 1,000 children) and these snacks are purchased on a bi-weekly to a monthly basis by the park staff at local grocery or wholesale stores; and

**WHEREAS**, food and miscellaneous program expenses are additionally regularly purchased for athletics, seniors, teens and toddler programs and activities such as Thanksgiving, Holiday, Valentine's Day, New Years and the end of season parties as well as for the Guild for the Blind and to the Special Needs Population programs; and

**WHEREAS**, the Department has procedures in place to properly safeguard the delivery and safekeeping of these items; and

**WHEREAS**, the Department holds multiple events for thousands of residents throughout the year that require the rental of rides and inflatables such as:

- Back to School Bash
- Hispanic Heritage Festival
- Safe Night of Fright
- Halloween Happenings
- Winter Wonderland
- Cupid's Carnival
- Leprechaun's Carnival
- Spring Eggstravaganza
- Fall Fest; and

**WHEREAS**, in the past, staff has found it very difficult to acquire identical quotes from inflatable and ride vendors as not all companies have the same products to offer; and

**WHEREAS**, the Department will work with the respective departments to stay in compliance with the City's established budgetary, procurement and administrative procedures; and

**WHEREAS**, Resolution No. 2013-28180 will expire in April of 2016 and the City Manager recommends waiving, by a 5/7<sup>th</sup>s vote, the formal competitive bidding requirement, as being in the best interest of the City; and

**WHEREAS**, the Administration recommends the approval of the vendors for food and program expenses as more particularly set forth in Exhibit A hereto.

**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 (as set forth in the City Commission Memorandum accompanying this Resolution) and waive, by a 5/7<sup>th</sup>s vote, the formal competitive bidding requirement, finding such waiver to be in the City's best interest; and approve the vendors listed in Exhibit A to this Resolution for the purchase of food and snacks, rides and inflatables, and other program expenses to be used by the Participants of the City's Parks and Recreation Departments' after-school programs, summer camps, special events and other programmed activities; said waiver shall be authorized for a period of three (3) years, on a year-to-year basis, contingent upon City Commission approval of the Department's related budget allocation(s) during the adoption of the City's annual budget, in an amount not to exceed \$270,000.

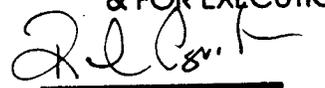
**PASSED and ADOPTED** this 11<sup>th</sup> day of May, 2016.

**ATTEST:**

\_\_\_\_\_  
PHILLIP LEVINE, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

5-3-2016  
\_\_\_\_\_  
Date

## Exhibit A

### List of Vendors

#### Food and Snacks

BJ's Wholesale Club	Dominoes
Costco Wholesale	Papa Johns
Publix Supermarkets	Whole Foods
Walmart	Coca-Cola
Gordon Food Service Distribution and Food Service	

#### Rides and Inflatables

Red Balloon	Power Party Events
Allstar Events	Mega Party Events
The Event Depot	Games on the Go

#### Program Expenses

Party City	Home Depot	Shin Digz
Oriental Trading/Fun Express	Michael's	Home Depot
Target	Joann Fabrics	Walmart
Miami Premier	FL Ice Manufacturing	IKEA
S&S Worldwide	Ayers	Apple
BSN	Boun Tree	Office Depot
Amazon.com	Crown Trophy	Swago
ID Wholesaler		

*\*\*Staff can use, but are not limited to, the list of vendors for the above expenses\*\**

## Exhibit A

### List of Vendors

#### Food and Snacks

BJ's Wholesale Club	Dominoes
Costco Wholesale	Papa Johns
Publix Supermarkets	Whole Foods
Walmart	Coca-Cola
Gordon Food Service Distribution and Food Service	

#### Rides and Inflatables

Red Balloon	Power Party Events
Allstar Events	Mega Party Events
The Event Depot	Games on the Go

#### Program Expenses

Party City	Home Depot	Shin Digz
Oriental Trading/Fun Express	Michael's	Home Depot
Target	Joann Fabrics	Walmart
Miami Premier	FL Ice Manufacturing	IKEA
S&S Worldwide	Ayers	Apple
BSN	Boun Tree	Office Depot
Amazon.com	Crown Trophy	Swago
ID Wholesaler		

*\*\*Staff can use, but are not limited to, the list of vendors for the above expenses\*\**

## **EXHIBIT B**

**Resolution No. 2013-28180**

RESOLUTION NO. 2013-28180

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY A 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENTS, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND AUTHORIZING THE PURCHASE OF FOOD AND SNACKS FROM PUBLIX, COSTCO, GORDON FOODS, AND BJ's WHOLESALE TO BE CONSUMED BY: A) THE CITY'S PARKS AND RECREATION DEPARTMENT'S PARTICIPANTS IN THEIR AFTER-SCHOOL PROGRAMS, SUMMER CAMPS, SPECIAL EVENTS AND OTHER PROGRAMMED ACTIVITIES, AND B) OTHER DEPARTMENTS AND OFFICES CITYWIDE, AS APPROVED IN THEIR RESPECTIVE ANNUAL BUDGETS; SAID WAIVER SHALL BE AUTHORIZED FOR A PERIOD OF THREE (3) YEARS, ON A YEAR-TO-YEAR BASIS, CONTINGENT UPON CITY COMMISSION APPROVAL OF THE DEPARTMENTS' RELATED BUDGET ALLOCATION(S) DURING THE ADOPTION OF THE CITY'S ANNUAL BUDGET.

**WHEREAS**, the Parks and Recreation Department is charged with the goal of providing safe, educational, and fun-filled programming for all ages; and

**WHEREAS**, as a component of the after-school curriculum and during non-school days, the Recreation Division provides free snacks to all after-school participants; and

**WHEREAS**, on non-school days, the programmed recreational sites may also supply lunches, entertain the children with parties, and ensure that the children have healthy snacks prior to sending them home; and

**WHEREAS**, the Recreation Division also hosts in-house activities recognizing "special days" for the after-school participants; examples of these activities include, but are not limited to, Thanksgiving, Valentine's Day, New Year's Eve, and the End of the School Year parties; and

**WHEREAS**, the Department also produces numerous neighborhood and special events in order to provide residents with fun-filled and enjoyable activities throughout the year, which include:

- Hispanic Heritage Festival
- Safe Night of Fright
- Halloween Happenings
- Winter Wonderland
- Black History Night
- Cupid's Carnival
- Spring Eggstravaganza
- Playground Revue
- Movie in the Parks (various sites); and

**WHEREAS**, the Recreation Division also supplies food and snacks to seniors during their programmed events, provides food to the Guild for the Blind and to our special needs population programs at their many events, which include Special Olympics, Thanksgiving, Seasonal Holiday Party, Valentine's Day, and the End of School Year Party; and

**WHEREAS**, there are additional City Departments and offices that also purchase food and snacks from the vendors on the approved list; and

**WHEREAS**, for example, the Office of the Mayor and Commission purchase food monthly for City Commission meetings and City Commission workshops; and

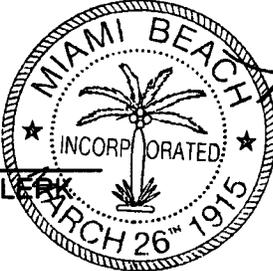
**WHEREAS**, the Office of Community Services purchases approximately \$3,600 of food annually for their Service Partnership Program, Youth Development Program, and Emergency Food & Shelter Program (EFSP).

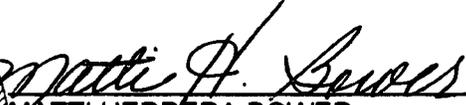
**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby waive, by a 5/7<sup>th</sup> vote, the formal competitive bidding requirements, finding such waiver to be in the City's best interest, and authorize the purchase of food and snacks from Publix, Costco, Gordon Foods, and BJ's Wholesale, to be consumed by: a) the City's Parks and Recreation Department's participants in their after-school programs, summer camps, special events, and other programmed activities, and b) other departments and offices Citywide, as approved in their respective annual budgets; said waiver shall be authorized for a period of three (3) years on a year-to-year basis, contingent upon City Commission approval of the Departments' related budget allocation(s) during the adoption of the City's annual budget.

**PASSED and ADOPTED** this 17 day of April, 2013.

**ATTEST:**

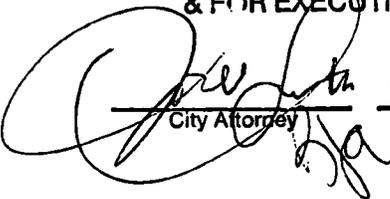
  
\_\_\_\_\_  
RAFAEL GRANADO, CITY CLERK



  
\_\_\_\_\_  
MATTI HERRERA BOWER  
MAYOR

T:\AGENDA\2013\April 17\Reso. - Waiver of Competitive Bid- Food - Snacks All Departments.doc

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

4/4/13  
Date

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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 PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-057-WG FOR INVESTIGATION, BACKGROUND, ADJUSTING AND SURVEILLANCE OF SELECTED TORT LIABILITY CLAIMS, WORKERS COMPENSATION CLAIMS AND OTHER EMPLOYMENT RELATED MATTERS AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE THREE TOP-RANKED PROPOSER(S), DIGISTREAM SOUTH FLORIDA, INC., PROVEN INVESTIGATIONS, LLC AND CROSSROADS SDI, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

**Key Intended Outcome Supported:**

Strengthen Internal Controls To Achieve More Accountability  
**Supporting Data (Surveys, Environmental Scan, etc: N/A**

**Item Summary/Recommendation:**

The Administration issued RFQ 2016-057-WG to seek statements of qualifications from firms to provide investigation, background, adjusting and surveillance of selected tort liability claims, workers compensation claims and other employment related matters for the City of Miami Beach on February 17, 2016.

On April 1, 2016, the City received statements of qualifications from Crossroads SDI, Inc., DigiStream South Florida, Inc., Proven Investigations, LLC, VRP Group, Inc. DBA Regius, and Giordano Protection Services, LLC. Giordano Protection Services, LLC was deemed non-responsive for failure to meet the requirements of the RFQ, including failure to submit: documentation indicating compliance with licensing requirement, evidence of prior experience, any information on team that would service the City.

On April 21, 2016 the City Manager appointed Evaluation Committee (the "Committee") convened to consider the statement of qualifications received.

After considering proposals and the results of the Evaluation Committee process, pursuant to RFQ No. 2016-057-WG, for Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers Compensation Claims and Other Employment Related Matters, the City Manager recommends award of contracts to the three (3) highest ranked proposers: DigiStream South Florida, Inc., Proven Investigations, LLC and Crossroads SDI, Inc.

The City currently uses the services of only one investigation firm to fulfill the needs of the Human Resources Department as it relates to tort claims, workers' compensation claims, adjusting services, surveillance, backgrounds, and other employment related matters. The recommendation is to have a pool of investigation firms that will assure that the City's needs are met in a timely matter.

**ADMINISTRATION RECOMMENDATION**  
 Adopt the Resolution.

**Advisory Board Recommendation:**

N/A

**Financial Information:** The annual cost associated with the Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers Compensation Claims and Other Employment Related Matters are subject to the funds availability approved through the City's budgeting process.

Source of Funds:	Amount	Account
1		
2		
<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Alex Denis, Extension 6641

**Sign-Offs:**

Department Director SCT AD	Assistant City Manager MT	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: May 11, 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 FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2016-057-WG FOR INVESTIGATION, BACKGROUND, ADJUSTING AND SURVEILLANCE OF SELECTED TORT LIABILITY CLAIMS, WORKERS COMPENSATION CLAIMS AND OTHER EMPLOYMENT RELATED MATTERS AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE THREE TOP-RANKED PROPOSER(S), DIGISTREAM SOUTH FLORIDA, INC. AND PROVEN INVESTIGATIONS, LLC; AND CROSSROADS SDI, INC; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

### ADMINISTRATION RECOMMENDATION

Adopt the resolution.

### FUNDING

The annual cost associated with the Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers Compensation Claims and Other Employment Related Matters is subject to the funds availability approved through the City's budgeting process.

### BACKGROUND

The Administration issued RFQ 2016-057-WG to seek statements of qualifications from firms to provide investigation, background, adjusting and surveillance of selected tort liability claims, workers compensation claims and other employment related matters for the City of Miami Beach.

### RFQ PROCESS

The RFQ was released on February 17, 2016. On April 1, 2016, the City received statements of qualifications from the following firms:

- Crossroads SDI, Inc.
- DigiStream South Florida, Inc.
- Proven Investigations, LLC
- VRP Group, Inc. DBA Regius
- Giordano Protection Services, LLC

Giordano Protection Services, LLC was deemed non-responsive for failure to meet the requirements of the RFQ, including failure to submit: documentation indicating compliance with licensing requirement, evidence of prior experience, any information on team that would service the City.

On April 6, 2016, the City Manager appointed, via letter to Commission (LTC) No. 144-2016, an Evaluation Committee (the Committee), consisting of the following individuals:

- Sonia Bridges, Division Director Risk & Benefits, Human Resources Department
- Jose Del Risco, Human Resources Assistant Director, Human Resources Department
- Emomotimi Brisibe, Senior Assistant City Attorney, Office of the City Attorney

The following Alternates were also appointed:

The Committee convened on April 21, 2016, to consider the statement of qualifications received. The Committee was provided an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government in the Sunshine Law. The Committee was also provided general information on the scope of services, references, and a copy of each proposal. The Committee was instructed to score and rank the proposals pursuant to the evaluation criteria established in the RFQ.

Evaluation Criteria	Total Points
Similar project experience References Team member qualifications or Other Factors or Information Requested under this RFQ	100

The RFQ also stipulated that additional points would be applied, if applicable pursuant to the City's Veteran's Preference Ordinance. However, none of the proposers were eligible for the veteran's preference.

After proposer's presentations and interviews, the Committee discussed the proposers' qualification, experience, and competence, and further scored the proposers in accordance with the qualitative criteria established in the RFQ ( Similar project experience, References, Team member qualifications or Other Factors or Information Requested under this RFQ). The final rankings are as follows:

RFQ # 2016-057-WG for Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers' Compensation Claims and other Employment Related Matters	Sonia Bridges	Ranking	Ermomotimi Brisibe	Ranking	Jose Del Risco	Ranking	LOW AGGRE GATE TOTALS	
Crossroads SDI, Inc.	70	3	79	2	90	2	7	3
DigiStream South Florida, Inc.	85	1	85	1	85	3	5	1
Proven Investigations, LLC	75	2	77	3	93	1	6	2
VRP Group, Inc. dba Regius	45	4	76	4	75	4	12	4

Veterans Preference			
Proposer	Veterans Preference	Maximum Allowable Points	Total Points Awarded*
Crossroads SDI, Inc.	0	5	0
DigiStream South Florida, Inc.	0	5	0
Proven Investigations, LLC	0	5	0
VRP Group, Inc. dba Regius	0	5	0

In determining responsiveness and responsibility of the firms, the Procurement Department verified compliance with the minimum requirements established in the RFQ, financial capacity as contained in the Dun & Bradstreet Supplier Qualifier Report, and past performance through client references submitted by each proposer.

**CITY MANAGER’S DUE DILIGENCE**

After considering proposals and the results of the Evaluation Committee process, pursuant to RFQ No. 2016-057-WG, for Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers Compensation Claims and Other Employment Related Matters, I recommend the award of contracts to the three (3) highest ranked proposers: DigiStream South Florida, Inc., Proven Investigations, LLC, and Crossroads SDI, Inc.

The City currently uses the services of only one investigation firm to fulfill the needs of the Human Resources Department as it relates to tort claims, workers’ compensation claims, adjusting services, surveillance, backgrounds, and other employment related matters. The recommendation is to have a pool of investigation firms that will assure that our needs are met in a timely matter.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the resolution accepting the recommendation of the City Manager, pertaining to the ranking of proposals received pursuant to Request for Qualifications (RFQ) No. 2016-057-WG, for Investigation, Background, Adjusting and Surveillance of Selected Tort Liability Claims, Workers Compensation Claims and Other Employment Related Matters, to award contracts to: DigiStream South Florida, Inc., Proven Investigations, LLC and Crossroads SDI, Inc.; and, further authorizing the Mayor and City Clerk to execute agreements with the recommended firms upon conclusion of successful negotiations by the Administration.

JLM / MT / SCT/ AD / WG

**RESOLUTION TO BE SUBMITTED**

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**Condensed Title:**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING, AS A SOLE SOURCE PURCHASE, THE PURCHASE OF SPIRAX SARCO METER SYSTEMS EQUIPMENT, PARTS, SOFTWARE, SERVICE AND RELATED ITEMS, PURSUANT TO SECTION 2-367 (d) OF THE MIAMI BEACH CITY CODE, FOR THE CITY'S SATELLITE CITY FLOW METERING SYSTEMS, FROM G-TEC EQUIPMENT SERVICES, LLC, THE EXCLUSIVE AGENT FOR SPIRAX SARCO METER SYSTEMS EQUIPMENT, PARTS, SOFTWARE, SERVICE AND RELATED ITEMS IN THE CITY'S GEOGRAPHIC REGION, IN AN AMOUNT NOT TO EXCEED THE AVAILABLE APPROVED ANNUAL BUDGET FOR THESE ITEMS.**

**Key Intended Outcome Supported:**

Build And Maintain Priority Infrastructure With Full Accountability

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

**Item Summary/Recommendation:**

The Procurement Department has received a request from the Public Works Department to procure equipment and services for the maintenance, repairs, replacements and related services of the Spirax Sarco flow metering systems utilized in the City's pump stations as sole source purchases.

The City currently has 5 Spirax Sarco flow meters installed. These meters and require maintenance, parts and replacement equipment to keep them operating at efficient and effective levels, and to quickly return them to full function in the event of a failure. This ensures that the sewer discharges into the City of Miami Beach conveyance system are metered effectively and offers accuracy of billing to the satellite cities preventing loss of revenues.

Spirax Sarco, Inc., the manufacturer of Spirax Sarco Metering Products, has notified the City that equipment, parts, and services for its meters are only available from G-TEC Equipment Services, LLC. No other dealer is authorized by the manufacturer. In lieu of seeking the advice of a consultant/industry expert that the required items are, in fact, only available from G-TEC Equipment Services, LLC, the Procurement Department publically released an Intent to Sole Source (ITS) No. 2016-119-MT, on March 28, 2016, requesting that, should any vendor believe it can provide the City with the necessary items, it should submit written notification for the City's consideration. No responses to the ITS were received.

Therefore, this item seeks approval to procure the maintenance, repairs, replacements and related services for Spirax Sarco flow metering systems from by G-TEC Equipment Services, LLC, the sole dealer authorized by the manufacturer of the Spirax Sarco metering systems.

After considering the need to maintain operational and maintenance efficiencies of the City's satellite city flow meters and after review of the results of the Intent to Sole Source issued by the Procurement Department, I recommend that the Mayor and City Commission approve the Resolution authorizing, pursuant to Section 2-367 (d) of the Miami Beach City Code, the purchase of maintenance, repairs, replacements and related services for the Spirax Sarco flow meter systems from the sole source authorized by the manufacturer of the equipment, G-TEC Equipment Services, LLC.

**RECOMMENDATION**

Adopt the Resolutions.

**Advisory Board Recommendation:**

**Financial Information:**

Source of Funds:		Amount	Account
	1		
OBPI	Total		

**Financial Impact Summary:** All funds expended will have been previously authorized for this purpose.

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
RC  AD 	EC  MT _____	JLM 

T:\AGENDA\2016\May\Procurement\ITS-2016-119-MT GTEC SPIRAX SARCO COMMISSION ITEM SUMMARY.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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING, AS A SOLE SOURCE PURCHASE, THE PURCHASE OF SPIRAX SARCO METER SYSTEMS EQUIPMENT, PARTS, SOFTWARE, SERVICE AND RELATED ITEMS, PURSUANT TO SECTION 2-367 (d) OF THE MIAMI BEACH CITY CODE, FOR THE CITY'S SATELLITE CITY FLOW METERING SYSTEMS, FROM G-TEC EQUIPMENT SERVICES, LLC, THE EXCLUSIVE AGENT FOR SPIRAX SARCO METER SYSTEMS EQUIPMENT, PARTS, SOFTWARE, SERVICE AND RELATED ITEMS IN THE CITY'S GEOGRAPHIC REGION, IN AN AMOUNT NOT TO EXCEED THE AVAILABLE APPROVED ANNUAL BUDGET FOR THESE ITEMS.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

The Procurement Department has received a request from the Public Works Department to procure equipment and services for the maintenance, repairs, replacements and related services of the Spirax Sarco flow metering systems utilized in the City's pump stations as sole source purchases.

The City currently has 5 Spirax Sarco flow meters installed. These meters and require maintenance, parts and replacement equipment to keep them operating at efficient and effective levels, and to quickly return them to full function in the event of a failure. This ensures that the sewer discharges into the City of Miami Beach conveyance system are metered effectively and offers accuracy of billing to the satellite cities preventing loss of revenues.

Spirax Sarco, Inc., the manufacturer of Spirax Sarco Metering Products, has notified the City that equipment, parts, and services for its meters are only available from G-TEC Equipment Services, LLC. No other dealer is authorized by the manufacturer. In lieu of seeking the advice of a consultant/industry expert that the required items are, in fact, only available from G-TEC Equipment Services, LLC, the Procurement Department publically released an Intent to Sole Source (ITS) No. 2016-119-MT, on March 28, 2016, requesting that, should any vendor believe it can provide the City with the necessary items, it should submit written notification for the City's consideration. No responses to the ITS were received.

Therefore, this item seeks approval to procure the maintenance, repairs, replacements and related services for Spirax Sarco flow metering systems from by G-TEC Equipment Services, LLC, the sole dealer authorized by the manufacturer of the Spirax Sarco metering systems.

### CITY MANAGER'S RECOMMENDATION

After considering the need to maintain operational and maintenance efficiencies of the City's satellite city flow meters and after review of the results of the Intent to Sole Source issued by the Procurement Department, I recommend that the Mayor and City Commission approve the Resolution authorizing, pursuant to Section 2-367 (d) of the Miami Beach City Code, the purchase of maintenance, repairs, replacements and related services for the Spirax Sarco flow meter systems from the sole source authorized by the manufacturer of the equipment, G-TEC Equipment Services, LLC.

JLM / RC / AD / MT

T:\AGENDA\2016\May\Procurement\ITS-2016-119-MT GTEC SPIRAX SARCO MEMO.docx

# MIAMI BEACH

City of Miami Beach, 1755 Meridian Avenue, 3<sup>RD</sup> Floor, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)  
PROCUREMENT DEPRATMENT  
Tel: 305-673-7490 ,

Date: March 28, 2016  
To: ALL INTERESTED PARTIES  
FROM: Martha L. Torres  
Procurement Coordinator  
[marthatorres@miamibeachfl.gov](mailto:marthatorres@miamibeachfl.gov)

**Subject: Intent to Award Pursuant to Sole Source Exemption, (ITS 2016-119-MT)**

This notice is released pursuant to Section 2-367 (d) of the Miami Beach City Code. The purpose of this notice is to notify an interested party that pursuant to Section 2-367 (d), of the Miami Beach City Code, intends to make a non-competitive award for the goods or services, as stated below.

**Goods or services required:**

The City of Miami Beach Public Works Department is procuring the services of a vendor to provide equipment, parts and service for the **SPIRAX SARCO** metering product systems installed in the City's water and sewer pump stations.

**Supplier to be awarded:** G-Tec Equipment Services, LLC.

**Reason for Sole Source:**

G-Tec is the sole and exclusive representative for Spirax Sarco equipment, parts and related services.

**Estimated value of award:** \$40,000 annually.

**THIS NOTICE IS NOT A REQUEST FOR COMPETITIVE OFFERS.** However, any firm that believes it can meet the requirements stated herein may give written notification to the contracting officer stated above within 7 calendar days from the date of this notice. Supporting evidence must be furnished in sufficient detail to demonstrate the ability to comply with the requirement(s) listed. Responses are due on or before **April 4, 2016 @ 3:00pm.** A determination by the City of Miami Beach not to compete this proposed contract based on responses to this notice is solely within the discretion of the City of Miami Beach.



To Colleagues and Loyal Customers  
CC Keith Gosselin  
Ref Spirax Sarco Meter Sales  
Date September 28, 2015

Spirax Sarco has contracted G-Tec Equipment Services, LLC, to serve as our Municipal Metering Sales Representative for the state of Florida. G-Tec is the sole representative in the state of Florida for Spirax Metering Products in the Municipal market.

Please direct all sales inquiries, engineering/technical support, and purchases related to our metering products for any commercial applications in the state of Florida to the following:

G-Tec Equipment Services, LLC

4122 Longfellow Drive

Plant City, FL 33566

Phone: (863) 660-8385

E-mail: [g-tecequipment@hotmail.com](mailto:g-tecequipment@hotmail.com)

Attn: Keith Gosselin

We appreciate your interest in our products and are positioned to provide the highest level of customer service for any of your needs in the metering industry.

Regards,

A handwritten signature in black ink, appearing to read "Reece Barefoot".

**Reece Barefoot**

SE Regional Manager

Mobile: 804-647-8490

Email: [Reece.Barefoot@us.spiraxsarco.com](mailto:Reece.Barefoot@us.spiraxsarco.com)

*First for Steam Solutions*

[spiraxsarco.com/us](http://spiraxsarco.com/us)

## EFT10 Electromagnetic Flow Transmitter

### Description

Spirax Sarco's EFT10 Electromagnetic Flow Transmitter produces a clean and powerful bidirectional flow signal with unsurpassed fast response and uniquely high signal strength.

By using an innovative and patented Pulsed Hybrid method of coil excitation the EFT10 creates an ultra stable flow signal to media noise ratio up to 50 times higher than other magmeter technologies.

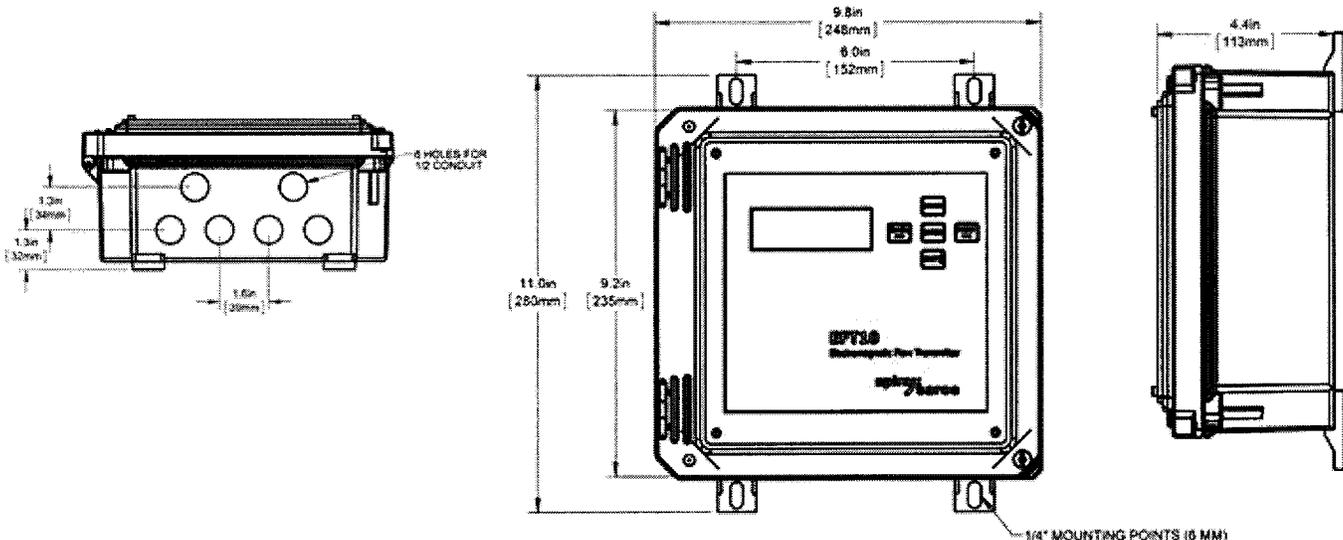
The EFT10 is a versatile and advanced magmeter transmitter with a user-friendly keypad for programming, a 10-year memory, batch control, RS485 Modbus interface, HART, two 4-20mA outputs and a scalable pulse frequency output.

### Features

- High excitation current (to 5.5 A base to peak) and high exciter frequency (40Hz to 33Hz) for all size full pipe sensors.
- 4 lines of 20 character alpha numeric, backlit display with sealed tactile feedback and vandal resistant keyboard
- Suitable for problem media (mining, slurries, and low conductivity media)
- HART, Modbus RTU over RS-485, and two 4-20mA outputs
- Bi-directional flow measurement; accurately eliminates back flow from net totals
- Virtually immune to common noise effects, including eddy currents, radio frequency, and variable frequency drives
- Reference coils to compensate for media temperature



### Dimensions



Local regulation may restrict the use of this product below the conditions quoted. Limiting conditions refer to standard connections only. In the interests of development and improvement of the product, we reserve the right to change the specification.

# EFT10 Electromagnetic Flow Transmitter

## EFT10 Specifications

<b>Enclosure</b>	Wall mounted, UV resistant fiberglass with stainless steel screws
<b>Front Panel Keypad</b>	Tactile feedback, waterproof, vandal resistant
<b>Environmental Protection</b>	NEMA 4X (IP65)
<b>Ambient Temperature</b>	-4 to 140 °F (-20 to 60 °C)
<b>Supply Voltage</b>	120VAC 60Hz, 120VAC 50Hz, 230VAC 50Hz, 230VAC 60Hz
<b>Power Consumption</b>	EFT10 Transmitter 6 watts typical Max for Sensors 65 watts typical
<b>Diagnostics</b>	All necessary diagnostics, readings and system status are available via the front panel keypad without opening the door. A user security password is programmable, allowing revalidation of the magmeter's NIST traceable Calibration Certificates. A separate calibration box is not necessary
<b>Windows Interface Program</b>	Computer interface via RS-232 serial connection, enabling programming of setup, and downloading diagnostics and status.
<b>Magnetizing Current</b>	Up to 5.5 A base to peak, depending on sensor size
<b>Exciter Frequency</b>	40Hz (with 60Hz supply) or 33.3Hz (with 50Hz supply)
<b>Time Constant (T)</b>	Minimum of 30 milliseconds
<b>Signal Averaging (ST)</b>	0 to 300 seconds
<b>Optional Batch Control</b>	For batch control, the total set amount is entered via the keypad and displayed. Keypad activation of batch flow via a EFT10 relay initiates flow, counting from zero to the total set point amount.
<b>Frequency Mode</b>	0 - 1,000Hz, 0 - 2,000Hz, 0 - 5,000Hz, 0 - 10,000Hz
<b>Analog Outputs</b>	Two, 4-20mA outputs from separate terminals are available for bi-directional flow. Either may be configured as an internally powered 2-wire output or an externally powered 2-wire output
<b>Pulsed Outputs</b>	An externally powered, 2 wired scaled output (for totalizing flow), or frequency output (for rate of flow)
<b>Relay Outputs</b>	Two user configurable form C (changeover) relays with contact rate 125VAC, 1A, 30VA
<b>Contact Inputs</b>	Two user configurable inputs, rated 12volts DC, 10 mA. These inputs require a contact closure or transistor switch between the terminals.
<b>Modbus Output</b>	Modbus RS-485 ( RTU)
<b>HART Output</b>	Supports HART 7 protocol; HART registration pending
<b>Input Impedance</b>	10 <sup>12</sup> Ohms
<b>Pre-Amp Supply</b>	A pre-amp is supplied standard on all products, for use on media with conductivity > 0.8µS/cm
<b>Maximum Cable Length</b>	Max cable length for fluids with conductivity < 5 µS/cm, 50 feet Max cable length for fluids with conductivity > 5µS/cm , 300 feet
<b>UniMag products supported</b>	Full pipe meters only. UniMag M, DT, DM, DL, Delta Kit, DeltaMass
<b>Flow Range</b>	0.6 to 32 feet/second (0.2 to 9.7 m/sec)
<b>System Accuracy (with flow tube)</b>	UniMag M, DT, DM, and DL velocities +/- 0.5% of rate for flows to >8.0 fps; +/- 0.048 fps for flows <8.0 fps. DeltaKit and DeltaMass +/- 1.0% of rate for flows to >8.0 fps ; +/-0.096 fps for flows to <8.0 fps
<b>Approvals</b>	UL pending

## Part Numbers

Description	Part Number
EFT10 with 120VAC, 60Hz power	EC007102
EFT10 with 120VAC, 50Hz power	EC007100
EFT10 with 230VAC, 50Hz power	EC007101
EFT10 with 230VAC, 60Hz power	EC007103

## Notes

- <sup>1</sup> The EFT10 Flow Transmitter must be operated in a safe area.
- <sup>2</sup> Currently the EFT10 is NOT PED approved for sales into European Union countries.

## MAGFLO MAG 5100 W

### Benefits

- DN 25 to DN 1200 (1" to 48")
- Connection flanges EN 1092-1 (DIN 2501), ANSI, AWWA and AS.
- Ebonite Hard Rubber liner for all water applications
- Hastelloy Integrated grounding and measuring electrodes
- Increased low flow accuracy for water leak detection, due to coned liner design.
- Drinking water approvals
- Suitable for direct burial and constant flooding
- Build-in length according to ISO 13359
- Easy commissioning, SENSORPROM unit automatically up-loads calibration values and settings
- Designed that patented in-situ verification can be conducted. Using SENSORPROM fingerprint.

### Application

The main applications of the MAGFLO electromagnetic flow sensors can be found in the following fields:

- Water abstraction
- Water treatment
- Water distribution network (leak detection management)
- Custody transfer water meters
- Irrigation
- Waste water treatment
- Filtration plant (e.g. reverse osmosis and ultra filtration)
- Industrial Water applications

### Mode of operation

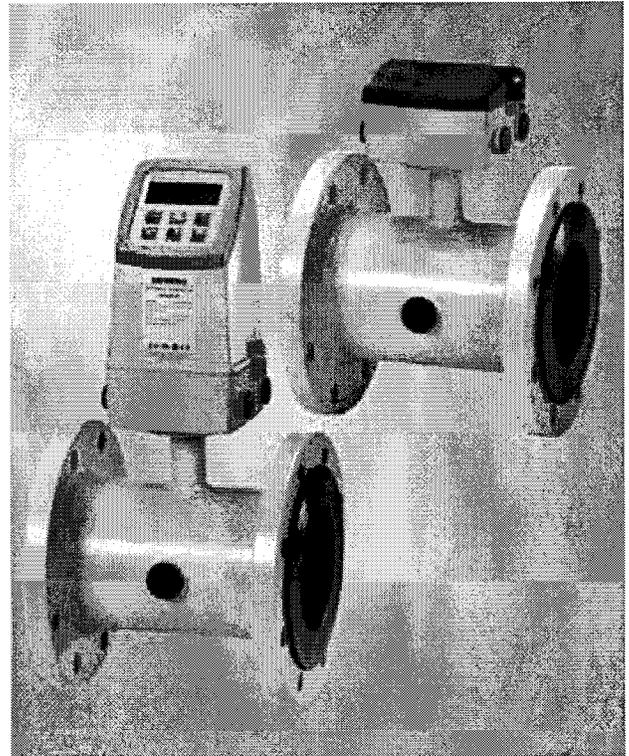
The flow measuring principle is based on Faradays law of electromagnetic Induction where the sensor converts the flow into an electrical voltage proportional to the velocity of the flow.

### Function

- Highly resistant to a wide range of chemicals
  - OIML R49 and PTB approved
  - Conforms to ISO 4064 and EN 14154
  - MI-0001 Custody Transfer approval for billing
- Meets EEC directives: PED, 97/23/EC pressure directive for #N 1092-1 flanges
- Simple onsite or factory upgrade to IP68/NEMA 6P of standard sensor.

### Integration

The complete flow meter consists of a flow sensor and an associated transmitter MAGFLO MAG 5000 or MAG 6000

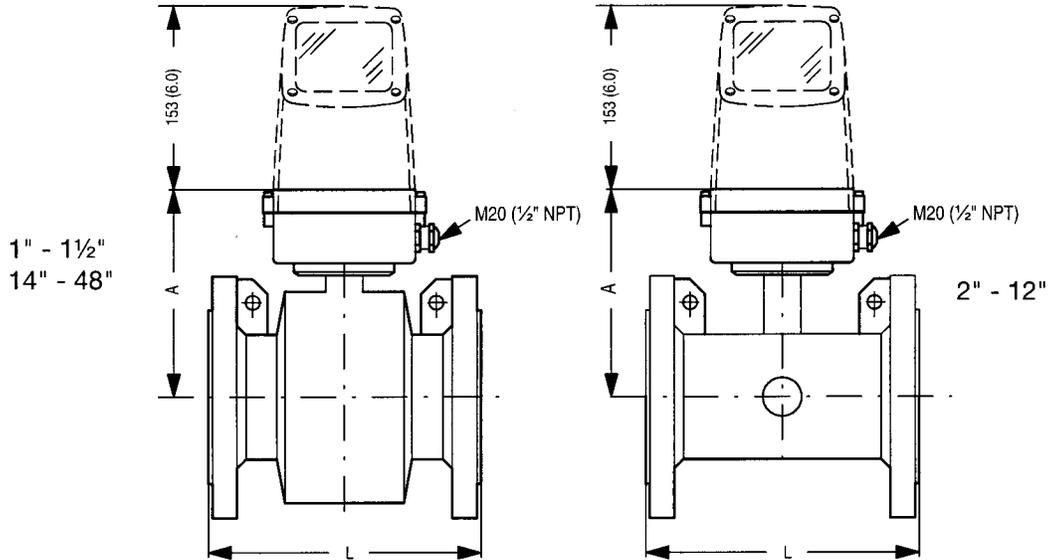


# MAGFLO MAG 5100 W

## Technical Specifications

Design	Full bore sensor	Coned bore sensor	Full bore sensor
Nominal size	DN 25 ...40 (1" ...1 1/2")	DN 50 ...300 (2" ...12")	DN 350 ...1200 (14" ...48")
Measuring principle	Electromagnetic induction		
Excitation frequency	12.5 Hz	<ul style="list-style-type: none"> <li>• 50... 65mm (2" ...2 1/2"): 12.5 Hz</li> <li>• 80 ...150mm (3" ...6"): 6.25 Hz</li> <li>• 200 ... 300mm (8" ...12"): 3.125 Hz</li> </ul>	DN 350 ... 450 (14" ...18"): 3.125Hz DN 500... 1200 (20" ...48"): 1.5625 Hz
<b>Process connection</b>			
Flanges			
• ANSI B 16.5	Class 150 lb	Class 150 lb ~20 bar (290 psi)	
• AWWA C-207	-	-	28" ...48": Class D
<b>Rated Operation Conditions</b>			
Ambient temperature	-40... +70 °C (-40... +158 °F)		
• Sensor	-20... +50 °C (-4 ... +122 °F)		
• With Compact transmitter MAG 5000/6000			
Operating pressure	0.01 ...40bar (0.15 ...580 psi)	0.03 ...20 bar (0.44...290psi)	0.01...16 bar (0.15 ...232psi)
Enclosure rating	IP67 to EN 60529 / NEMA 4x/6 (1 mH <sub>2</sub> O for 30 minutes)		
• Standard	IP68 to EN 60529 / NEMA 6P (40 mH <sub>2</sub> O continuously)		
• Option			
Pressure drop at 3 m/s (10 ft/s)	As straight pipe	Max. 25 mbar (0.36 psi)	As straight pipe
Medium conditions			
Temperature of medium			
• Ebonite	-10 ... +70 °C (14 ... +158°F)		
EMC	89/336 EEC		
<b>Design</b>			
Weight	See dimensional drawings		
Material	Carbon steel, St 37.2		
• Housing and flanges	Standard Fibre glass reinforced polyamide		
• Terminal box	AISI 304 (1.4301)		
• Measuring pipe	Ebonite Hard Rubber (hydro carbon resistant)		
• Liner	Hastelloy C276		
• Electrodes	Hastelloy C276		
• Grounding electrodes standard	Hastelloy C276		
<b>Certificates and approvals</b>			
Custody Transfer (only together with MAG 5000/6000 CT)	OIML R 49 cold water (2" ...12") MI 001 cold water (2" ...12")		
Approvals	FM Class 1, Div 2 CSA Class 1, Div 2		
Approvals	CRN		

# MAGFLO MAG 5100 W



Nominal Size		A	L	Weight
[mm]	[inch]	[inch]	Class 150 / AWWA [inch]	Class 150 / AWWA [lbs]
25	1	7.4	7.9	9
40	1 1/2	7.8	7.9	13
50	2	7.4	7.9	20
65	2 1/2	7.6	7.9	24
80	3	7.9	7.9	28
100	4	8.1	9.8	41
125	5	8.5	9.8	52
150	6	9.1	11.8	64
200	8	10.1	13.8	124
250	10	11.2	17.7	174
300	12	12.2	19.7	243
350	14	15.0	21.7	307
400	16	16.0	23.6	351
450	18	17.2	23.6	400
500	20	18.2	23.6	495
600	24	20.2	23.6	704
700	28	22.2	27.6	602
750	30	23.3	29.5	725
800	32	24.3	31.5	804
900	36	26.1	35.4	1089
1000	40	28.1	39.4	1282
	42	28.1	39.4	1512
	44	30.1	43.3	1680
1200	48	32.3	47.2	1896

# MAGFLO MAG 5100 W

## Model Code MAG 5100 W

DESCRIPTION	SIZE (IN.)	CODE No	FLANGE
Sensor MAG 5100 W - Hard Rubber Liner (ebonite)			
Liner: Ebonite	1"	7ME6580-2DJ14-2AA2	150# ANSI
Accuracy: 0.5% of rate	1 ½ "	7ME6580-2RJ14-2AA2	150# ANSI
Electrodes: Hastelloy C	2"	7ME6580-2YJ14-2AA2	150# ANSI
Enclosure: NEMA 4X, NEMA 6*	2 ½ "	7ME6580-2FJ14-2AA2	150# ANSI
(3-ft. submersible up to 72 hours)	3"	7ME6580-3MJ14-2AA2	150# ANSI
Flange Material: Carbon Steel	4"	7ME6580-3TJ14-2AA2	150# ANSI
Sizes 1" to 24" : ANSI 16.5B, Class 150	5"	7ME6580-4BJ14-2AA2	150# ANSI
Sizes 28" to 48" : AWWA C-207, Class D	6"	7ME6580-4HJ14-2AA2	150# ANSI
Max Temp: 158° F (70°C)	8"	7ME6580-4PJ14-2AA2	150# ANSI
*NEMA 6P when applying submersible kit part # 085U0220	10"	7ME6580-4VJ14-2AA2	150# ANSI
	12"	7ME6580-5DJ14-2AA2	150# ANSI
Code numbers in Bold Type indicate items ordinarily in stock.	14"	7ME6580-5KJ14-2AA2	150# ANSI
Consult factory for confirmation.	16"	7ME6580-5RJ14-2AA2	150# ANSI
	18"	7ME6580-5YJ14-2AA2	150# ANSI
	20"	7ME6580-6FJ14-2AA2	150# ANSI
Coned Design	24"	7ME6580-6PJ14-2AA2	150# ANSI
	28"	7ME6580-6YL14-2AA2	AWWA
	30"	7ME6580-7DL14-2AA2	AWWA
	32"	7ME6580-7HL14-2AA2	AWWA
	36"	7ME6580-7ML14-2AA2	AWWA
	40"	7ME6580-7RL14-2AA2	AWWA
	42"	7ME6580-7UL14-2AA2	AWWA
	44"	7ME6580-7VL14-2AA2	AWWA
	48"	7ME6580-8BL14-2AA2	AWWA

**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, Approving And Authorizing The City Manager To Execute An Agreement With The Florida Department Of Transportation (FDOT) To Design, Relocate And Upgrade City-Owned Utilities Located along FDOT's State Road (S.R.) 907/Alton Road From Michigan Avenue To 43<sup>rd</sup> Street (FM # ID 429193-1-52-01), A Copy Of Which Agreement Is Attached Hereto As Exhibit 1. Simultaneously With The JPA, FDOT, The City, And The Department Of Financial Services, Division Of Treasury, Shall Enter Into A Three Party Escrow Agreement To Establish An Interest Bearing Escrow Account For The Purposes Of The Project. A Copy Of Which Agreement Is Attached Hereto As Exhibit 2.

**Key Intended Outcome Supported:**

Enhance mobility throughout the City.  
**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2014 Customer Satisfaction Survey, traffic appears as one of the most important areas affecting residents' quality of life; 37% of residents rated traffic flow as poor; traffic is ranked number two by residents as one of the changes that will make Miami Beach a better place to live; traffic flow is a key driver for recommending Miami Beach as a place to live.

**Issue:**

Shall the Mayor and City Commission approve the Resolution?

**Item Summary/Recommendation:**

The Florida Department of Transportation (FDOT) is planning to construct improvements on Alton Road/SR 907 from N Michigan Avenue to 43<sup>rd</sup> Street (Project). Construction is scheduled to begin in November 2020. The Project will include roadway reconstruction, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings and signalization improvements, drainage improvements including the construction of two (2) pump stations. The FDOT project will impact existing City-owned utilities on Alton Road. As such, the impacted utilities will require relocation. The design of the City-owned utilities relocation and upgrades by the engineer designing the Project for FDOT requires the execution of a Utility Design by FDOT Consultant Agreement between FDOT and the City of Miami Beach.

This agreement stipulates that the engineering consultant designing the Project for FDOT will be responsible for the design of the City-owned utilities, including relocation and upgrades to be constructed as part of Project. The design fees shall be funded by the City of Miami Beach. The FDOT Consultant shall be responsible for the design of all utility work, including location (vertically and horizontally), protection, relocation, installation, adjustment, or removal of utilities owned by the City of Miami Beach that are affected by the Project.

Simultaneously with the JPA, FDOT, the City, and the Department of Financial Services, Division of Treasury, shall enter into a Three Party Escrow Agreement (exhibit 2) to establish an interest bearing escrow account for the purposes of the project.

**THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.**

**Advisory Board Recommendation:**

N/A

**Financial Information:**

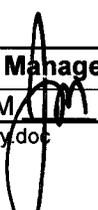
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">                     OBPI                 </div>	1		Future Water & Sewer Bonds
	2		
	3		
	<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Bruce Mowry, City Engineer, x. 6565

**Sign-Offs:**

<b>Department Director</b> ETC 	<b>Assistant City Manager</b> ETC 	<b>City Manager</b> JLM 
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# MIAMI BEACH

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

MEMO #

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO DESIGN, RELOCATE AND UPGRADE CITY-OWNED UTILITIES LOCATED ALONG FDOT'S STATE ROAD (S.R.) 907/ALTON ROAD, FROM MICHIGAN AVENUE to 43RD STREET(FM # 429193-1-56-01), A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 1; AND THE REQUIRED THREE PARTY ESCROW AGREEMENT, A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 2.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

### FUNDING

Future Water & Sewer Bonds

### BACKGROUND

The Florida Department of Transportation (FDOT) is planning to construct improvements on Alton Road/SR 907 from N Michigan Avenue to 43<sup>rd</sup> Street (Project). Construction is scheduled to begin in November 2020. The Project will include roadway reconstruction, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings, signalization improvements, and drainage improvements including the construction of two (2) pump stations. The Project will impact existing City-owned utilities on Alton Road. As such, the impacted utilities will require relocation as part of the Project. The design of the City-owned utilities relocation and upgrades by the engineer designing the project for FDOT requires the execution of a Utility Design by FDOT Consultant Agreement between FDOT and the City of Miami Beach.

### ANALYSIS

FDOT requires that the City execute the Utility Design by FDOT Consultant Agreement (exhibit A), in order to provide for the implementation of the necessary roadway reconstruction, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings, signalization improvements, and drainage improvements including the construction of two (2) pump stations along Alton Road/S.R. 907 from N Michigan Avenue to 43<sup>rd</sup> Street, as part of the Project (FM No. 429193-1-52-01).

May 11, 2016

Page 2 of 2

This agreement stipulates that the engineering consultant designing the Project for FDOT will be responsible for the design of the City-owned utilities, including relocation and upgrades to be constructed as part of the Project. The design fees shall be funded by the City of Miami Beach. The FDOT Consultant shall be responsible for the design of all utility work, including location (vertically and horizontally), protection, relocation, installation, adjustment, or removal of utilities owned by the City of Miami Beach that are affected by the Project.

Simultaneously with the JPA, FDOT, the City, and the Department of Financial Services, Division of Treasury, shall enter into a Three Party Escrow Agreement (exhibit 2) to establish an interest bearing escrow account for the purposes of the project.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission approve and authorize the City Manager to execute the Utility Design by FDOT Consultant Agreement and the Three Party Escrow Account Agreement for the project with FDOT.

Attachment:

- Exhibit 1. Utility Design by FDOT Consultant Agreement
- Exhibit 2. Three Party Escrow Agreement

JLM/EJC/JJ/BAM/WRB/JMR

T:\AGENDA\2016\May\PUBLIC WORKS\FDOT Utility Design Agreement Alton Road (Mi Ave – 43 St).memo

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 AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO DESIGN, RELOCATE AND UPGRADE CITY-OWNED UTILITIES LOCATED ALONG FDOT'S STATE ROAD (S.R.) 907/ALTON ROAD, FROM MICHIGAN AVENUE to 43<sup>RD</sup> STREET(FM # 429193-1-56-01), A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 1; AND THE REQUIRED THREE PARTY ESCROW AGREEMENT, A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 2.

**WHEREAS**, the Florida Department of Transportation (FDOT) is planning to construct certain infrastructure improvements along Alton Road/State Road (S.R.) 907 from Michigan Avenue to 43<sup>rd</sup> Street (the FDOT Project); and

**WHEREAS**, the FDOT Project will require the design and construction of roadway reconstruction, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signing and pavement markings signalization improvements, and drainage improvements, including the construction of two (2) pump stations on Alton Road; and

**WHEREAS**, the FDOT Project will impact existing City-owned utility facilities along Alton Road; and

**WHEREAS**, the FDOT Project requires the relocation of the impacted City-owned utility facilities; and

**WHEREAS**, the FDOT and the City have determined that it would be advantageous to both parties to enter into an Agreement providing for the design of the utility relocation work by the Engineer designing the Project for the FDOT; and

**WHEREAS**, the parties desire to enter into "Utility Design" construction contract which is necessary for the FDOT Consultant Engineer to develop engineering plans and to construct the relocation of upgrades to City-owned utility facilities as part of the FDOT Project, and

**WHEREAS**, the parties desire to enter into a Three Party Escrow Agreement which is necessary to establish an interest bearing escrow account for the purposes of the FDOT Project,

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the City Manager to execute the Agreement with the Florida Department of Transportation (FDOT) to design, relocate and upgrade City-owned utilities located along FDOT's State Road (S.R.) 907/Alton Road, from Michigan Avenue to 43<sup>rd</sup> Street (FM # 429193-1-56-01), a copy of which agreement is attached hereto as Exhibit 1, and the Three Party Escrow Agreement, a copy of which agreement is attached hereto as Exhibit 2.

**PASSED AND ADOPTED this \_\_\_\_ day of May, 2016.**

ATTEST:

\_\_\_\_\_  
Rafael Granado, City Clerk

\_\_\_\_\_  
Phillip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

R. C. [Signature] 5/3/16  
City Attorney Date  
[Signature]

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
 (AT UTILITY EXPENSE)

Form No. 710-010-56  
 UTILITIES  
 11/14

Exhibit 1

<b>Financial Project ID:</b>	<b>Federal Project ID:</b>
<b>County:</b>	<b>State Road No.:</b>
<b>District Document No:</b>	
<b>Utility Agency/Owner (UAO):</b>	

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, year of \_\_\_\_\_, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as the "FDOT," and \_\_\_\_\_, hereinafter referred to as the "UAO";

**WITNESSETH:**

**WHEREAS**, the **FDOT**, is constructing, reconstructing, or otherwise changing a portion of a public road or publicly owned rail corridor, said project being identified as \_\_\_\_\_, State Road No.: \_\_\_\_\_, hereinafter referred to as the "Project"; and

**WHEREAS**, the **UAO** owns or desires to install certain utility facilities which are located within the limits of the Project hereinafter referred to as the "Facilities" (said term shall be deemed to include utility facilities as the same may be relocated, adjusted, installed, or placed out of service pursuant to this Agreement); and

**WHEREAS**, the Project requires the location (vertically and/or horizontally), protection, relocation, installation, adjustment or removal of the Facilities, or some combination thereof, hereinafter referred to as "Utility Work"; and

**WHEREAS**, the **DEPARTMENT** and the **UTILITY** have determined that it would be to the best interest of the general public and to the economic advantage of both parties to enter into an agreement providing for the design of the Utility Work by the engineer designing the Project for the **FDOT**, hereinafter referred to as the "**FDOT Consultant**," which design of the Utility Work shall hereinafter be referred to as the "Utility Design"; and

**WHEREAS**, the **UAO**, pursuant to the terms and conditions hereof, will bear certain costs associated with the Utility Design;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants contained herein, the **FDOT** and the **UAO** hereby agree as follows:

**1. Design of Utility Work**

- a. **FDOT Consultant** shall prepare, at the **UAO's** sole cost and expense, final engineering design, plans, other necessary related design documents, and cost estimate for the Utility Work (hereinafter referred to as the "Plans Package") more specifically described in the **FDOT's** Supplemental Agreement # \_\_\_\_\_ to **Consultant** \_\_\_\_\_ Design Services Contract.
- b. The Plans Package shall be in the same format as the **FDOT's** contract documents for the Project.
- c. The Plans Package shall include any and all activities and work effort required to perform the Utility Work, including but not limited to, all clearing and grubbing, survey work and shall include a traffic control plan.
- d. The Plans Package shall be prepared in compliance with the **FDOT's** Utility Accommodation Manual and the **FDOT's** Plans Preparation Manual in effect at the time the Plans Package is prepared, and the **FDOT's** contract documents for the Project. If the **FDOT's** Plans Preparation Manual is updated and conflicts with the **FDOT's** Utility Accommodation Manual, the Utility Accommodation Manual shall apply where such conflicts exist.
- e. The technical special provisions which are a part of the Plans Package shall be prepared in

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

accordance with the **FDOT's** guidelines on preparation of technical special provisions.

- f. The **FDOT Consultant** shall provide a copy of the proposed Plans Package to the **UAO**, for review at the following stages: \_\_\_\_\_. The **UAO** shall review the Plans Package to see that it complies with the requirements of this Agreement.
- g. In the event the **UAO** finds any deficiencies in the Plans Package during the reviews performed pursuant to Subparagraph f. above, the **UAO** will notify the **FDOT** in writing of the deficiencies within the time specified in the plans review transmittal.
- h. The **UAO** shall furnish the **FDOT** such information from the **UAO** files as requested by the **FDOT**.
- i. The Facilities and the Utility Design will include all utility facilities of the **UAO** which are located within the limits of the Project, except as generally summarized as follows: \_\_\_\_\_. These exceptions shall be handled by separate arrangement.

## 2. Cost of Design

- a. The **UAO** shall be responsible for all costs of the Utility Design.
- b. The **UAO** agrees that it will, at least \_\_\_\_\_ (\_\_\_\_\_) days prior to the **FDOT** issuing the Supplemental Agreement referred to in Paragraph 1 hereof, furnish the **FDOT** an advance deposit of \$\_\_\_\_\_ for the payment of said Utility Design. It is understood that the **FDOT's Consultant** shall not begin any Utility Design until the **FDOT** has received the above payment and that if such payment is not received on or before \_\_\_\_\_ this Agreement shall be null and void. The **FDOT** shall utilize this deposit for the payment of Utility Design. Both parties further agree that in the event the final billing pursuant to the terms of Subparagraph 2. d. below is less than the advance deposit, a refund of any excess will be made by the **FDOT** to the **UAO**. No work in excess of the advance deposit shall be done. In the event that it is subsequently determined that work in addition to that described in the Supplemental Agreement described in Paragraph 1 hereof is necessary in order to properly complete the Utility Design, the **UAO** shall make an additional deposit in the amount necessary to issue a subsequent Supplemental Agreement to the **FDOT Consultant** for the additional work.
- c. The payment of funds under this Agreement will be made (choose one):
  - directly to the **FDOT** for deposit into the State Transportation Trust Fund.
  - as provided in the attached Three Party Escrow Agreement between the **UAO**, the **FDOT** and the State of Florida, Department of Financial Services, Division of Treasury. Deposits of less than \$100,000.00 must be pre-approved by the Department of Financial Services and the **FDOT** Comptroller's Office prior to execution of this agreement.
- d. Upon final payment to the **FDOT Consultant**, the **FDOT** intends to have its final and complete accounting of all costs incurred in connection with the Utility Design within three hundred sixty (360) days. All project cost records and accounts shall be subject to audit by a representative of the **UAO** for a period of three (3) years after final close out of the project. The **UAO** will be notified of the final cost. Both parties agree that in the event the final accounting of total project costs pursuant to the terms of this agreement is less than the total deposits to date, a refund of the excess will be made by the **FDOT** to the **UAO** in accordance with Section 215.422, Florida Statutes.

## 3. Default

- a. In the event the **UAO** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in this Agreement, the **FDOT** may exercise one or more of the following options, provided that at no time shall the **FDOT** be entitled to receive double recovery of damages:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

- (1) Terminate this Agreement if the breach is material and has not been cured within 60 days from written notice thereof from the **FDOT**.
  - (2) Pursue a claim for damages suffered by the **FDOT**.
  - (3) Suspend the issuance of further permits to the **UAO** for the placement of Facilities on **FDOT** property if the breach is material and has not been cured within 60 days from written notice thereof from the **FDOT** until such time as the breach is cured.
  - (4) Pursue any other remedies legally available.
  - (5) Perform any work with its own forces or through contractors and seek repayment for the cost thereof under Section 337.403(3), Florida Statutes.
- b. In the event the **FDOT** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in the Agreement, the **UAO** may exercise one or more of the following options:
- (1) Terminate this Agreement if the breach is material and has not been cured within 60 days from written notice thereof from the **UAO**.
  - (2) Pursue any other remedies legally available.
- c. Termination of this Agreement shall not relieve either party from any obligations it has pursuant to other agreements between the parties or from any statutory obligations that either party may have with regard to the subject matter hereof.

#### **4. Indemnification**

##### **FOR GOVERNMENT-OWNED UTILITIES,**

To the extent provided by law, the **UAO** shall indemnify, defend, and hold harmless the **FDOT** and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by the **UAO**, its agents, employees, or contractors during the performance of the Agreement, whether direct or indirect, and whether to any person or property to which **FDOT** or said parties may be subject, except that neither the **UAO**, its agents, employees, or contractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused by or resulting from the negligence of the **FDOT** or any of its officers, agents, or employees during the performance of this Agreement.

When the **FDOT** receives a notice of claim for damages that may have been caused by the **UAO** in the performance of services required under this Agreement, the **FDOT** will immediately forward the claim to the **UAO**. The **UAO** and the **FDOT** will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the **FDOT** will determine whether to require the participation of the **UAO** in the defense of the claim or to require the **UAO** to defend the **FDOT** in such claim as described in this section. The **FDOT's** failure to notify the **UAO** of a claim shall not release the **UAO** from any of the requirements of this section. The **FDOT** and the **UAO** will pay their own costs for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all costs.

##### **FOR NON-GOVERNMENT-OWNED UTILITIES,**

The **UAO** shall indemnify, defend, and hold harmless the **FDOT** and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by the **UAO**, its agents, employees, or contractors during the performance of the Agreement,

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

whether direct or indirect, and whether to any person or property to which **FDOT** or said parties may be subject, except that neither the **UAO**, its agents, employees, or contractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused by or resulting from the negligence of the **FDOT** or any of its officers, agents, or employees during the performance of this Agreement.

The **UAO's** obligation to indemnify, defend, and pay for the defense or at the **FDOT's** option, to participate and associate with the **FDOT** in the defense and trial of any damage claim or suit and any related settlement negotiations, shall arise within fourteen (14) days of receipt by the **UAO** of the **FDOT's** notice of claim for indemnification to the **UAO**. The notice of claim for indemnification shall be served by certified mail. The **UAO's** obligation to defend and indemnify within fourteen (14) days of such notice shall not be excused because of the **UAO's** inability to evaluate liability or because the **UAO** evaluates liability and determines the **UAO** is not liable or determines the **FDOT** is solely negligent. Only a final adjudication or judgment finding the **FDOT** solely negligent shall excuse performance of this provision by the **UAO**. The **UAO** shall pay all costs and fees related to this obligation and its enforcement by the **FDOT**. The **FDOT's** delay in notifying the **UAO** of a claim shall not release **UAO** of the above duty to defend.

**5. Force Majeure**

Neither the **UAO** nor the **FDOT** shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by an act of God, war, riots, natural catastrophe, or other event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence; provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimated duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible.

**6. Miscellaneous**

- a. Time is of the essence in the performance of all obligations under this Agreement.
- b. The **FDOT** may unilaterally cancel this Agreement for refusal by the **UAO** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **UAO** in conjunction with this Agreement.
- c. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, or negotiations with respect thereto, except that the parties understand and agree that the **FDOT** has manuals and written policies and procedures which may be applicable at the time of the Project and the relocation of the Facilities.
- d. This Agreement shall be governed by the laws of the State of Florida. Any provision hereof found to be unlawful or unenforceable shall be severable and shall not affect the validity of the remaining portions hereof.
- e. All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery, or express mail and shall be deemed to have been received by the end of five business days from the proper sending thereof unless proof of prior actual receipt is provided. The **UAO** shall have a continuing obligation to notify each District of the **FDOT** of the appropriate persons for notices to be sent pursuant to this Agreement. Unless otherwise notified in writing, notices shall be sent to the following addresses:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

If to the <b>UAO</b> :

If to the **FDOT**:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Certification**

This document is a printout of an **FDOT** form maintained in an electronic format and all revisions thereto by the **UAO** in the form of additions, deletions, or substitutions are reflected only in an Appendix entitled "Changes to Form Document" and no change is made in the text of the document itself. Hand notations on affected portions of this document may refer to changes reflected in the above-named Appendix but are for reference purposes only and do not change the terms of the document. By signing this document, the **UAO** hereby represents that no change has been made to the text of this document except through the terms of the appendix entitled "Changes to Form Document."

You **MUST** signify by selecting or checking which of the following applies:

- No changes have been made to this Form Document and no Appendix entitled "Changes to Form Document" is attached.
- No changes have been made to this Form Document, but changes are included on the attached Appendix entitled "Changes to Form Document."

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement effective the day and year first written.

**UTILITY:**

**BY: (Signature)** \_\_\_\_\_

**DATE:** \_\_\_\_\_

(Typed Name: \_\_\_\_\_)

(Typed Title: \_\_\_\_\_)

---

**Recommend Approval by the District Utility Office**

**BY: (Signature)** \_\_\_\_\_

**DATE:** \_\_\_\_\_

---

**FDOT Legal review**

**BY: (Signature)** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**District Counsel**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

---

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

BY: **(Signature)** \_\_\_\_\_

DATE: \_\_\_\_\_

(Typed Name: \_\_\_\_\_)

(Typed Title: \_\_\_\_\_)

---

FEDERAL HIGHWAY ADMINISTRATION (if applicable)

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

(Typed Name: \_\_\_\_\_)

(Typed Title: \_\_\_\_\_)

**THREE PARTY ESCROW AGREEMENT**

THIS AGREEMENT is made and entered into by and between the State of Florida, Department of Transportation ("FDOT"), \_\_\_\_\_ ("Participant"), and the State of Florida, Department of Financial Services, Division of Treasury ("Escrow Agent"), and shall become effective upon the Agreement's execution by Escrow Agent.

WHEREAS, FDOT and Participant are engaged in the following project ("Project"):

Project Name:  
Project #:  
County:

WHEREAS, FDOT and Participant desire to establish an escrow account for the project.

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the parties agree to the following:

1. An initial deposit will be made into an interest bearing escrow account established hereunder for the purposes of the Project. The escrow account will be opened with the Escrow Agent on behalf of FDOT upon Escrow Agent's receipt and execution of this Agreement.
2. Other deposits to the escrow account may be made during the life of this agreement.
3. Deposits will be delivered in accordance with instructions provided by the Escrow Agent to the FDOT for deposit into the escrow account. A wire transfer or ACH deposit is the preferred method of payment and should be used whenever possible.
4. FDOT's Comptroller or designee shall be the sole signatory on the escrow account with the Escrow Agent and shall have sole authority to authorize withdrawals from the account. Withdrawals will only be made to FDOT or the Participant in accordance with the instructions provided to the Escrow Agent by FDOT's Comptroller or designee.
5. Moneys in the escrow account will be invested in accordance with section 17.61, Florida Statutes. The Escrow Agent will invest the moneys expeditiously. Income is only earned on the moneys while invested. There is no guaranteed rate of return. Investments in the escrow account will be assessed a fee in accordance with Section 17.61(4)(b), Florida Statutes. All income of the investments shall accrue to the escrow account.
6. Unless instructed otherwise by FDOT, all interest accumulated in the escrow account shall remain in the account for the purposes of the Project.

FP #

7. The Escrow Agent agrees to provide written confirmation of receipt of funds to FDOT. FDOT agrees to provide a copy of such written confirmation to Participant upon request.
8. The Escrow Agent further agrees to provide quarterly reports to FDOT concerning the escrow account. FDOT agrees to provide a copy of such quarterly reports to Participant upon request.
9. The Escrow Agent shall not be liable for any error of judgment or for any act done or omitted by it in good faith, or for anything which it may in good faith do or refrain from doing in connection herewith.
10. Escrow Agent shall have no liability for any claim, cost, expense, damage or loss due to the acts or omissions of FDOT and Participant, nor from any separate agreements between FDOT and Participant and shall have no responsibility to monitor or enforce any responsibilities herein or in any separate agreements associated with this Agreement between FDOT and Participant.
11. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida.
12. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
13. This Agreement shall terminate upon disbursement by the Escrow Agent of all money held by it in the escrow account in accordance with the instructions given by FDOT's Comptroller or designee and notification from FDOT to Escrow Agent that the account is to be closed.

*The remainder of this page is blank.*

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IN WITNESS WHEREOF, the parties have duly executed the Agreement on the date(s) below.

\_\_\_\_\_  
For FDOT-OOC (signature)

\_\_\_\_\_  
For PARTICIPANT (signature)

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Name and Title

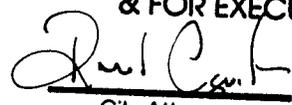
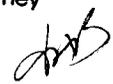
59-3024028  
\_\_\_\_\_  
Federal Employer I.D. Number

\_\_\_\_\_  
Federal Employer I.D. Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

FDOT Legal Review:  
  
\_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney  
  
5/3/16  
\_\_\_\_\_  
Date

\_\_\_\_\_  
For Escrow Agent (signature)

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving A Perpetual Non-Exclusive Easement between The City Of Miami Beach ("City") And The State Of Florida Department Of Transportation ("FDOT"), A Copy Of Which Is Attached Hereto As Exhibit 1, For The Purpose Of FDOT Maintaining And Repairing A Sidewalk And A Portion Of A Bus Bay On City Property Known As The Ronald W. Shane Watersports Center, Located At 6500 Indian Creek Drive, Along The West Side Of Collins Avenue, North Of 65<sup>th</sup> Street.

**Key Intended Outcome Supported:**

Build and maintain priority infrastructure with full accountability.  
**Supporting Data (Surveys, Environmental Scan, etc.):** N/A

**Item Summary/Recommendation:**

The Florida Department of Transportation (FDOT) is planning to resurface SR A1A/Indian Creek Drive from Abbott Avenue to SR 907/West 63rd Street (Project). This Project is scheduled to begin in October 2017.

The Project will include roadway milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings. A portion of the project includes resurfacing the road outside of the FDOT right-of-way in front of an existing bus stop. The bus stop is in the front of property known as the Ronald W. Shane Watersports Center at 6500 Indian Creek Drive, along the west side of Collins Avenue, north of 65<sup>th</sup> Street.

To mill and resurface in this area FDOT is requesting from the City a perpetual, non-exclusive easement to use, maintain, repair, and construct the sidewalk and bus stop along the east side of the City owned property.

This easement is approximately 192 feet long and contains 3,284 square feet more or less.

**THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.**

**Advisory Board Recommendation:**

N/A

**Financial Information:**

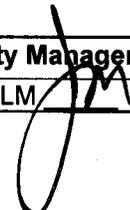
Source of Funds:		Amount	Account
OBPI	1		
	2		
	3		
	<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Bruce Mowry, City Engineer, x. 6565

**Sign-Offs:**

<b>Department Director</b> JJF 	<b>Assistant City Manager</b> ETC 	<b>City Manager</b> JLM 
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# MIAMI BEACH

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

MEMO #

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING A PERPETUAL NON-EXCLUSIVE EASEMENT BETWEEN THE CITY OF MIAMI BEACH ("CITY") AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), ATTACHED HERETO AS EXHIBIT 1; FOR THE PURPOSE OF FDOT MAINTAINING AND REPAIRING A SIDEWALK AND A PORTION OF A BUS BAY ON CITY PROPERTY KNOWN AS THE "RONALD W. SHANE WATERSPORTS CENTER," LOCATED AT 6500 INDIAN CREEK DRIVE, ALONG THE WEST SIDE OF COLLINS AVENUE, NORTH OF 65TH STREET.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

### FUNDING

N/A

### BACKGROUND

The Florida Department of Transportation (FDOT) is planning to resurface SR A1A/Indian Creek Drive from Abbott Avenue to SR 907/West 63<sup>rd</sup> Street (Project). This Project is scheduled to begin in October 2017.

The Project will include roadway milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings. A portion of the project includes resurfacing the road outside of the FDOT right-of-way in front of an existing bus stop. The bus stop is in the front of property known as the Ronald W. Shane Watersports Center at 6500 Indian Creek Drive, along the west side of Collins Avenue, north of 65<sup>th</sup> Street.

To mill and resurface in this area FDOT is requesting from the City a perpetual, non-exclusive easement to use, maintain, repair, and construct the sidewalk and bus stop along the east side of the City owned property.

### ANALYSIS

FDOT is requesting a perpetual easement to work on the City's property to construct the portion of the project in front of 6500 Indian Creek Drive. This easement will still allow the City to have full use and access to the land.

This easement is approximately 192 feet long and contains 3,284 square feet more or less.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission approve and authorize the City Manager to execute the perpetual easement with FDOT.

Attachment:

Exhibit 1 - Perpetual Easement

  
JLM/ETC/JFF/BAM/WRB

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING A PERPETUAL NON-EXCLUSIVE EASEMENT BETWEEN THE CITY OF MIAMI BEACH ("CITY") AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), ATTACHED HERETO AS EXHIBIT 1; FOR THE PURPOSE OF FDOT MAINTAINING AND REPAIRING A SIDEWALK AND A PORTION OF A BUS BAY ON CITY PROPERTY KNOWN AS THE "RONALD W. SHANE WATERSPORTS CENTER," LOCATED AT 6500 INDIAN CREEK DRIVE, ALONG THE WEST SIDE OF COLLINS AVENUE, NORTH OF 65<sup>TH</sup> STREET.

**WHEREAS**, the State of Florida Department of Transportation ("FDOT") is proposing to mill and resurface Indian Creek Drive from 63<sup>rd</sup> Street to Abbott Avenue; and

**WHEREAS**, a detailed survey of the FDOT project area delineates a sidewalk and a portion of the existing bus stop within right-of-way regulated and owned by the City, at the property known as the "Ronald W. Shane Watersports Center," located at 6500 Indian Creek Drive, along the west side of Collins Avenue, North of 65<sup>th</sup> Street;

**WHEREAS**, the sidewalk and bus stop require FDOT to obtain from the City a perpetual, non-exclusive easement to use, maintain, repair, and construct the sidewalk and bus stop along the City's right-of-way; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission authorizing a perpetual non-exclusive easement between the City of Miami Beach ("City") and the State of Florida Department Of Transportation ("FDOT"), attached hereto as Exhibit 1; for the purpose of FDOT maintaining and repairing a sidewalk and a portion of a Bus Bay on City property known as the "Ronald W. Shane Watersports Center," located at 6500 Indian Creek Drive, along the west side of Collins Avenue, north of 65<sup>th</sup> Street.

**PASSED and ADOPTED this** \_\_\_\_\_ **day of May, 2016.**

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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*Rafael E. Granado* 5/3/16  
\_\_\_\_\_  
City Attorney Date

This instrument prepared by,  
or under the direction of,  
Alicia Trujillo, Esq.  
District Six Chief Counsel  
State of Florida  
Department of Transportation  
1000 N.W. 111<sup>th</sup> Avenue  
Miami, Florida 33172  
January 28, 2016 - EV

Parcel No. : 800.1R(3-15-2016)  
Item/Segment No. : 430813-1  
Managing District : 6

### PERPETUAL EASEMENT

THIS EASEMENT Made the \_\_\_\_ day of May, 2016, by **THE CITY OF MIAMI BEACH**, a municipality of the State of Florida, Grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a sidewalk connection to the existing bus bay, and for other related transportation uses, in, over, under, upon and through the following described land in Miami-Dade County, Florida, viz:

Parcel 800

FPN No. 430813-1

A portion of Lots 17, 18, 19, 20 and 21, Block 3 of Amended Plat of Second Ocean Front Subdivision, according to the Plat thereof, as recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County Florida, lying West of the Westerly Right-of-Way line of State Road A-1-A, Indian Creek Drive as shown on Florida Department of Transportation Right-of-Way Map for State Road A-1-A, Section 87060 dated February 2005 Sheet 6 of 15 and more particularly described as follows:

Commence at the point of intersection of the South Right-of-Way line of 67th Street extended westerly and the Easterly Right-of-Way line of A-1-A (Indian Creek Drive) extended Northerly, as said Right-of-Way lines are shown on said plat of Amended Plat of Second Ocean Front Subdivision; Thence S00°49'53"E, along the said Easterly Right-of-Way line of A-1-A (Indian Creek Drive) and its Northerly extension, for a distance of 433.64 feet; Thence S89°10'07"W for a distance of 90.00 feet to a point of intersection with the Westerly Right-of-Way line of said A-1-A (Indian Creek Drive), said point also being the POINT OF BEGINNING of the hereinafter described parcel; Thence along the Westerly Right-of-Way line of said A-1-A (Indian Creek Drive) for the following described two (2) courses; 1) Thence S00°49'53"E for a distance of 101.64 feet to a point of curvature of a circular curve concave to the East; 2) Thence Southeasterly, along the arc of said curve to the left, having a radius of 4,345.06 feet and a central angle of 02°32'08" for a distance of 192.30 feet to a point on said curve; Thence N15°11'15"W for a distance of 6.69 feet; Thence N13°23'14"W for a distance of 4.46 feet; Thence N03°44'46"W for a distance of 7.45 feet; Thence N12°57'29"W for a distance of 19.20 feet; Thence N12°39'43"W for a distance of 36.81 feet; Thence N09°46'00"W for a distance of 19.29 feet; Thence N01°39'35"W for a distance of 65.00 feet; Thence S88°07'35"W for a distance of 0.80 feet; Thence N01°13'27"W for a distance of 39.43 feet; Thence N01°08'16"W for a distance of 44.06 feet; Thence N15°28'17"E for a distance of 21.59 feet; Thence N17°33'32"E for a distance of 22.93 feet; Thence N11°05'44"E for a distance of 11.04 feet to the POINT OF BEGINNING.

Containing 3,284 square feet more or less.

Manuel G. Vera, Jr., P.S.M. 1/15/2016

Manuel G. Vera & Associates, Inc.

AS SHOWN ON EXHIBIT "A", ATTACHED HERETO AND TO BE MADE A PART HEREOF

Any other uses permitted by Grantor within the easement area shall not be inconsistent with the rights granted hereunder, nor impede the use of the area by Grantee in accordance with the uses authorized hereunder.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, and the Grantor will defend the title to said lands against all persons claiming by, through or under said Grantor.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST: \_\_\_\_\_

**THE CITY OF MIAMI BEACH**  
a municipality of the State of Florida

Its City Clerk

By: \_\_\_\_\_

Its Mayor

\_\_\_\_\_

\_\_\_\_\_

Address

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Handwritten Signature]*  
\_\_\_\_\_  
City Attorney *[Initials]* 5/3/16  
Date

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_, Mayor, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Type, print or stamp name under signature)

Title or rank and serial number, if any: \_\_\_\_\_

## EXHIBIT "A"

### LEGAL DESCRIPTION - PARCEL 800

A portion of Lots 17, 18, 19, 20 and 21, Block 3 of Amended Plat of Second Ocean Front Subdivision, according to the Plat thereof, as recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County Florida, lying West of the Westerly Right-of-Way line of State Road A-1-A, Indian Creek Drive as shown on Florida Department of Transportation Right-of-Way Map for State Road A-1-A, Section 87060 dated February 2005 Sheet 6 of 15 and more particularly described as follows:

Commence at the point of intersection of the South Right-of-Way line of 67<sup>th</sup> Street extended westerly and the Easterly Right-of-Way line of A-1-A (Indian Creek Drive) extended northerly, as said Right-of-Way lines are shown on said plat of Amended Plat of Second Ocean Front Subdivision; Thence S00°49'53"E, along the said Easterly Right-of-Way line of A-1-A (Indian Creek Drive) and its Northerly extension, for a distance of 433.64 feet; Thence S89°10'07"W for a distance of 90.00 feet to a point of intersection with the Westerly Right-of-Way line of said A-1-A (Indian Creek Drive), said point also being the POINT OF BEGINNING of the hereinafter described parcel; Thence along the Westerly Right-of-Way line of said A-1-A (Indian Creek Drive) for the following described two (2) courses; 1) Thence S00°49'53"E for a distance of 101.64 feet to a point of curvature of a circular curve concave to the East; 2) Thence Southeasterly, along the arc of said curve to the left, having a radius of 4345.06 feet and a central angle of 02°32'08" for a distance of 192.30 feet to a point on said curve; Thence N15°11'15"W for a distance of 6.69 feet; Thence N13°23'14"W for a distance of 4.46 feet; Thence N03°44'46"W for a distance of 7.45 feet; Thence N12°57'29"W for a distance of 19.20 feet; Thence N12°39'43"W for a distance of 36.81 feet; Thence N09°46'00"W for a distance of 19.29 feet; Thence N01°39'35"W for a distance of 65.00 feet; Thence S88°07'35"W for a distance of 0.80 feet; Thence N01°13'27"W for a distance of 39.43 feet; Thence N01°08'16"W for a distance of 44.06 feet; Thence N15°28'17"E for a distance of 21.59 feet; Thence N17°33'32"E for a distance of 22.93 feet; Thence N11°05'44"E for a distance of 11.04 feet to the POINT OF BEGINNING.

Containing 3,284 square feet more or less

#### SURVEYOR'S NOTES:

- This is not a survey.
- The bearings and coordinates shown hereon are relative to the state plane coordinate system, Florida East Coast Zone, North American Datum (NAD) of 1983/1990 adjustment. A bearing of N00°49'53"W was established along the baseline of the State Road A-1-A / INDIAN CREEK DRIVE.
- Additions and/or deletions to survey maps, sketches or reports by any party other than the signing party are prohibited without the written consent of the signing party.
- Stations and offsets are relative to the survey baseline.
- This document consists of three (3) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.
- Bearings and distances are calculated unless otherwise noted.
- Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- This sketch to accompany legal description is in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers, referenced in Rule 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes.

#### LEGEND:

<p>Δ - DELTA                  C - CENTER LINE                  B - BASELINE                  SEC. - SECTION                  TWP. - TOWNSHIP                  RGE. - RANGE                  E - EASTING                  EXIST. - EXISTING                  FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION                  F.P. - FINANCIAL PROJECT                  P.B. - PLAT BOOK                  PG. - PAGE                  P.O.B. - POINT OF BEGINNING                  P.O.C. - POINT OF COMMENCEMENT                  PC - POINT OF CURVATURE</p>	<p>PI - POINT OF INTERSECTION                  PT - POINT OF TANGENCY                  (P) - PLAT                  (C) - CALCULATED                  N - NORTHING                  No. - NUMBER                  LB. - LICENSED BUSINESS                  D - DEGREE                  R - RADIUS                  R/W - RIGHT OF WAY                  L - LENGTH                  LT. - LEFT                  S.R. - STATE ROAD                  STA. - STATION                  T - TANGENT                  S - SPRING LINE</p>
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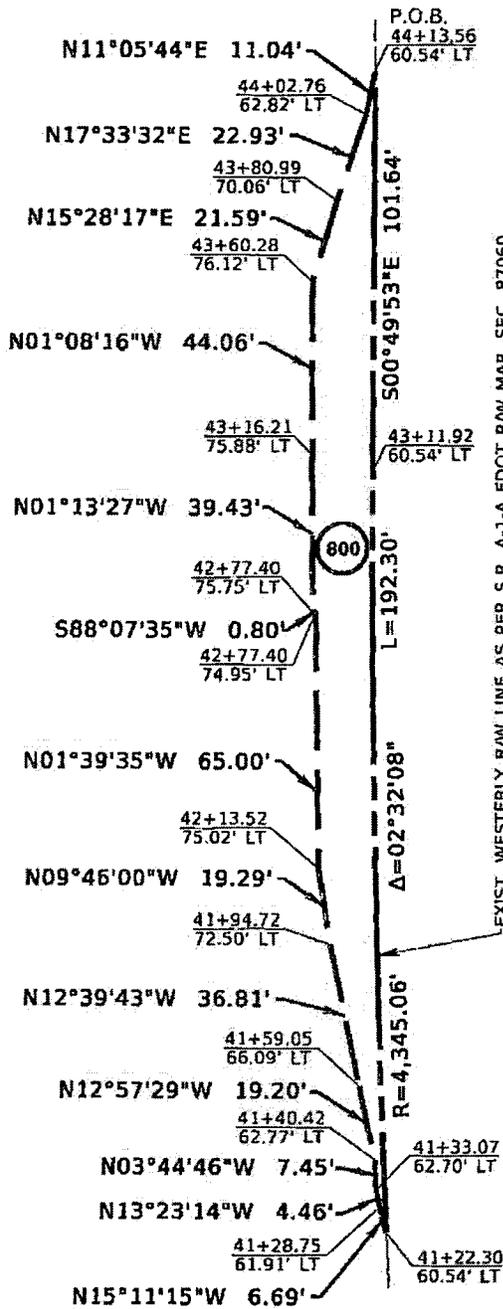
  
 Manuel G. Vera, Jr. Date  
 Professional Surveyor & Mapper  
 Florida Certificate No. 5291  
 Licensed Business: 20,243  
 13960 SW 47th Street  
 Miami, Florida 33175

**THIS IS NOT A SURVEY**

FLORIDA DEPARTMENT OF TRANSPORTATION	
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
STATE ROAD NO. A-1-A (INDIAN CREEK DRIVE)	MIAMI-DADE COUNTY
	BY: J.P.
	DATE: 12-15
	PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LB#2439 13960 SW 47th STREET, MIAMI FLORIDA 33175
	DATA SOURCE: SEE SURVEYOR'S NOTES
REVISION	DATE
CHECKED: S.N.	DATE: 12-15
F.P. NO. 430813-1	
SECTION 87060	
SHEET 01 OF 03	



SEC. 11, TWP. 53 S., RGE. 42 E.



EXIST. WESTERLY RAW LINE AS PER S.R. A-1-A FDOT RAW MAP, SEC. 87060

DETAIL "A"  
NOT TO SCALE

**THIS IS NOT A SURVEY**

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND SHALL NOT BE CONSIDERED FULL VALID, AND COMPLETE UNLESS EACH SHEET IS ATTACHED TO THE OTHER.

			<b>FLORIDA DEPARTMENT OF TRANSPORTATION</b>			
			<b>SKETCH TO ACCOMPANY LEGAL DESCRIPTION</b>			
			STATE ROAD NO. A-1-A (INDIAN CREEK DRIVE)		MIAMI-DADE COUNTY	
			BY: I.P.      DATE: 12-15 DRAWN: I.P.      DATE: 12-15		PREPARED BY: MANUEL G. VERA AND ASSOCIATES INC., LBA#2430 1395D SW 47th STREET, MIAMI FLORIDA 33175	
			CHECKED: S.N.      DATE: 12-15		DATA SOURCE: SEE SURVEYOR'S NOTES	
REVISION:      BY:      DATE:			F.P. NO. 430813-1		SECTION 87060      SHEET 03 OF 03	

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**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City of Miami Beach, Florida, Approving And Authorizing The City Manager To Execute An Agreement With The Florida Department Of Transportation (FDOT) To Design, Relocate And Upgrade City-Owned Utilities Located Along FDOT's State Road (S.R.) 907/Alton Road From Ed Sullivan Street/43rd Street To 63rd Street (FM # ID 430444-1-56-01), A Copy Of Which Agreement Is Attached Hereto As Exhibit 1; And The Required Three Party Escrow Agreement, A Copy Of Which Agreement Is Attached Hereto As Exhibit 2.

**Key Intended Outcome Supported:**

Enhance mobility throughout the City.  
**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2014 Customer Satisfaction Survey, traffic appears as one of the most important areas affecting residents' quality of life; 37% of residents rated traffic flow as poor; traffic is ranked number 2 by residents as one of the changes that will make Miami Beach a better place to live; traffic flow is a key driver for recommending Miami Beach as a place to live.

**Issue:**

Shall the Mayor and City Commission approve the Resolution?

**Item Summary/Recommendation:**

The Florida Department of Transportation (FDOT) is planning to construct improvements on Alton Road/SR 907 from Ed Sullivan Street/43<sup>rd</sup> Street to 63<sup>rd</sup> Street (Project). Construction is scheduled to begin in November 2020. The Project will include roadway reconstruction, drainage improvements including storm water pump stations, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage pavement markings and signalization. The Project will impact existing City-owned utilities on Alton Road. As such, the impacted utilities will require relocation as part of the Project. The design of the City-owned utility facilities relocation and upgrades by the engineer designing the project for FDOT requires the execution of a Utility Design by FDOT Consultant Agreement between the FDOT and the City of Miami Beach.

This agreement stipulates that the engineering consultant designing the Project for FDOT will be responsible for the design of the City-owned utilities, including relocation and upgrades to be constructed as part of the Project. The design fees shall be funded by the City of Miami Beach. The FDOT Consultant shall be responsible for the design of all utility work, including location (vertically and horizontally), protection, relocation, installation, adjustment, or removal of utilities owned by the City of Miami Beach that are affected by the Project. The utility design work will be funded by the City.

Simultaneously with the JPA, FDOT, the City, and the Department of Financial Services, Division of Treasury, shall enter into a Three Party Escrow Agreement (exhibit 2) to establish an interest bearing escrow account for the purposes of the project.

**THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.**

**Advisory Board Recommendation:**

N/A

**Financial Information:**

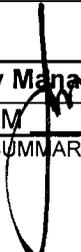
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Bruce Mowry, City Engineer, x. 6565

**Sign-Offs:**

<b>Department Director</b>	<b>Assistant City Manager</b>	<b>City Manager</b>
JJF	ETC 	JLM 

T:\AGENDA\2015\December\PUBLIC WORKS\FDOT Utility Design Agreement for Alton Road 43-63 ST.SUMMARY.doc





# MIAMI BEACH

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

MEMO #

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO DESIGN, RELOCATE AND UPGRADE CITY-OWNED UTILITIES LOCATED ALONG FDOT'S STATE ROAD (S.R.) 907/ALTON ROAD FROM ED SULLIVAN STREET/43<sup>rd</sup> STREET TO 63<sup>RD</sup> STREET (FM # ID 430444-1-56-01), A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 1; AND THE REQUIRED THREE PARTY ESCROW AGREEMENT, A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 2.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

### FUNDING

Future Water & Sewer Bonds

### BACKGROUND

The Florida Department of Transportation (FDOT) is planning to construct improvements on Alton Road/SR 907 from Ed Sullivan Street/43<sup>rd</sup> Street to 63<sup>rd</sup> Street (Project). Construction is scheduled to begin in November 2020. The Project will include roadway reconstruction, drainage improvements including storm water pump stations, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings and signalization. The Project will impact existing City-owned utilities on Alton Road. As such, the impacted utilities will require relocation as part of the Project. The design of the City-owned utilities relocation and upgrades by the engineer designing the Project for FDOT requires the execution of a Utility Design by FDOT Consultant Agreement between FDOT and the City of Miami Beach.

### ANALYSIS

FDOT requires that the City execute the Utility Design by FDOT Consultant Agreement (attached), in order to provide for the implementation of the necessary roadway reconstruction, drainage improvements including storm water pump stations, intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signage, pavement markings and signalization along Alton Road/S.R. 907 from 43<sup>rd</sup> Street to 63<sup>rd</sup> Street, as part of the

Project (FM No. 430444-1-56-01).

This agreement stipulates that the engineering consultant designing the Project for FDOT will be responsible for the design of the City-owned utilities, including relocation and upgrades to be constructed as part of the Project. The design fees shall be funded by the City of Miami Beach. The FDOT Consultant shall be responsible for the design of all utility work, including location (vertically and horizontally), protection, relocation, installation, adjustment, or removal of utilities owned by the City of Miami Beach that are affected by the Project.

Simultaneously with the JPA, FDOT, the City, and the Department of Financial Services, Division of Treasury, shall enter into a Three Party Escrow Agreement (exhibit 2) to establish an interest bearing escrow account for the purposes of the project.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission approve and authorize the City Manager to execute the Utility Design by FDOT Consultant Agreement and the Three Party Escrow Account Agreement for the project with FDOT.

Attachment:

- Exhibit 1. Utility Design by FDOT Consultant Agreement
- Exhibit 2. Three Party Escrow Agreement

JLM/ETC/J.F./BAM/WRB/JMR

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 AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO DESIGN, RELOCATE AND UPGRADE CITY-OWNED UTILITIES LOCATED ALONG FDOT'S STATE ROAD (S.R.) 907/ALTON ROAD FROM ED SULLIVAN STREET/43<sup>RD</sup> STREET TO 63<sup>RD</sup> STREET (FM # ID 430444-1-56-01), A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 1; AND THE REQUIRED THREE PARTY ESCROW AGREEMENT, A COPY OF WHICH AGREEMENT IS ATTACHED HERETO AS EXHIBIT 2.**

**WHEREAS**, the Florida Department of Transportation (FDOT) is planning to construct certain infrastructure improvements along Alton Road/State Road (S.R.) 907 from Ed Sullivan/43<sup>rd</sup> Street to 63<sup>rd</sup> Street (the FDOT Project); and

**WHEREAS**, the FDOT Project will require the design and construction of roadway reconstruction, drainage improvements (including Storm Water Pump Stations), intersection improvements, milling and resurfacing, adjustment of valves and manholes, sidewalk and curb ramps, signing and pavement markings signalization; and

**WHEREAS**, the FDOT Project will impact existing City-owned utility facilities along Alton Road; and

**WHEREAS**, the FDOT Project requires the relocation of the impacted City-owned utility facilities; and

**WHEREAS**, the FDOT and the City have determined that it would be advantageous to both parties to enter into an Agreement providing for the design of the utility relocation work by the Engineer designing the Project for the FDOT; and

**WHEREAS**, the parties desire to enter into a "Utility Design" construction contract which is necessary for the FDOT Consultant Engineer to develop engineering plans and construct the relocation of upgrades to City-owned utility facilities as part of the FDOT Project, and

**WHEREAS**, the parties desire to enter into a Three Party Escrow Agreement which is necessary to establish an interest bearing escrow account for the purposes of the FDOT Project.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the City Manager to execute an Agreement with the Florida Department of Transportation (FDOT) to design, relocate and upgrade City-owned utilities located along FDOT's State Road (S.R.) 907/Alton Road project from Ed Sullivan Street/43<sup>rd</sup> Street to 63<sup>rd</sup> Street (FM # 430444-1-56-01), a copy of which agreement is attached hereto as Exhibit 1, and the required Three Party Escrow Agreement, a copy of which agreement is attached hereto as Exhibit 2.

**PASSED AND ADOPTED this \_\_\_\_\_ day of May, 2016.**

ATTEST:

\_\_\_\_\_  
Rafael Granado, City Clerk

\_\_\_\_\_  
Phillip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *JAB*

5/3/16  
Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
 (AT UTILITY EXPENSE)

Form No. 710-010-56  
 UTILITIES  
 11/14

Exhibit 1

<b>Financial Project ID:</b>	<b>Federal Project ID:</b>
<b>County:</b>	<b>State Road No.:</b>
<b>District Document No:</b>	
<b>Utility Agency/Owner (UAO):</b>	

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, year of \_\_\_\_\_, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as the "**FDOT**," and \_\_\_\_\_, hereinafter referred to as the "**UAO**";

**WITNESSETH:**

**WHEREAS**, the **FDOT**, is constructing, reconstructing, or otherwise changing a portion of a public road or publicly owned rail corridor, said project being identified as \_\_\_\_\_, State Road No.: \_\_\_\_\_, hereinafter referred to as the "Project"; and

**WHEREAS**, the **UAO** owns or desires to install certain utility facilities which are located within the limits of the Project hereinafter referred to as the "Facilities" (said term shall be deemed to include utility facilities as the same may be relocated, adjusted, installed, or placed out of service pursuant to this Agreement); and

**WHEREAS**, the Project requires the location (vertically and/or horizontally), protection, relocation, installation, adjustment or removal of the Facilities, or some combination thereof, hereinafter referred to as "Utility Work"; and

**WHEREAS**, the **DEPARTMENT** and the **UTILITY** have determined that it would be to the best interest of the general public and to the economic advantage of both parties to enter into an agreement providing for the design of the Utility Work by the engineer designing the Project for the **FDOT**, hereinafter referred to as the "**FDOT Consultant**," which design of the Utility Work shall hereinafter be referred to as the "Utility Design"; and

**WHEREAS**, the **UAO**, pursuant to the terms and conditions hereof, will bear certain costs associated with the Utility Design;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants contained herein, the **FDOT** and the **UAO** hereby agree as follows:

**1. Design of Utility Work**

- a. **FDOT Consultant** shall prepare, at the **UAO's** sole cost and expense, final engineering design, plans, other necessary related design documents, and cost estimate for the Utility Work (hereinafter referred to as the "Plans Package") more specifically described in the **FDOT's** Supplemental Agreement # \_\_\_\_\_ to Consultant Design Services Contract.
- b. The Plans Package shall be in the same format as the **FDOT's** contract documents for the Project.
- c. The Plans Package shall include any and all activities and work effort required to perform the Utility Work, including but not limited to, all clearing and grubbing, survey work and shall include a traffic control plan.
- d. The Plans Package shall be prepared in compliance with the **FDOT's** Utility Accommodation Manual and the **FDOT's** Plans Preparation Manual in effect at the time the Plans Package is prepared, and the **FDOT's** contract documents for the Project. If the **FDOT's** Plans Preparation Manual is updated and conflicts with the **FDOT's** Utility Accommodation Manual, the Utility Accommodation Manual shall apply where such conflicts exist.
- e. The technical special provisions which are a part of the Plans Package shall be prepared in

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

accordance with the **FDOT's** guidelines on preparation of technical special provisions.

- f. The **FDOT Consultant** shall provide a copy of the proposed Plans Package to the **UAO**, for review at the following stages: \_\_\_\_\_. The **UAO** shall review the Plans Package to see that it complies with the requirements of this Agreement.
- g. In the event the **UAO** finds any deficiencies in the Plans Package during the reviews performed pursuant to Subparagraph f. above, the **UAO** will notify the **FDOT** in writing of the deficiencies within the time specified in the plans review transmittal.
- h. The **UAO** shall furnish the **FDOT** such information from the **UAO** files as requested by the **FDOT**.
- i. The Facilities and the Utility Design will include all utility facilities of the **UAO** which are located within the limits of the Project, except as generally summarized as follows: \_\_\_\_\_. These exceptions shall be handled by separate arrangement.

**2. Cost of Design**

- a. The **UAO** shall be responsible for all costs of the Utility Design.
- b. The **UAO** agrees that it will, at least \_\_\_\_\_ (\_\_\_\_\_) days prior to the **FDOT** issuing the Supplemental Agreement referred to in Paragraph 1 hereof, furnish the **FDOT** an advance deposit of \$\_\_\_\_\_ for the payment of said Utility Design. It is understood that the **FDOT's Consultant** shall not begin any Utility Design until the **FDOT** has received the above payment and that if such payment is not received on or before \_\_\_\_\_ this Agreement shall be null and void. The **FDOT** shall utilize this deposit for the payment of Utility Design. Both parties further agree that in the event the final billing pursuant to the terms of Subparagraph 2. d. below is less than the advance deposit, a refund of any excess will be made by the **FDOT** to the **UAO**. No work in excess of the advance deposit shall be done. In the event that it is subsequently determined that work in addition to that described in the Supplemental Agreement described in Paragraph 1 hereof is necessary in order to properly complete the Utility Design, the **UAO** shall make an additional deposit in the amount necessary to issue a subsequent Supplemental Agreement to the **FDOT Consultant** for the additional work.
- c. The payment of funds under this Agreement will be made (choose one):
  - directly to the **FDOT** for deposit into the State Transportation Trust Fund.
  - as provided in the attached Three Party Escrow Agreement between the **UAO**, the **FDOT** and the State of Florida, Department of Financial Services, Division of Treasury. Deposits of less than \$100,000.00 must be pre-approved by the Department of Financial Services and the **FDOT** Comptroller's Office prior to execution of this agreement.
- d. Upon final payment to the **FDOT Consultant**, the **FDOT** intends to have its final and complete accounting of all costs incurred in connection with the Utility Design within three hundred sixty (360) days. All project cost records and accounts shall be subject to audit by a representative of the **UAO** for a period of three (3) years after final close out of the project. The **UAO** will be notified of the final cost. Both parties agree that in the event the final accounting of total project costs pursuant to the terms of this agreement is less than the total deposits to date, a refund of the excess will be made by the **FDOT** to the **UAO** in accordance with Section 215.422, Florida Statutes.

**3. Default**

- a. In the event the **UAO** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in this Agreement, the **FDOT** may exercise one or more of the following options, provided that at no time shall the **FDOT** be entitled to receive double recovery of damages:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

- (1) Terminate this Agreement if the breach is material and has not been cured within 60 days from written notice thereof from the **FDOT**.
  - (2) Pursue a claim for damages suffered by the **FDOT**.
  - (3) Suspend the issuance of further permits to the **UAO** for the placement of Facilities on **FDOT** property if the breach is material and has not been cured within 60 days from written notice thereof from the **FDOT** until such time as the breach is cured.
  - (4) Pursue any other remedies legally available.
  - (5) Perform any work with its own forces or through contractors and seek repayment for the cost thereof under Section 337.403(3), Florida Statutes.
- b. In the event the **FDOT** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in the Agreement, the **UAO** may exercise one or more of the following options:
- (1) Terminate this Agreement if the breach is material and has not been cured within 60 days from written notice thereof from the **UAO**.
  - (2) Pursue any other remedies legally available.
- c. Termination of this Agreement shall not relieve either party from any obligations it has pursuant to other agreements between the parties or from any statutory obligations that either party may have with regard to the subject matter hereof.

#### **4. Indemnification**

##### **FOR GOVERNMENT-OWNED UTILITIES,**

To the extent provided by law, the **UAO** shall indemnify, defend, and hold harmless the **FDOT** and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by the **UAO**, its agents, employees, or contractors during the performance of the Agreement, whether direct or indirect, and whether to any person or property to which **FDOT** or said parties may be subject, except that neither the **UAO**, its agents, employees, or contractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused by or resulting from the negligence of the **FDOT** or any of its officers, agents, or employees during the performance of this Agreement.

When the **FDOT** receives a notice of claim for damages that may have been caused by the **UAO** in the performance of services required under this Agreement, the **FDOT** will immediately forward the claim to the **UAO**. The **UAO** and the **FDOT** will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the **FDOT** will determine whether to require the participation of the **UAO** in the defense of the claim or to require the **UAO** to defend the **FDOT** in such claim as described in this section. The **FDOT's** failure to notify the **UAO** of a claim shall not release the **UAO** from any of the requirements of this section. The **FDOT** and the **UAO** will pay their own costs for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all costs.

##### **FOR NON-GOVERNMENT-OWNED UTILITIES,**

The **UAO** shall indemnify, defend, and hold harmless the **FDOT** and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by the **UAO**, its agents, employees, or contractors during the performance of the Agreement,

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

whether direct or indirect, and whether to any person or property to which **FDOT** or said parties may be subject, except that neither the **UAO**, its agents, employees, or contractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused by or resulting from the negligence of the **FDOT** or any of its officers, agents, or employees during the performance of this Agreement.

The **UAO's** obligation to indemnify, defend, and pay for the defense or at the **FDOT's** option, to participate and associate with the **FDOT** in the defense and trial of any damage claim or suit and any related settlement negotiations, shall arise within fourteen (14) days of receipt by the **UAO** of the **FDOT's** notice of claim for indemnification to the **UAO**. The notice of claim for indemnification shall be served by certified mail. The **UAO's** obligation to defend and indemnify within fourteen (14) days of such notice shall not be excused because of the **UAO's** inability to evaluate liability or because the **UAO** evaluates liability and determines the **UAO** is not liable or determines the **FDOT** is solely negligent. Only a final adjudication or judgment finding the **FDOT** solely negligent shall excuse performance of this provision by the **UAO**. The **UAO** shall pay all costs and fees related to this obligation and its enforcement by the **FDOT**. The **FDOT's** delay in notifying the **UAO** of a claim shall not release **UAO** of the above duty to defend.

**5. Force Majeure**

Neither the **UAO** nor the **FDOT** shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by an act of God, war, riots, natural catastrophe, or other event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence; provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimated duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible.

**6. Miscellaneous**

- a. Time is of the essence in the performance of all obligations under this Agreement.
- b. The **FDOT** may unilaterally cancel this Agreement for refusal by the **UAO** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **UAO** in conjunction with this Agreement.
- c. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, or negotiations with respect thereto, except that the parties understand and agree that the **FDOT** has manuals and written policies and procedures which may be applicable at the time of the Project and the relocation of the Facilities.
- d. This Agreement shall be governed by the laws of the State of Florida. Any provision hereof found to be unlawful or unenforceable shall be severable and shall not affect the validity of the remaining portions hereof.
- e. All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery, or express mail and shall be deemed to have been received by the end of five business days from the proper sending thereof unless proof of prior actual receipt is provided. The **UAO** shall have a continuing obligation to notify each District of the **FDOT** of the appropriate persons for notices to be sent pursuant to this Agreement. Unless otherwise notified in writing, notices shall be sent to the following addresses:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

If to the <b>UAO</b> :

If to the **FDOT**:

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**7. Certification**

This document is a printout of an **FDOT** form maintained in an electronic format and all revisions thereto by the **UAO** in the form of additions, deletions, or substitutions are reflected only in an Appendix entitled "Changes to Form Document" and no change is made in the text of the document itself. Hand notations on affected portions of this document may refer to changes reflected in the above-named Appendix but are for reference purposes only and do not change the terms of the document. By signing this document, the **UAO** hereby represents that no change has been made to the text of this document except through the terms of the appendix entitled "Changes to Form Document."

You **MUST** signify by selecting or checking which of the following applies:

- No changes have been made to this Form Document and no Appendix entitled "Changes to Form Document" is attached.
- No changes have been made to this Form Document, but changes are included on the attached Appendix entitled "Changes to Form Document."

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement effective the day and year first written.

**UTILITY:**

BY: **(Signature)** \_\_\_\_\_

DATE: \_\_\_\_\_

(Typed Name: \_\_\_\_\_)

(Typed Title: \_\_\_\_\_)

---

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**Recommend Approval by the District Utility Office**

BY: **(Signature)** \_\_\_\_\_

DATE: \_\_\_\_\_

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**FDOT Legal review**

BY: **(Signature)** \_\_\_\_\_

DATE: \_\_\_\_\_

**District Counsel**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY DESIGN BY FDOT CONSULTANT AGREEMENT**  
(AT UTILITY EXPENSE)

Form No. 710-010-56  
UTILITIES  
11/14

---

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

BY: (Signature) \_\_\_\_\_

DATE: \_\_\_\_\_

(Typed Name: \_\_\_\_\_)

(Typed Title: \_\_\_\_\_)

---

FEDERAL HIGHWAY ADMINISTRATION (if applicable)

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

(Typed Name: \_\_\_\_\_)

(Typed Title: \_\_\_\_\_)

### THREE PARTY ESCROW AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Florida, Department of Transportation ("FDOT"), and the City of Miami Beach ("Participant"), and the State of Florida, Department of Financial Services, Division of Treasury ("Escrow Agent"), and shall become effective upon the Agreement's execution by Escrow Agent.

WHEREAS, FDOT and Participant are engaged in the following project ("Project"):

Project Name:  
Project #:  
County:

WHEREAS, FDOT and Participant desire to establish an escrow account for the project.

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the parties agree to the following:

1. An initial deposit will be made into an interest bearing escrow account established hereunder for the purposes of the Project. The escrow account will be opened with the Escrow Agent on behalf of FDOT upon Escrow Agent's receipt and execution of this Agreement.
2. Other deposits to the escrow account may be made during the life of this agreement.
3. Deposits will be delivered in accordance with instructions provided by the Escrow Agent to the FDOT for deposit into the escrow account. A wire transfer or ACH deposit is the preferred method of payment and should be used whenever possible.
4. FDOT's Comptroller or designee shall be the sole signatory on the escrow account with the Escrow Agent and shall have sole authority to authorize withdrawals from the account. Withdrawals will only be made to FDOT or the Participant in accordance with the instructions provided to the Escrow Agent by FDOT's Comptroller or designee.
5. Moneys in the escrow account will be invested in accordance with section 17.61, Florida Statutes. The Escrow Agent will invest the moneys expeditiously. Income is only earned on the moneys while invested. There is no guaranteed rate of return. Investments in the escrow account will be assessed a fee in accordance with Section 17.61(4)(b), Florida Statutes. All income of the investments shall accrue to the escrow account.
6. Unless instructed otherwise by FDOT, all interest accumulated in the escrow account shall remain in the account for the purposes of the Project.

FP #

7. The Escrow Agent agrees to provide written confirmation of receipt of funds to FDOT. FDOT agrees to provide a copy of such written confirmation to Participant upon request.
8. The Escrow Agent further agrees to provide quarterly reports to FDOT concerning the escrow account. FDOT agrees to provide a copy of such quarterly reports to Participant upon request.
9. The Escrow Agent shall not be liable for any error of judgment or for any act done or omitted by it in good faith, or for anything which it may in good faith do or refrain from doing in connection herewith.
10. Escrow Agent shall have no liability for any claim, cost, expense, damage or loss due to the acts or omissions of FDOT and Participant, nor from any separate agreements between FDOT and Participant and shall have no responsibility to monitor or enforce any responsibilities herein or in any separate agreements associated with this Agreement between FDOT and Participant.
11. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida.
12. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
13. This Agreement shall terminate upon disbursement by the Escrow Agent of all money held by it in the escrow account in accordance with the instructions given by FDOT's Comptroller or designee and notification from FDOT to Escrow Agent that the account is to be closed.

*The remainder of this page is blank.*

FP #

IN WITNESS WHEREOF, the parties have duly executed the Agreement on the date(s) below.

\_\_\_\_\_  
For FDOT-OOC (signature)

\_\_\_\_\_  
For PARTICIPANT (signature)

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Name and Title

59-3024028  
\_\_\_\_\_  
Federal Employer I.D. Number

\_\_\_\_\_  
Federal Employer I.D. Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

FDOT Legal Review:

\_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*J. C. ...*  
\_\_\_\_\_  
City Attorney

5/3/16  
\_\_\_\_\_  
Date

*JAB*

\_\_\_\_\_  
For Escrow Agent (signature)

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

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**Condensed Title:**

A resolution approving and authorizing the acceptance donations of hotel rooms made to the City for Memorial Day Weekend.

**Key Intended Outcome Supported:**

N/A

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

**Item Summary/Recommendation:**

Similar to the City's successful planning efforts for past Memorial Day Weekends, the City has prepared for the upcoming Memorial Day 2014 Holiday Weekend (Thursday, May 22, 2014 – Tuesday, May 27, 2014). Irrespective of any events and based upon early occupancy reports, it is anticipated that this year's holiday weekend will attract at least as many people as previous Memorial Day weekends, causing the City's resources to be strained. Various departments enhance their staffing this weekend, including our Parking, Code Compliance, Public Works/Sanitation, Tourism and Cultural Development, Fire/Rescue and Police Department. My office also works throughout the weekend during various shifts, providing executive level support, as needed. While staffing plans are prepared in anticipation of expected crowds, these plans are adjusted, as needed, including decreasing staffing throughout the weekend if appropriate.

In addition to addressing enhanced staffing to ensure sufficient coverage to address any life safety and quality of life issues, the MEP addresses everything from transportation (road closures, etc.) to sanitation (placement of additional waste bins, clean up schedule) and parking. The plan also addresses operational issues, such as coordinating Goodwill Ambassadors, developing community outreach plans, placement of VMS signs, production of signage and other informational materials, etc.

City employees work in excess of 12 hours each day throughout the weekend. Historically, rooms were donated on an individual basis for use by City Management, the Police Department and Miami-Dade County Goodwill Ambassador oversight. Several hotels have offered to donate standard hotel rooms again this year to help reduce travel time and keep employees rested. The following is a list of hotels donating rooms for official use:

- Ritz Carlton
- Loews Miami Beach
- SLS Hotel South Beach
- Shelborne South Beach
- The James Royal Palm Hotel
- Delano Hotel

There are a total of 35 rooms being donated. These donations are being provided to the City for official business associated with efforts for Memorial Day Weekend. It is recommended that these donations be made to the City instead of individuals. As a result, the donations must be pre-approved by the City Commission. The allocation of rooms will be centralized.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account
	1		
OBPI	Total		

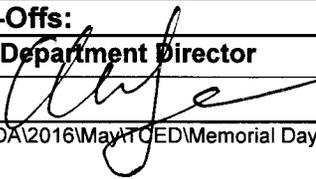
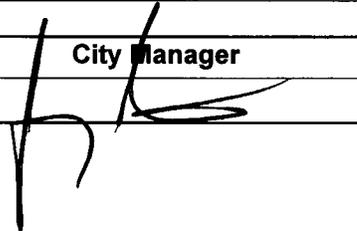
**Financial Impact Summary:**

N/A

**City Clerk's Office Legislative Tracking:**

Max Sklar, Tourism and Cultural Development Director

**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](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE ACCEPTANCE OF DONATIONS OF HOTEL ROOMS MADE TO THE CITY FOR MEMORIAL DAY WEEKEND.**

### ADMINISTRATION RECOMMENDATION

Adopt the resolution.

### BACKGROUND

Similar to the City's successful planning efforts for past Memorial Day Weekends, the City has prepared for the upcoming Memorial Day 2014 Holiday Weekend (Thursday, May 22, 2014 – Tuesday, May 27, 2014). Irrespective of any events and based upon early occupancy reports, it is anticipated that this year's holiday weekend will attract at least as many people as previous Memorial Day weekends, causing the City's resources to be strained. Various departments enhance their staffing this weekend, including our Parking, Code Compliance, Public Works/Sanitation, Tourism and Cultural Development, Fire/Rescue and Police Department. My office also works throughout the weekend during various shifts, providing executive level support, as needed. While staffing plans are prepared in anticipation of expected crowds, these plans are adjusted, as needed, including decreasing staffing throughout the weekend if appropriate.

In addition to addressing enhanced staffing to ensure sufficient coverage to address any life safety and quality of life issues, the MEP addresses everything from transportation (road closures, etc.) to sanitation (placement of additional waste bins, clean up schedule) and parking. The plan also addresses operational issues, such as coordinating Goodwill Ambassadors, developing community outreach plans, placement of VMS signs, production of signage and other informational materials, etc.

City employees work in excess of 12 hours each day throughout the weekend. Historically, rooms were donated on an individual basis for use by City Management, the Police Department and Miami-Dade County Goodwill Ambassador oversight. Several hotels have offered to donate standard hotel rooms again this year to help reduce travel time and keep employees rested. The following is a list of hotels donating rooms for official use:

- Ritz Carlton
- Loews Miami Beach
- SLS Hotel South Beach
- Shelborne South Beach
- The James Royal Palm Hotel
- Delano Hotel

City Commission Meeting  
Memorial Day Weekend – Donation of Hotel Rooms  
May 11, 2016  
Page 2 of 2

There are a total of 35 rooms being donated. These donations are being provided to the City for official business associated with efforts for Memorial Day Weekend. It is recommended that these donations be made to the City instead of individuals. As a result, the donations must be pre-approved by the City Commission. The allocation of rooms will be centralized.

**CONCLUSION**

The Administration recommends the adoption of the attached Resolution.

  
JLM/KGB/MAS

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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 ACCEPTANCE OF DONATIONS OF HOTEL ROOMS MADE TO THE CITY FOR MEMORIAL DAY HOLIDAY WEEKEND.**

**WHEREAS** the City has prepared for the upcoming 2016 Memorial Day Holiday Weekend (Thursday, May 26, 2016 – Tuesday, May 31, 2016, the “Holiday Weekend”) and it is anticipated that this year’s Holiday Weekend will attract at least as many people as previous Memorial Day weekends, which have attracted 200,000 visitors to the City, causing the City’s resources to be strained; and

**WHEREAS**, the influx of so many visitors requires the City to plan for traffic, crowd control, sanitation, code compliance, and parking to ensure the safety and welfare of our residents and visitors, while keeping our streets clean and traffic manageable; and

**WHEREAS**, in addition to addressing enhanced staffing to ensure sufficient coverage to address any life safety and quality of life issues, the Major Event Plan addresses everything from transportation to sanitation, parking, and operational issues such as coordinating Goodwill Ambassadors, developing community outreach plans, placement of variable message signs, production of signage, and other informational materials; and

**WHEREAS**, hotel rooms have been historically donated for use by City Management, the Police Department, and Miami-Dade County Goodwill Ambassadors during Memorial Day Weekend and serve a public purpose by facilitating the efficient oversight and management of heightened public services and responses needed during the Holiday Weekend; and

**WHEREAS**, several hotels have offered to donate standard hotel rooms again this year and the following is a list of hotels donating a total of up to 40 rooms for official use by the City of Miami Beach during the 2014 Memorial Day Holiday Weekend:

- Ritz Carlton
- Loews Miami Beach
- SLS Hotel South Beach
- Shelborne South Beach
- The James Royal Palm Hotel
- Delano Hotel; and

**WHEREAS**, as these donations are made to the City, the donations must be approved by the City Commission.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the acceptance of up to 40 donated hotel rooms to the City of Miami Beach for the Memorial Day Holiday Weekend as set forth herein.

**PASSED and ADOPTED** this 11th day of May, 2016.

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

 5/3/16  
\_\_\_\_\_  
City Attorney *DT* Date

**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, approving, in substantial form the interlocal agreement attached to the resolution between the City and Miami-Dade County for surface water quality sampling.

**Key Intended Outcome Supported:**

N/A

**Item Summary/Recommendation:**

The barrier island of Miami Beach is surrounded by the Atlantic Ocean, the Biscayne Bay Aquatic Preserve, and an interconnected system of waterways that provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life. Because our waterways play such a critical role in our community, the City employs a multi-faceted stormwater management strategy to limit pollution from impacting the quality of these waters. One such initiative is water quality sampling and analysis which Miami-Dade County has conducted periodically within Biscayne Bay as part of our National Pollution Discharge Elimination System (NPDES) permit requirements. However, due to funding and other factors, this program has primarily focused on monitoring water quality for the larger Biscayne Bay watershed.

At this time the City does not have any background data on the quality of our waterway system or the areas in Biscayne Bay immediately adjacent to our islands. As such, we have coordinated with Miami-Dade County to expand the existing water quality monitoring network to include six sampling stations in and adjacent to our city which will be analyzed monthly for physical, chemical and biological characteristics. This program will allow us to fill existing data gaps by establishing water quality baselines and to measure the long-term status and trends of water quality parameters in these previously unstudied areas. Once we have established baselines, the City will utilize the water quality data to tailor our stormwater management program for maximum pollutant reduction.

The attached Interlocal Agreement for Surface Water Quality Sampling and Analysis details the scope of work, the location of the six sampling stations, and the terms of the agreement for the first five years of this program (FY 2016 through FY 2020). Within 60 days of its execution, Miami-Dade County staff will initiate sampling for FY16 for a total cost of \$17,426, the funding for which has already been allocated in this year's budget.

**THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.**

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
<b>Total</b>			

OBPI

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Elizabeth Wheaton, Environment & Sustainability x6121

**Sign-Offs:**

<b>Department Director</b>	<b>Assistant City Manager</b>	<b>City Manager</b>
ESW	SMT	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 Morales, City Manager

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, THE INTERLOCAL AGREEMENT ATTACHED TO THIS RESOLUTION BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR SURFACE WATER QUALITY SAMPLING AND ANALYSIS, SUBJECT TO LEGAL REVIEW AND FORM APPROVAL OF THE FINAL NEGOTIATED AGREEMENT BY THE CITY ATTORNEY'S OFFICE; SAID AGREEMENT HAVING A TERM OF FIVE (5) YEARS, COMMENCING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2020, IN AN AMOUNT NOT TO EXCEED \$85,000; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED AGREEMENT.**

The barrier island of Miami Beach is surrounded by the Atlantic Ocean, the Biscayne Bay Aquatic Preserve, and an interconnected system of waterways that provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life. Because our waterways play such a critical role in our community, the City employs a multi-faceted stormwater management strategy to limit pollution from impacting the quality of these waters. One such initiative is water quality sampling and analysis which Miami-Dade County has conducted periodically within Biscayne Bay as part of our National Pollution Discharge Elimination System (NPDES) permit requirements. However, due to funding and other factors, this program has primarily focused on monitoring water quality for the larger Biscayne Bay watershed.

At this time the City does not have any background data on the quality of our waterway system or the areas in Biscayne Bay immediately adjacent to our islands. As such, we have coordinated with Miami-Dade County to expand the existing water quality monitoring network to include six sampling stations in and adjacent to our city which will be analyzed monthly for physical, chemical and biological characteristics. This program will allow us to fill existing data gaps by establishing water quality baselines and to measure the long-term status and trends of water quality parameters in these previously unstudied areas. Once we have established baselines, the City will utilize the water quality data to tailor our stormwater management program for maximum pollutant reduction.

The attached Interlocal Agreement for Surface Water Quality Sampling and Analysis details the scope of work, the location of the six sampling stations, and the terms of the agreement for the first five years of this program (FY 2016 through FY 2020). Within 60 days of its execution, Miami-Dade County staff will initiate sampling for FY16 for a total cost of \$17,426, the funding for which has already been allocated in this year's budget.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Resolution.

Attached: Exhibit 1 – Water Quality Sampling and Analysis Interlocal Agreement

JLM/SMT/ESW/MKW

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, THE INTERLOCAL AGREEMENT ATTACHED TO THIS RESOLUTION BETWEEN THE CITY AND MIAMI-DADE COUNTY FOR SURFACE WATER QUALITY SAMPLING AND ANALYSIS, SUBJECT TO LEGAL REVIEW AND FORM APPROVAL OF THE FINAL NEGOTIATED AGREEMENT BY THE CITY ATTORNEY'S OFFICE; SAID AGREEMENT HAVING A TERM OF FIVE (5) YEARS, COMMENCING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2020, IN AN AMOUNT NOT TO EXCEED \$85,000; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED AGREEMENT.**

**WHEREAS**, the City of Miami Beach is a barrier island surrounded by the Atlantic Ocean, the Biscayne Bay Aquatic Preserve, and an interconnected system of waterways that provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life; and

**WHEREAS**, the City employs a multi-faceted stormwater management strategy to limit pollution from impacting these critical water resources; and

**WHEREAS**, one such initiative is water quality sampling and analysis, which Miami-Dade County has conducted periodically within Biscayne Bay as part of our National Pollution Discharge Elimination System (NPDES) permit requirements; and

**WHEREAS**, due to funding and other factors, this program has primarily focused on monitoring water quality for the larger Biscayne Bay watershed and has not collected background data on the quality of the waterway system adjacent to the City; and

**WHEREAS**, Miami-Dade County has agreed to expand the existing water quality monitoring network to include six sampling stations to be analyzed monthly for physical, chemical, and biological characteristics; and

**WHEREAS**, the expanded sampling and analysis program will allow the City to establish baselines and to measure the long-term status and trends of water quality parameters in these previously unstudied areas so it can tailor its stormwater management program for maximum pollutant reduction; and

**WHEREAS**, the County has detailed the scope of work, location of the six sampling stations, and the terms of a proposed five year Interlocal Agreement for Surface Water Quality Sampling and Analysis; and

**WHEREAS**, within 60 days of its execution, County staff will initiate sampling for FY 2016 for a total cost of \$8,713 the funding for which has already been allocated in the City's FY 2015/16 budget.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Clerk are hereby authorized to execute an Interlocal Agreement with Miami-Dade County, in substantial form as attached to this Resolution, for surface water quality sampling and analysis, subject to legal review and form approval of the final negotiated agreement by the City Attorney's Office; said agreement having a term of five (5) years, commencing on October 1, 2015 and ending on September 30, 2020, in an amount not to exceed \$85,000; and further authorizing the Mayor and City Clerk to execute the final negotiated agreement.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Jeffrey Hov 5-4-16  
City Attorney Date

**Interlocal Agreement between  
the City of Miami Beach  
and Miami-Dade County  
for Surface Water Quality Sampling and Analysis**

**1.0 INTRODUCTION**

The City of Miami Beach (“the City”) is a barrier island surrounded by Biscayne Bay, the Atlantic Ocean, and an interconnected system of waterways that provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life. As such, the City implements a multi-faceted strategy to limit pollution from entering its waterways and impacting water quality. Since 1994, Miami-Dade County (“the County”) has conducted periodic water quality sampling events in Biscayne Bay on behalf of its 34 National Pollution Discharge Elimination System (NPDES) permit co-permittees, including the City of Miami Beach. However, this sampling program has focused primarily on the larger Biscayne Bay watershed and has not collected data along the City’s coastline or within its waterways.

The purpose of creating a water quality monitoring network in and adjacent to the City of Miami Beach is to measure the long-term status and trends of water quality parameters in these previously unstudied areas. The data collected will fill existing data gaps by establishing water quality baselines at the sampling locations in closer proximity to Miami Beach and help the City meet the following goals:

1. To track temporal trends in local water quality;
2. To determine the success of the City’s stormwater management program;
3. To identify if there are any potential water quality impacts; and
4. To improve the City’s understanding of where additional water quality treatment measures may be appropriate.

**2.0 SCOPE OF WORK**

The County shall conduct monthly surface water quality sampling at six (6) stations in and adjacent to the City (Figure 1). Water samples shall be collected and analyzed for physical, chemical, and biological parameters (“the Project”). The Project duration is from April 1, 2016 to September 30, 2020.

## **2.1 Quality Assurance and Analysis Protocols**

- a) For all sample collection, handling, documentation, and verification, the County shall comply with the Florida Department of Environmental Protection (FDEP) Quality Assurance Rule (Florida Administrative Code (FAC) 62-160) and the FDEP Standard Operating Procedures for Field Activities (FDEP SOP 001/01, Dec. 3, 2008). Additionally, the County shall, in accordance with the FDEP SOP 001/01 Section FA3300, maintain a Field Quality Manual. If there are to be any variances from the minimum requirements under FAC 62-160 or the FDEP SOP, the County must provide proof, in writing, of approval for the variance by the FDEP prior to implementation of the variation (email transmission of this approval is adequate). This includes any variations in sampling procedures or quality assurance/quality control (QA/QC) protocols.
- b) All analyses will be performed by the laboratory in the Division of Environmental Resources Management, Department of Regulatory and Economic Resources (RER-DEEM), or by other laboratories contracted with the County that hold NELAC certification for that analysis/method.

## **2.2 Water Sample Collection**

- a) The County shall conduct monthly collections of the parameters listed in Table 1 at the six stations. Figure 1 shows the approximate location of the stations. Prior to the first sampling event, the County will determine the sites and will provide location descriptions and geographic coordinates to the City.
- b) The six stations indicated in Figure 1 may be relocated by mutual written agreement of the County and City to optimize sampling efficiency or to improve characterization of the sampling region.
- c) The physical parameters include depth, temperature, pH, dissolved oxygen, specific conductance, and salinity. Data for each physical parameter will be collected in the water column at 0.1 meter (m) below the surface, at 0.5 m (where depths allow) and approximately 0.1 m above the bottom substrate.
- d) For laboratory analytical samples, surface water shall be collected at a depth of 0.5 m below the surface using a horizontal Niskin sampler.
- e) Enterococci will be sampled direct surface water grabs.

Table 1. Project sampling parameters for each station.

Parameter	Method	MDL/units
Temperature	SM 2550B	(C°)
pH	SM 4500 H+B	(units)
Specific Conductivity	SM 2510A	(µS/cm)
Salinity	SM 2520B	(ppt)
Dissolved Oxygen	SM 4500-O G	(mg/L)
Enterococci	EPA 1600	1 cfu/100mL
Total Phosphorous	EPA 365.1	0.002 mg/L
Total Kjeldahl Nitrogen	EPA 351.2	0.08 mg/L
Ammonia-N	EPA 350.1	0.01 mg/L
Nitrate/Nitrite	EPA 353.2	0.01 mg/L
Turbidity	EPA 180.1	0.1 NTU

### 2.3 Data Management and Reporting

- a) The County shall electronically maintain all data collected throughout the life of the Project.
- b) The County shall submit quarterly reports which, at a minimum, shall include the following:
  - i. Narrative summarizing the Project, data collection methodology, and applicable quality standards.
  - ii. All chemistry lab data and field data.
  - iii. Copies of field sheets which include data and field observations.
  - iv. In narrative form, specify any monitoring problems that may have occurred during the course of the report period. Monitoring problems may include, but are not limited to, logistical issues, inclement weather, and equipment failures.
  - v. A data validation statement.
- c) Quarterly Reports and data shall be submitted via email on the following schedule: October, November, and December data shall be submitted by January 30th; January, February, and March shall be submitted by April 30th; April, May, and June data shall be submitted by July 30th; July, August, and September data shall be submitted by October 30th.

**Interlocal Agreement between  
the City of Miami Beach  
and Miami-Dade County  
for Surface Water Quality Sampling and Analysis**

## **1.0 INTRODUCTION**

The City of Miami Beach (“the City”) is a barrier island surrounded by Biscayne Bay, the Atlantic Ocean, and an interconnected system of waterways that provide habitat for fish and wildlife, opportunities for recreation, and an enhanced quality of life. As such, the City implements a multi-faceted strategy to limit pollution from entering its waterways and impacting water quality. Since 1994, Miami-Dade County (“the County”) has conducted periodic water quality sampling events in Biscayne Bay on behalf of its 34 National Pollution Discharge Elimination System (NPDES) permit co-permittees, including the City of Miami Beach. However, this sampling program has focused primarily on the larger Biscayne Bay watershed and has not collected data along the City’s coastline or within its waterways.

The purpose of creating a water quality monitoring network in and adjacent to the City of Miami Beach is to measure the long-term status and trends of water quality parameters in these previously unstudied areas. The data collected will fill existing data gaps by establishing water quality baselines at the sampling locations in closer proximity to Miami Beach and help the City meet the following goals:

1. To track temporal trends in local water quality;
2. To determine the success of the City’s stormwater management program;
3. To identify if there are any potential water quality impacts; and
4. To improve the City’s understanding of where additional water quality treatment measures may be appropriate.

## **2.0 SCOPE OF WORK**

The County shall conduct monthly surface water quality sampling at six (6) stations in and adjacent to the City (Figure 1). Water samples shall be collected and analyzed for physical, chemical, and biological parameters (“the Project”). The Project duration is from April 1, 2016 to September 30, 2020.

## **2.1 Quality Assurance and Analysis Protocols**

- a) For all sample collection, handling, documentation, and verification, the County shall comply with the Florida Department of Environmental Protection (FDEP) Quality Assurance Rule (Florida Administrative Code (FAC) 62-160) and the FDEP Standard Operating Procedures for Field Activities (FDEP SOP 001/01, Dec. 3, 2008). Additionally, the County shall, in accordance with the FDEP SOP 001/01 Section FA3300, maintain a Field Quality Manual. If there are to be any variances from the minimum requirements under FAC 62-160 or the FDEP SOP, the County must provide proof, in writing, of approval for the variance by the FDEP prior to implementation of the variation (email transmission of this approval is adequate). This includes any variations in sampling procedures or quality assurance/quality control (QA/QC) protocols.
- b) All analyses will be performed by the laboratory in the Division of Environmental Resources Management, Department of Regulatory and Economic Resources (RER-DERM), or by other laboratories contracted with the County that hold NELAC certification for that analysis/method.

## **2.2 Water Sample Collection**

- a) The County shall conduct monthly collections of the parameters listed in Table 1 at the six stations. Figure 1 shows the approximate location of the stations. Prior to the first sampling event, the County will determine the sites and will provide location descriptions and geographic coordinates to the City.
- b) The six stations indicated in Figure 1 may be relocated by mutual written agreement of the County and City to optimize sampling efficiency or to improve characterization of the sampling region.
- c) The physical parameters include depth, temperature, pH, dissolved oxygen, specific conductance, and salinity. Data for each physical parameter will be collected in the water column at 0.1 meter (m) below the surface, at 0.5 m (where depths allow) and approximately 0.1 m above the bottom substrate.
- d) For laboratory analytical samples, surface water shall be collected at a depth of 0.5 m below the surface using a horizontal Niskin sampler.
- e) Enterococci will be sampled direct surface water grabs.

Table 1. Project sampling parameters for each station.

<b>Parameter</b>	<b>Method</b>	<b>MDL/units</b>
Temperature	SM 2550B	(C°)
pH	SM 4500 H+B	(units)
Specific Conductivity	SM 2510A	(µS/cm)
Salinity	SM 2520B	(ppt)
Dissolved Oxygen	SM 4500-O G	(mg/L)
Enterococci	EPA 1600	1 cfu/100mL
Total Phosphorous	EPA 365.1	0.002 mg/L
Total Kjeldahl Nitrogen	EPA 351.2	0.08 mg/L
Ammonia-N	EPA 350.1	0.01 mg/L
Nitrate/Nitrite	EPA 353.2	0.01 mg/L
Turbidity	EPA 180.1	0.1 NTU

### 2.3 Data Management and Reporting

- a) The County shall electronically maintain all data collected throughout the life of the Project.
- b) The County shall submit quarterly reports which, at a minimum, shall include the following:
  - i. Narrative summarizing the Project, data collection methodology, and applicable quality standards.
  - ii. All chemistry lab data and field data.
  - iii. Copies of field sheets which include data and field observations.
  - iv. In narrative form, specify any monitoring problems that may have occurred during the course of the report period. Monitoring problems may include, but are not limited to, logistical issues, inclement weather, and equipment failures.
  - v. A data validation statement.
- c) Quarterly Reports and data shall be submitted via email on the following schedule: October, November, and December data shall be submitted by January 30th; January, February, and March shall be submitted by April 30th; April, May, and June data shall be submitted by July 30th; July, August, and September data shall be submitted by October 30th.

## 2.4 Cost of Surface Water Sampling and Analysis

- a) The City agrees to pay the County for the following water quality sampling and analysis costs incurred in the performance of this Interlocal Agreement (“Agreement”) as reflected in Table 2.
- b) Table 2. Itemized Project costs by fiscal year.

	FY16	FY17	FY18	FY19	FY20	Five Yr Total
Salary	\$ 4,165	\$ 8,580	\$ 8,837	\$ 9,102	\$ 9,375	\$ 40,059
Laboratory Costs	\$ 4,025	\$ 8,292	\$ 8,541	\$ 8,797	\$ 9,061	\$ 38,716
Operating Supplies	\$ 214	\$ 441	\$ 454	\$ 467	\$ 481	\$ 2,057
Vehicle	\$ 309	\$ 637	\$ 656	\$ 675	\$ 696	\$ 2,972
<b>Total</b>	<b>\$ 8,713</b>	<b>\$ 17,949</b>	<b>\$ 18,487</b>	<b>\$ 19,042</b>	<b>\$ 19,613</b>	<b>\$ 83,803</b>

- b) Total Agreement Cost. The total reimbursable cost to the County for surface water sample collection and analyses for the life of this Agreement is not to exceed **\$83,803**.

## 3.0 TERMS OF AGREEMENT

### 3.1 Indemnification Clause

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 attorney’s fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, cases 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, judgements 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 Fla. Stat., 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 judgement by any one person which exceeds the sum of \$200,000 , or any claim or judgement or portions thereof, which, when totaled with all other claims or judgement by paid by the City arising out of the same incident or occurrence, exceed the sum of \$300,000 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.

The County does hereby agree to indemnify and hold harmless the City to the extent and within the limitations of Section 768.28 Fla Stat., subject to the provisions of that Statute whereby the County shall not be held liable to pay a personal injury or property damage claim or judgement by any one person which exceeds the sum of \$200,000, or any claim or judgements or portions thereof, which, when totaled with all other occurrence, exceeds the sum of \$300,000 from any and all personal injury or property damage claims, liabilities, losses and causes of action which may arise solely as a result of the negligence of the County. However, nothing herein shall be deemed to indemnify the City from any liability or claim arising out of the negligent performance or failure of performance of the entity or any unrelated third party.

### **3.1 Deliverables and Payments**

- a) The City agrees to reimburse the County for costs of activities set forth in this agreement.
- b) The County will provide quarterly status reports to the City with all data generated in that quarter. These quarterly reports will be submitted electronically to the City's designated Agreement manager.
- c) The County will submit invoices no more frequently than quarterly to the City. Invoices will include the details of all expenses incurred.
- d) The City will review invoices and notify the County within 14 calendar days of any discrepancies or questions regarding the invoice. Unless otherwise notified, an invoice is considered 'accepted' 15 calendar days after submittal. However, the City retains the right to request additional supporting documentation and information prior to the invoice due date, and the County will provide such additional supporting documentation and information to the City within 30 calendar days.
- e) Payment of the invoice is due 30 calendar days after acceptance of the invoice.

### **3.2 Amendments**

This Agreement be modified by amendment through mutual written agreement of both parties, pursuant to authorization by the Miami-Dade County Board of County Commissioners and the City of Miami Beach City of Commission. All amendments to this Agreement must be

in writing and signed by both parties, and will become effective as of the date of the final signatory, unless otherwise noted therein.

### 3.3 Approvals

This Agreement is agreed to and becomes effective upon final execution of the Agreement by the parties:

For:

City of Miami Beach, Florida

For:

Miami-Dade County, Florida

\_\_\_\_\_  
Mayor Philip Levine

\_\_\_\_\_  
Mayor or Mayor's Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Raphael E. Granado, City Clerk

# Miami Beach Surface Water Quality Monitoring Stations

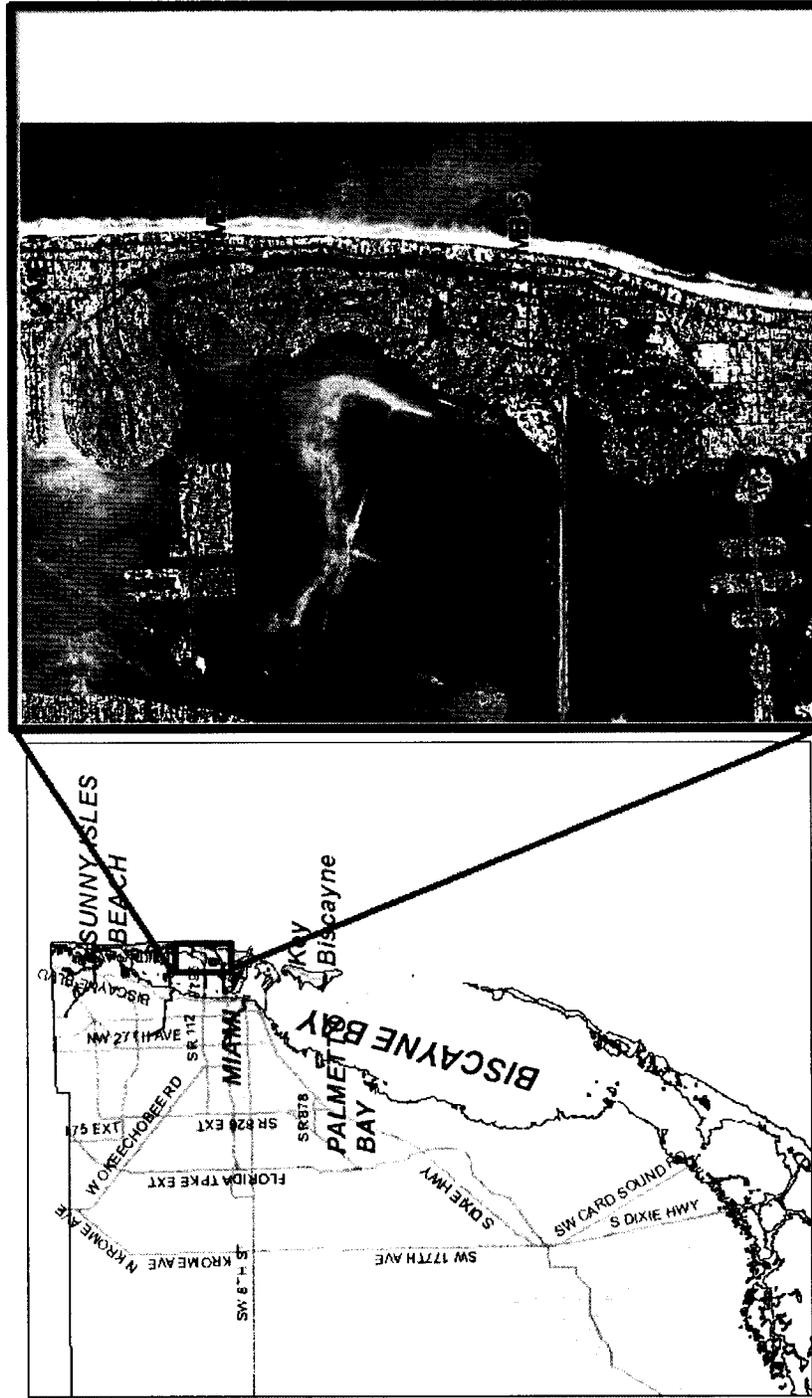


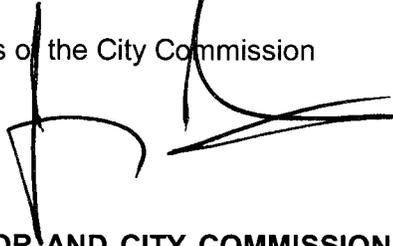
Figure 1. Map showing six monitoring locations planned for the Miami Beach surface water quality monitoring program.

# 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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO AWARD, THROUGH A COMPETITIVE SELECTION PROCESS, UP TO 4 GRANTS TOTALING \$60,000, FOR SCHOLARSHIPS AND CONTRIBUTIONS TO PHILANTHROPIC ORGANIZATIONS WITH AN EMPHASIS ON THE ENVIRONMENT AND SUSTAINABILITY, WHICH GRANTS SHALL BE FUNDED THROUGH THE CITY'S PUBLIC BEACHFRONT CONCESSION AGREEMENT WITH BOUCHER BROTHERS MIAMI BEACH LLC, AND THE CITY'S SERVICE AGREEMENT WITH THE CITY'S FRANCHISE WASTE HAULERS.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

The attached Resolution authorizes the City Manager to award, through a competitive selection process, up to four (4) grants totaling \$60,000, for scholarships and contributions to philanthropic organizations with an emphasis on the environment and sustainability. These grants shall be funded through the City's Public Beachfront Concession Agreement with Boucher Brothers Miami Beach LLC ("Concession Agreement") and the City's Service Agreement with the City's franchise waste haulers.

The City Manager will appoint a Selection Committee comprised of City staff, which shall include members of the Environment and Sustainability Department, to review and evaluate all grant applications submitted in response to this solicitation. The Selection Committee shall ensure compliance with the requirements of this solicitation, and any other requirements under State, County, or City law. The Selection Committee will use the score sheet attached to the grant application to evaluate each application.

The Concession Agreement includes value-added enhancements including a \$5,000 annual contribution to the City. Pursuant to Section 3.9.2 of the Concession Agreement (Attachment A), the City shall allocate these funds equally in support of environmental organizations and/or programs. Similarly, the City's Service Agreement with the City's franchise waste haulers (Attachment B) includes additional funding to the City for public services, in the amount of \$25,000.00, to support environmental programs.

The City has not awarded any of the contributions from FY 2014/15 and FY 2015/16, in order to ensure that a competitive process was in place. The amount of these contributions from both fiscal years will be combined for a total of \$60,000. Up to four projects/programs may be funded

Agenda Item C7P  
Date 5-11-16

through the proposed grants. Applicants will be asked to submit a grant application form (Attachment C) that describes their organization, the scope and objective of their project or program, and the anticipated environmental impacts/benefits of the project or program to the City of Miami Beach. In addition, applicants would be asked to submit a proposed budget demonstrating the intended use of the funds to support the proposed environmental project or program. Applicants must otherwise be in good standing with the City of Miami Beach. Proposals that are found to be significantly impactful may be awarded more than one grant, up to the \$60,000.00 total.

In previous years, the \$5,000.00 and \$25,000.00 annual environmental grants to philanthropic organizations have been allocated to groups such as the Environmental Coalition of Miami and the Beaches ("ECOMB"), the Miami Beach Senior High School Environmental Club, and the Sunflower Society, Inc. Projects that have received funds in the past include beach and waterway clean-ups, administration of the Adopt-a-Beach Program, after-school environmental education programs, and ecosystem restorations of the dune and mangrove systems.

City Staff recommends that the City advertise the availability of the \$60,000 and request applications from local non-profit and philanthropic organizations. The selected applicant(s) are expected to produce measurable results as well as reports to demonstrate the success of the program. The outcome of each program(s) will be presented to the Sustainability and Resiliency Committee at the conclusion of each grant. Staff will evaluate the grant applications and select up to four grant recipients.

## **CONCLUSION**

The Administration recommends adopting the Resolution.

Attachment A: Boucher Brothers LLC Public Beachfront Concession Agreement 3.9.2

Attachment B: Waste Hauler Franchisee Agreement – Page 35

Attachment C: Rising Above Environmental Grant Application

JLM/SMT/ESW/YP

- d. The placement and removal of facilities and equipment on the beach seaward of 230 feet from the high water line shall be conducted during daylight hours and shall not occur in any location prior to completion of the necessary marine turtle protection measures.
- e. The beach area seaward of the 230-foot setback from the high water line should be cleared of all furniture and equipment, except lifeguard equipment, at nights during the turtle-nesting season.
- f. Disturbing the existing beach, Dune topography and vegetation is prohibited.

### 3.8 City Business Tax Receipts

Concessionaire shall obtain, at its sole cost and expense, any Business Tax Receipts (BTRs) required by City law, as amended from time to time, for the each of its proposed uses, as contemplated in **Section 3** of the Agreement. BTR's shall be obtained for each proposed use within a particular Concession Area. For example, in the Lummus Park Concession Area, the Concessionaire would be required to obtain four (4) BTR's; one each for: (i) rental of Beach Equipment; (ii) food and beverage service; (iii) sale of Beach-Related Sundries/Skin Care Products; and (iv) rental of Watersports Equipment)

### 3.9 Value-Added Enhancements

The Concessionaire agrees to provide the following Value-Added Enhancements throughout the Term:

- 3.9.1 An annual donation to the City, in the amount of five-thousand dollars (\$5000) per year, to be utilized by the City for scholarships and contributions to philanthropic organizations, with an emphasis on marine-related and children-related recipients. The City shall make the sole and final determination as to the recipient organization(s).
- 3.9.2 An annual donation to the City, in the amount of five-thousand dollars (\$5000) per year, to be utilized by the City in support of environmental organizations and programs. The City shall make the sole and final determination as to the recipient organization(s).

The monetary donations in **Subsections 3.9.1 and 3.9.2** above shall be submitted to the City, in full, at the commencement of each contract year during the Term.

- 3.9.3 Concessionaire shall establish and maintain, at its sole cost and expense, a lounge chair "promotional towel program" in the "Luxury" areas of the Concession Areas, that would provide for the promotion of the City of Miami Beach. Said promotional towel program would provide for a minimum of 600 imprinted lounge chair towels, which shall be replaced with 600 new imprinted towels at least once during the Initial Term, and twice during the Renewal Term. The design and content of the imprinted message shall be determined and approved by the City Manager or his/her designee, at their sole discretion. In order to preserve the City's approval rights in the preceding sentence, Concessionaire shall provide written notice to the City Manager or his/her designee at least thirty (30) days prior to ordering such promotional towels. Concessionaire's notice shall include the proposed design to be used by Concessionaire for the promotional towel program. The City Manager or his/her designee shall have thirty (30) days from receipt of Concessionaire's notice to approve or disapprove of the proposed design and content of the imprinted message, or otherwise submit an alternative design for the imprinted message. If the City Manager or his/her designee fails to approve or disapprove the proposed design and/or content of the imprinted message, or submit an alternative design for the imprinted message, within such thirty (30) day period, the City shall be deemed to have waived its approval rights under this subsection.
- 3.9.4 Concessionaire shall provide, at its sole cost and expense, enhanced beach cleanliness as follows: Concessionaire shall provide assistance in the supervision of cleanliness in Lummus Park, including the area outside of the Concession Area(s), beginning at the west foot of the sand dunes and extending westerly to, and including the east sidewalk of, Ocean Drive; said

7. On October 1<sup>st</sup> of each year during the Term of the Service Agreement, the Contractors shall collectively provide funds, in the total sum of eight thousand dollars (\$8,000.00), to the City for security services for the "Wasteful Weekend" event at each of the sites where the event is held in the City each month. The proportionate amount due by each Contractor shall be determined by their respective current Market Share. (The actual annual cost for 2013 was \$8,000.00)
8. **During the Term, each Contractor shall pay to the City one and one half percent (1.5%) of its Gross Receipts in the City, to be used by the City to establish a fund for implementation of sustainable initiatives in the City of Miami Beach (which initiatives shall be as approved by the City Commission, in its sole and reasonable discretion). This contribution will be payable and due at the time of, and in conjunction with, Contractors' franchise fee payments to the City.**
9. On October 1<sup>st</sup> of each year during the Term, the Contractors shall pay to the City, collectively, in equal shares, the sum of \$75,000 (\$25,000.00 per Contractor) per year, to support educational programs in the City. The City Commission, in its sole and reasonable discretion, shall determine the time, place, and manner of such programs.
10. On October 1<sup>st</sup> of each year during the Term, the Contractors shall collectively pay to the City the amount of \$400,000. The proportionate amount due by each Contractor shall be determined by each Contractor's current Market Share. These funds will be used to offset costs incurred by the Sanitation Division's efforts to eradicate illegal dumping.
11. **On October 1<sup>st</sup> of each year during the Term, the Contractors collectively, in equal shares, shall pay to the City the sum of twenty five thousand dollars (\$25,000) per year (\$8,333.34 per Contractor), to support environmental programs in the City. The City Commission, in its sole and reasonable discretion, shall determine the time, place, and manner of such programs.**

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- d. The placement and removal of facilities and equipment on the beach seaward of 230 feet from the high water line shall be conducted during daylight hours and shall not occur in any location prior to completion of the necessary marine turtle protection measures.
- e. The beach area seaward of the 230-foot setback from the high water line should be cleared of all furniture and equipment, except lifeguard equipment, at nights during the turtle-nesting season.
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## Environment and Sustainability Grants Program

### Funding Opportunity

The City of Miami Beach has \$60,000 in funding available for projects within our City that promote environmental and/ or marine resource protection and/or youth environmental stewardship. With funds provided by the Boucher Brothers Scholarship Fund and Miami Beach Waste Haulers Fund, the City is seeking community-based organizations with the capacity and experience to undertake such projects that encourage:

- Restoration and Enhancement of the natural environment
- Sustainable practices, urban forestry, water quality, wildlife awareness and healthy ecosystems
- Voluntarism and youth involvement that serve to expand community awareness
- Partnerships among community groups and stakeholders to leverage experience and resources
- Long-term, measureable results

### Available Funding

The City will award a total of \$60,000 for up to four projects.

The City, at its sole discretion, reserves the right to amend the distribution of funds.

### Eligible Applicants

Eligible applicants are non-profit or for-profit organizations registered in the State of Florida as eligible to conduct business. Applicants must be properly licensed to do business in the City of Miami Beach and Miami-Dade County and meet insurance thresholds prior to the award of funds.

### Funding Priorities

The City seeks to fund projects that support its environment and sustainability priorities. These include:

- |                              |   |
|------------------------------|---|
| → Green Infrastructure       | → Marine Conservation   |
| → Urban Forestry             | → Water Conservation  |
| → Solid Waste Reduction      | → Pet Waste   |
| → Alternative Transportation | → Water Quality (BMPS for households, grease management, lawn care) |

### The City's Environmental Stewardship

The City of Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways including Indian Creek, Surprise Lake, Lake Pancoast, the Biscayne Bay Aquatic Preserve and the Atlantic Ocean. Our environment is our natural capital and is the foundation of our strong economic development and high quality of life. The Environment & Sustainability Department focuses on protecting and enhancing our natural environment through sea level rise adaptation efforts, natural resources management and environmental compliance. We are also conscious of promoting a sustainable community that includes improving resource efficiencies, increasing the urban forest, preventing harm to the

**Application Information**

Applicants must complete the application in its entirety and include the delineated attachment documents. Incomplete applications will not be considered.

**Application Timeline \*Times and dates subject to change**

Date	Benchmark
May 11, 2016	The City Commission authorizes release of the Request For Proposals (RFP)
May 20, 2016	The RFP is released to the public
May 27, 2016	Proposers Conference is held. Location and Time TBD.
June 03, 2016	Last day for online RFP questions
July 01, 2016	Application submission deadline at 4pm
July 06 - July 13	City staff evaluates proposals for eligibility and award
July 20, 2016	Sustainability and Resiliency Committee reviews staff recommendations
September 21, 2016	Grant Recipients Announced at Commission Meeting
September 30, 2016	Funding agreements are executed
September 30, 2017	Funded projects must be completed and final project/expenditure reports submitted to City

**Required Attachments**

The following attachments are required at the time of application submission:

- Applicant's Articles of Incorporation
- Sunbiz.org Corporate Profile
- Letters of Collaboration
- Organization's Most Recent Audit/Financial Statements



**Proposed Project**

*In the space below, provide a summary of the proposed project including area of impact, scope of work and staff involved.*

**Staff/Personnel/ Volunteers Involved in Project Implementation**

*Indicate the number of persons from each category below involved in the project described above:*

Environmental Professionals	<input type="text"/>	Consultants	<input type="text"/>	
Youth Volunteers	<input type="text"/>	General Agency Staff	<input type="text"/>	
Adult Volunteers	<input type="text"/>	Others	<input type="text"/>	
			<b>Total People</b>	<b>0</b>

**Project Collaborators**

*In the space below, explain how the applicant will collaborate with others to bring the project to fruition. List collaborating agencies and their specific role(s).*

**Applicant Experience**

*In the space below, explain how what experience the applicant has in relation to the proposed project.*

**(3) Letters of Support**

**Project Benefit**

*In the space below, explain how your project addresses one of the City's Environmental Priorities.*



## Application Scoring (1 of 2)

**Minimum requirements for application submission:** Applicants submitting applications may be from local non-profit and philanthropic organizations.

**Selection criteria will include, but is not limited to:**

- Ability to provide measurable results
- How well a proposed project supports the goals and mission of the City's Environment and Sustainability Department
- Location: projects must take place in Miami Beach
- Value and accessibility to the community
- Demonstration of creative thinking and planning
- Use of innovation in improving sustainability
- Project feasibility/high likelihood of success

The City Manager will appoint a Selection Committee comprised of City staff, which shall include members of the Environment and Sustainability Department, to review and evaluate all grant applications submitted in response to this solicitation. The Selection Committee shall ensure compliance with the requirements of this solicitation, and any other requirements under State, County, or City law. All eligible grant applications must be submitted to the Environment and Sustainability Department.

The Selection Committee shall evaluate applications on the basis of the following criteria, as further defined on page 2.

<b>Section/Tab</b>	<b>Maximum Points</b>
Applicant Information	5
Project Overview	25
Project Benefit	30
Applicant Experience	15
Project Budget	20
Priority Alignment	5
<b>MAXIMUM POSSIBLE SCORE</b>	<b>100</b>

## Application Scoring (2 of 2)

### **Applicant Information**

Information provided must be complete and accurate and must include all required attachments.

### **Project Overview**

This section requires an overall summary of the project in an objective and fiscal context. Applicants must succinctly and clearly describe proposed projects. Applicants must also indicate any community-based partners who will assist the applicant in carrying out the applicant's proposal. Up to 25 points can be awarded based on the quality of the proposal.

### **Applicant Experience**

This section provides the applicant an opportunity to sell themselves as worthy recipients of public resources. Be specific in providing achievements, success stories, experience and expertise.

### **Project Benefit**

This is the section that most describes the viability, impact, purpose and overall leverage for a proposed project project within a holistic context. In this section, please ensure to provide operational details for your project including specific beneficiaries, eligibility criteria, timelines, progress measures, and outcome measures. If the proposed project project creates secondary benefits (i.e. creates new jobs or sustainable services for an area), provide such detail.

### **Project Budget**

The project budget must be sound, practical, achievable, and sustainable. The budget should provide the fiscal perspective of what was described in the Project Overview and Project Impact sections.

### **Priority Alignment**

This section enables the applicant to identify the proposed project's alignment to required environmental emphasis.



## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO A SETTLEMENT OF A PERSONAL INJURY CLAIM FILED BY RAFAEL CABRERA ROSARIO AGAINST THE CITY OF MIAMI BEACH, AND PAYING \$150,000 FROM THE CITY'S RISK MANAGEMENT FUND, PURSUANT TO FLORIDA STATUTE §768.28; AND FURTHER AUTHORIZING THE EXECUTION BY THE OFFICE OF RISK MANAGEMENT OF ANY AND ALL SETTLEMENT DOCUMENTS.**

### BACKGROUND

Pursuant to Resolution #90-19982, the City Manager and the City Attorney or their respective designees are authorized to settle claims up to an amount of \$100,000 per claim against the City of Miami Beach Self Insurance Fund. All settlements in excess of \$100,000 require commission approval. On April 13, 2016, there was a closed executive session held with the Mayor and Commission to discuss an offer of compromise regarding the subject claim.

On March 28, 2012, Rafael Cabrera Rosario, a blind pedestrian, was struck by a City of Miami Beach vehicle at the crosswalk of Meridian Avenue and 6<sup>th</sup> Street, which resulted in serious injuries, including the amputation of the fourth metatarsal. Mr. Rosario retained Attorney Carlos Zuniga to represent him in resolving this matter with the City of Miami Beach, and pursuant to Florida Statue §768.28, filed a claim on April 24, 2012.

Currently, the cap to resolve tort claims is \$200,000 per person/300,000 per incident (effective October 1, 2011). The staff of Risk Management and the City Attorney's Offices negotiated a settlement to resolve this matter with the claimant's attorney, avoiding litigation that could possibly result in a verdict that exceeds the cap. Subject to the terms of the settlement Agreement, the claimant and the City, without admission of liability, have agreed to resolve any and all claims and disputes by and between them, for which the City will pay \$150,000.

### RECOMMENDATION

It is recommended that the City adopt the proposed resolution.

JLM/MT/SC-T

T:\AGENDA\2016\May\Human Resources\R. Cabrera Rosario Settlement Memo.docx

Agenda Item C7Q  
Date 5-11-16

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO THE SETTLEMENT OF A PERSONAL INJURY CLAIM FILED BY RAFAEL CABRERA ROSARIO AGAINST THE CITY OF MIAMI BEACH, AND AUTHORIZING THE PAYMENT OF \$150,000 FROM THE CITY'S RISK MANAGEMENT FUND TO SETTLE THE CLAIM, PURSUANT TO SECTION §768.28 OF THE FLORIDA STATUTES; AND FURTHER AUTHORIZING THE OFFICE OF RISK MANAGEMENT TO EXECUTE ANY AND ALL SETTLEMENT DOCUMENTS.

**WHEREAS**, On March 28, 2012, Rafael Cabrera Rosario, a blind pedestrian, was struck by a City of Miami Beach vehicle at the crosswalk of Meridian Avenue and 6<sup>th</sup> Street, which resulted in serious injuries, including the amputation of the fourth metatarsal; and

**WHEREAS**, Rafael Cabrera Rosario retained Carlos Zuniga, Esquire to represent him in resolving a claim with the City of Miami Beach related to his personal injuries of March 28, 2012 and, pursuant to Section 768.28 of the Florida Statutes, filed said claim with the City on April 24, 2012; and

**WHEREAS**, following negotiations between the City's Risk Management Office, the City Attorney's Office, and the attorney representing Mr. Rosario, a settlement without admission of liability was reached to resolve all claims between the parties related to the subject personal injury claim and the Mayor and City Commission consent to the terms of the settlement.

**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 consent to the settlement of the personal injury claim filed by Rafael Cabrera Rosario against the City of Miami Beach, and authorize the payment of \$150,000 from the City's Risk Management fund to settle the claim, without admission of liability, pursuant to Section §768.28 of the Florida Statutes; and further authorize the execution of any and all settlement documents by the City's Office of Risk Management.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

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APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney F.B.

4/24/16  
\_\_\_\_\_  
Date

**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 Waive Competitive Bids and Authorize the City Manager to Negotiate an Agreement with ZipCar for Car Sharing Services.

**Key Intended Outcome Supported:**

Ensure Comprehensive Mobility Addressing All Modes Throughout The City.

**Supporting Data (Surveys, Environmental Scan, etc.):** Miami Beach Customer Survey indicates 74% of residents and 72% of businesses rate the availability of parking across the City as too little or much too little. Availability of parking was one of the changes residents identified to make Miami Beach a better to live, work or play.

**Item Summary/Recommendation:**

Car sharing is another environmentally friendly program, similar in concept to the bicycle sharing program that allows users to rent vehicles by the minute, hour, or day. Car sharing reduces the need to own an automobile which has numerous benefits to the user as well as the environment. The City has had two car sharing service providers in recent years (Hertz 24/7 and Car2Go) with limited success. "Hertz 24/7" was the City's initial car sharing service provider. Herlz had an Agreement with the City for a five year term which commenced on January 24, 2012, and was due to expire on January 23, 2017, with a one five (5) year renewal option, at the sole discretion of the City. Both Hertz and the City had high expectations for utilization of the service, particularly in the denser areas of the City; however, these expectations did not come to fruition due to low utilization of the service. Hertz exercised their option to terminate their agreement with the City, effective August 5, 2014. Subsequently, the City released an Invitation to Negotiate (ITN) for firms interested in providing options for a public car sharing service in order to continue promoting multimodal transportation options throughout the City. Proposers were encouraged to submit proposals for on-street car sharing, or off-street car sharing, or both. The intent was to provide residents, visitors, and tourists with an alternative mobility option in the form of an automobile with user fees assessed by minute, hour, or day and is easily accessible at any on-street or off-street parking space, 24 hours a day, seven days a week. On November 19, 2014, the Mayor and Commission awarded the ITN to Car2Go. Subsequently, Car2Go terminated their agreement with the City, effective March 1, 2016, citing Florida taxes and competition in the transportation industry as two of the factors inhibiting their success. Please note Zip Car was the only other firm to attempt to submit a proposal in response to the referenced ITN; however, Zip Car was deemed non-responsive due to a technical issue related to an untimely submission. Moreover, from a qualifications perspective, Zip Car was responsive. On April 13, 2016, the Mayor and Commission referred this issue to the Finance and Citywide Projects Committee and it was discussed by the FCWPC on April 22, 2016. The Committee recommended that the City Commission approve a bid waiver in order to negotiate an agreement with Zip Car and to include a plan to market the cars in visible locations. **Administration Recommendation: Adopt the Resolution.**

**Financial Information:**

Source of Funds:		Amount	Account
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	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Saul Frances

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
SF 	KGB 	JLM 

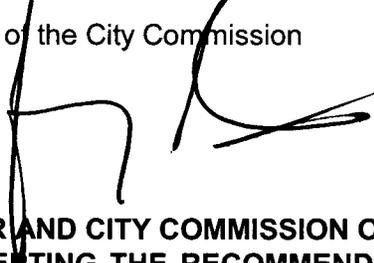
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# MIAMIBEACH

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: May 11, 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 WAIVE COMPETITIVE BIDS AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH ZIP CAR FOR CAR SHARING SERVICES.**

### BACKGROUND

Car sharing is another environmentally friendly program, similar in concept to the bicycle sharing program that allows users to rent vehicles by the minute, hour, or day. Car sharing discourages the need to own an automobile which has numerous benefits to the user as well as the environment.

The City has had two car sharing service providers in recent years (Hertz 24/7 and Car2Go) with limited success. Car sharing is a widely accepted and successful mobility concept in other communities around the country as it is one more viable service on the menu of mobility options.

On April 13, 2016, the Mayor and Commission approved Item No. C4H, "Discussion to consider and explore the impact of a car sharing pilot program". As you may recall, Car2Go, the City's former car sharing service provider exercised their option to terminate their agreement with the City, effective March 1, 2016.

Nonetheless, the Administration believes that there is still a demand for this service across the City, particularly in high density areas with traffic congestion and parking challenges. Clearly, there are other car sharing service providers with a successful presence both locally and nationally.

### FINANCE AND CITYWIDE PROJECTS COMMITTEE RECOMMENDATIONS

The Committee recommended going to the City Commission for approval of a bid waiver in order to negotiate with Zip Car and a plan to include marketing the cars in visible locations.

### ANALYSIS

"Hertz 24/7" was the City's sole car sharing service provider. Hertz had an Agreement with the City for a five year term which commenced on January 24, 2012, and was due to expire on January 23, 2017, with a one five (5) year renewal option, at the sole discretion of the City. Both Hertz and the City had high expectations for utilization of the service, particularly in the denser areas of the City; however, these expectations did not come to fruition due to

low utilization of the service. Hertz exercised their option to terminate their agreement with the City, effective August 5, 2014.

Subsequently, the City released an Invitation to Negotiate (ITN) for firms interested in providing options for a public car sharing service in order to continue promoting multimodal transportation options throughout the City. Proposers were encouraged to submit proposals for on-street car sharing, or off-street car sharing, or both. The intent was to provide residents, visitors, and tourists with an alternative mobility option in the form of an automobile with user fees assessed by minute, hour, or day and is easily accessible at any on-street or off-street parking space, 24 hours a day, seven days a week.

### **ITN PROCESS**

On July 23, 2014, the City Commission approved the issuance of the subject Invitation to Negotiate (ITN) and on November 19, 2014, the Mayor and Commission awarded the ITN to Car2Go. As previously mentioned, Car2Go terminated their agreement with the City, effective March 1, 2016, citing Florida taxes and competition in the transportation industry as two of the factors inhibiting their success.

Please note ZipCar was the only other firm to attempt to submit a proposal in response to the referenced ITN; however, it was deemed non-responsive due to a technical issue related to an untimely submission. Moreover, from a qualifications perspective, ZipCar was responsive.

### **CONCLUSION**

The FCWPC recommends the Mayor and Commission approve a waiver of competitive bidding and authorize the City Manager to negotiate an agreement for car sharing services with Zip Car; and to include a marketing the cars in visible locations.



JLM/KGB/SF

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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 FINANCE AND CITYWIDE PROJECTS COMMITTEE TO WAIVE, BY 5/7<sup>THS</sup> VOTE, THE COMPETITIVE BIDDING REQUIREMENT; AND AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH ZIPCAR INCORPORATED FOR CAR SHARING SERVICES; AND FURTHER DIRECTING THE ADMINISTRATION TO PRESENT THE FINAL NEGOTIATED AGREEMENT TO THE MAYOR AND CITY COMMISSION FOR APPROVAL PRIOR TO EXECUTION.**

**WHEREAS**, Car sharing is another environmentally friendly program, similar in concept to the bicycle sharing program that allows users to rent vehicles by the minute, hour, or day; and

**WHEREAS**, Car sharing reduces the need to own an automobile which has numerous benefits to the user as well as the environment; and

**WHEREAS**, the City has had two car sharing service providers in recent years, Hertz 24/7 and Car2Go, with limited success; and

**WHEREAS**, Hertz, the first car sharing service provider, exercised its option to terminate its agreement, effective August 5, 2014, after operating for approximately two (2) years; and

**WHEREAS**, the City subsequently released Invitation to Negotiate No. 2014-27-SW (the ITN) for car sharing services in order to continue promoting multimodal transportation options throughout the City; and

**WHEREAS**, on November 19, 2014, the Mayor and Commission awarded the ITN to Car2Go;

**WHEREAS** Car2Go launched its operations in October of 2015 and shortly thereafter terminated their agreement with the City, effective March 1, 2016, citing Florida taxes and competition in the transportation industry as two of the factors inhibiting their success; and

**WHEREAS**, Zipcar Incorporated (Zipcar) was the only other firm to attempt to submit a proposal in response to the ITN; however, Zipcar was deemed non-responsive due to a technical issue related to an untimely submission but was responsive with regard to their qualifications; and

**WHEREAS**, on April 13, 2016, the Mayor and Commission referred a discussion item to the Finance and Citywide Projects Committee regarding the provision of car sharing services and it was discussed by the Committee on April 22, 2016; and

**WHEREAS**, the Committee recommended that the City Commission approve a bid waiver in order to negotiate an agreement with Zipcar including a plan to market the cars in visible locations.

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 Finance and Citywide Projects Committee to waive, by 5/7<sup>th</sup>s vote, the competitive bidding requirement; and authorize the Administration to negotiate an agreement with Zipcar Incorporated for car sharing services; and further direct the Administration to present the final negotiated agreement to the Mayor and City Commission for approval prior to execution.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Philip Levine, Mayor

JLM/KGB/SF

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Paul Cyri  
City Attorney

4-28-2016  
Date

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**R5**  
**ORDINANCES**

**Condensed Title:**

An ordinance amending Chapter 54 of the City Code as it pertains to freeboard and minimum finished floor elevations, and an ordinance amending the Land Development Regulations of the City Code as it pertains to building height, base flood elevation, grade and yard elevation requirements. Keep to one line

**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 first ordinance would amend Chapter 54, "Floods", by establishing a minimum and maximum freeboard above base flood elevation for all properties and the second ordinance would amend the Land Development regulations pertaining to the calculation of building height, and establish minimum elevations of required yards in single family districts.

On January 20, 2016, the Land Use and Development Committee recommended that the City Commission refer the proposed ordinances to the Planning Board. On February 10, 2016, the City Commission referred the subject ordinance amendments (Item C4C) to the Planning Board.

On April 13, 2016, the City Commission 1) accepted the recommendation of the Land Use and Development Committee via separate motion; and 2) approved the attached Ordinances at First Reading and set a Second Reading Public Hearing for May 11, 2016.

The Administration recommends that the City Commission adopt the ordinances.

**Advisory Board Recommendation:**

On March 22, 2016, the Planning Board transmitted the proposed ordinance with modifications to the City Commission with a favorable recommendation (vote 6 to 0).

**Financial Information:**

Source of Funds:		Amount	Account
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	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 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
	<i>NIA SMT</i>	<i>JM</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: May 11, 2016

SUBJECT: Freeboard height and minimum finished floor elevations.

SECOND READING – PUBLIC HEARING

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 54 “FLOODS” AT SECTION 54-35, “DEFINITIONS,” BY AMENDING THE DEFINITIONS FOR BASE FLOOD ELEVATION, CROWN OF ROAD, AND FREEBOARD, AND TO ESTABLISH DEFINITIONS FOR CENTERLINE OF ROADWAY, FUTURE CROWN OF ROAD, MINIMUM FREEBOARD, MAXIMUM FREEBOARD, GREEN INFRASTRUCTURE, LOW IMPACT DEVELOPMENT (LID), AND SURFACE STORMWATER SHALLOW CONVEYANCE; AND BY AMENDING SECTION 54-47, “GENERAL STANDARDS” BY REQUIRING A STORMWATER MANAGEMENT PLAN; AND BY AMENDING SECTION 54-48, “SPECIFIC STANDARDS” BY CLARIFYING THE MINIMUM ELEVATION OF THE LOWEST FINISHED FLOOR FOR RESIDENTIAL AND NON-RESIDENTIAL CONSTRUCTION AND REQUIRING A MINIMUM ELEVATION FOR GARAGE ENTRANCES; AND BY AMENDING SECTION 54-51, “STANDARDS FOR COASTAL HIGH HAZARD AREAS (V-ZONES),” BY CLARIFYING THE MINIMUM ELEVATION OF THE LOWEST FLOOR OF ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Building height, base flood elevation, grade and yard elevation requirements.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY’S LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 114, “GENERAL PROVISIONS,” AT SECTION 114-1, “DEFINITIONS,” BY AMENDING THE DEFINITIONS FOR GRADE, FUTURE ADJUSTED GRADE, AND BUILDING HEIGHT, AND TO ESTABLISH BY REFERENCE TO CHAPTER 54-35 DEFINITIONS FOR BASE FLOOD ELEVATION, CROWN OF ROAD, FUTURE CROWN OF ROAD, FREEBOARD, MINIMUM FREEBOARD, MAXIMUM FREEBOARD, GREEN INFRASTRUCTURE, FUTURE ADJUSTED GRADE, AND SURFACE STORMWATER SHALLOW CONVEYANCE; BY AMENDING CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” DIVISION 2, “RS-1, RS-

**2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” BY AMENDING AND CLARIFYING THE MAXIMUM ELEVATION WITHIN A REQUIRED YARD AND PROVIDING A MINIMUM ELEVATION REQUIREMENT FOR NEW CONSTRUCTION, AND AMENDING HOW MAXIMUM BUILDING HEIGHT IS CALCULATED; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

#### **ADMINISTRATION RECOMMENDATION**

The Administration recommends that the City Commission adopt the ordinances. These ordinances are based on recommendations developed by stormwater and flooding consultant AECOM and vetted by the Mayor’s Blue Ribbon Panel on Sea Level Rise and city staff. The ordinances will not only reduce our risk to sea level rise and flooding, but also will protect against storm surge as referenced in the summary chart herein. Furthermore, these recommendations protect and enhance our economic resiliency in light of forth coming insurance reform, the upcoming FEMA flood map requirements and to improve our Community Rating System (CRS) score that affects private property insurance.

#### **BACKGROUND**

On October 14, 2015, at the request of Commissioner Malakoff, the City Commission referred a discussion item regarding amendments to the City Code to improve the City’s resiliency to sea level rise, flooding and natural disasters to the Land Use and Development Committee (Item C4D). On January 20, 2016 the Land Use Committee discussed the items and recommended that the attached Ordinance Amendments be referred to the Planning Board.

On February 10, 2016 the City Commission referred the proposed Ordinance Amendments (Item C4D) to the Planning Board for review and recommendation. Commissioner Joy Malakoff is the sponsor of the proposed Ordinances.

#### **ANALYSIS**

There are two related ordinance amendments attached. The first ordinance amends chapter 54, “Floods,” and the second ordinance amends the Land Development Regulations, including references to chapter 54. The following is a list of terms, along with their common definitions, which are used throughout this analysis:

**Freeboard** means the additional height between the minimum finished floor elevation and the *base flood elevation*. Freeboard tends to compensate for many unknown factors, such as wave action, stormwater conveyance impediments such as blockage of bridge or culvert openings, and other factors, which could contribute to greater flood heights.

**Base Flood Elevation** means the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA FIRM panels. Currently within the City of Miami Beach, this elevation ranges between 7 to 10 feet *NGVD*.

**FEMA** – **Federal Emergency Management Agency**. FEMA is an agency of Homeland Security, with the stated mission to “support our citizens and first responders to ensure that as a

nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.”

**FIRM** – **Flood Insurance Rate Map**. This is the official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

**NGVD** and **NAVD** are reference surface vertical *datums* (a fixed starting point) used to ensure that all elevation records are properly related. The current national datum is the **National Geodetic Vertical Datum (NGVD)** of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD)** of 1988. **NGVD 29** used a simple model of gravity based on latitude to calculate the approximate sea level and did not take into account other variations. Thus, the elevation difference for points across the country does change between NGVD and NAVD. In order to convert between the two datums in Miami Beach, 1.56 is added to an elevation that is expressed as NAVD. For example, 5.0 feet NAVD = 6.56 feet NGVD. Although NAVD is a more updated standard, NGVD is still more widely used, thus both reference datums are included in this analysis.

**LID** - **Low-Impact Development** techniques mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

Southeast Florida Regional Climate Change Compact Unified Sea Level Rise Projections from 1992 to 2100. 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.

The Miami Beach City Commission adopted these projections for planning purposes on March 9, 2016.

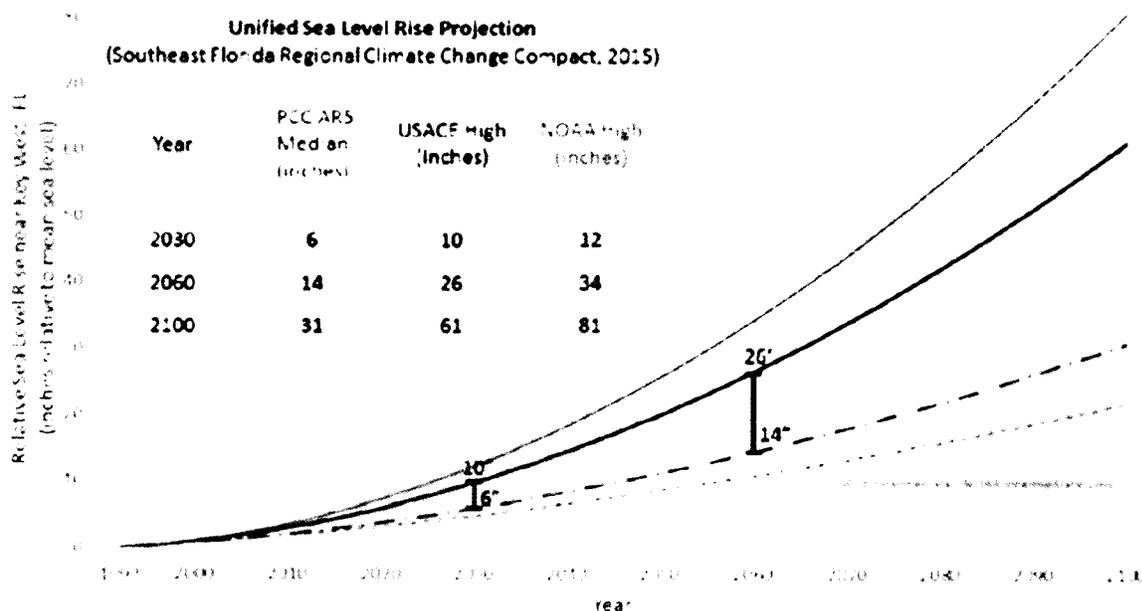


Figure 1: Unified Sea Level Rise Projection. These projections are referenced to mean sea level at the Key West tide gauge. The projection includes three global curves adapted for regional application: the median of the IPCC AR5 RCP8.5 scenario as the lowest boundary (blue dashed curve), the USACE High 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.

**AECOM** is the consultant for the development of the City’s Comprehensive Resiliency Program.

AECOM’s recommendations have been incorporated into the proposed ordinances. The following is a summary of the proposed legislation:

**Minimum Base Flood Elevation:**

Limited areas of the City are depicted on the current FEMA FIRM panels as having a base flood elevation of 7.0 feet NGVD. Although the designation of base flood elevations are based on coastal inundation modeling by FEMA, further research and modeling as part of the ongoing City of Miami Beach Flood Mitigation Study indicates that during a large storm event, this area will be faced with similar flood risks as the surrounding areas currently mapped with a base flood elevation of 8.0 feet NGVD.

Therefore, to provide adequate protection of properties within this zone, it is recommended that the City adopt a minimum base flood elevation of 8.0 feet NGVD. This will affect major renovation and new construction projects, requiring a one foot higher finish floor elevation. However, it should be noted that this ordinance is intended to apply only to design and permitting requirements in the City and is not intended to be used as an insurance rate tool. The adopted FEMA FIRM panels will continue to be used for this purpose.

New FEMA FIRM panels will be available as soon as 2018-19 based on revised coastal modeling, providing updated base flood elevations for the entire City. Once these FEMA maps

are adopted by the City, this section of the code may require additional revisions.

### **Building Freeboard**

As sea levels and storm severity continue to increase, low lying infrastructure including buildings must also elevate in order to reduce risk or maintain low risk from potential flood damage. Consistent with U.S. Federal and State guidance, these code changes provide the basic level of protection for buildings through minimal freeboard requirements. This nominal change in new building finish floor elevation requirements will provide additional levels of protection, potentially reduce insurance premiums and enhance the City's current NFIP CRS (National Flood Insurance Program Community Rating System) status, which can have benefits to all residents and business owners in the City.

As proposed, a minimum freeboard of one (1) foot, and a maximum freeboard of five (5) feet would be established at this time. Building heights would be measured from the base flood elevation plus the actual freeboard provided, which would be between the minimum (1') and maximum (5') freeboard.

In order to account for the future raising of streets and sidewalks for commercial properties, the measurement of building height is also proposed to be modified. Commercial properties often have zero or minimal setbacks, and it is preferable from a business perspective and urban design standpoint to have such commercial uses located at the same level as the sidewalk. In order to accommodate the future raising of streets and sidewalks, additional height will have to be built into projects today, so that the building can be modified with a future raised floor slab to meet the future raised public sidewalk. As proposed, for projects that are designed to accommodate a future raised slab to meet the future sidewalk level, building height would be measured from the base flood elevation plus the provided freeboard. Currently, height for commercial properties that are located predominately at the sidewalk level, are measured from the minimum first floor elevation.

### **Seawall Elevation and Design (included for reference)**

The City of Miami Beach is surrounded by water and protected from erosion and damage from wave action by seawalls. Since much of the island was built out over 50 years ago, many of these sea walls are at a low elevation reducing their effectiveness as the first line of defense against wave energy. For this reason, elevating this critical means of protection for the City is paramount to incorporating resilience.

Understanding the unintended consequences to view sheds from low lying homes, it is recognized that not all sea walls can be built to the ideal elevation of 5.7 feet NAVD at this time. For this reason and to continue protecting properties within the City, private sea walls are recommended to be elevated to an elevation of at least 4.0 feet NAVD, offering additional levels of protection with minimal adverse impacts to view sheds.

In addition to the increase in elevation for private sea walls, the design of the new/renovated walls shall also incorporate a more robust design including larger footer, rebar, width, etc. enabling a retrofit to elevation 5.7 feet NAVD with minimal effort such as with a height extension and new cap. As proposed, all new public sea walls would be constructed to a minimum elevation of 5.7 feet NAVD. Any private sea walls impacted by public right-of-way projects involving City funds would also be constructed to the minimum elevation of 5.7 feet NAVD

consistent with public sea walls.

Specifically, the Public Works Manual, Section A.2 "General Requirements – Sea Wall Elevation", is proposed to be amended as follows:

5) The minimum ~~height~~ top of wall elevation required ~~requirement~~ when replacing/repairing a public seawall is 3.2 5.7 ft. NAVD (7.26 ft. NGVD).

5a) The minimum top of wall elevation required when replacing/repairing a private seawall is 4.0 ft. (NAVD 88), unless part of right-of-way project. However, the seawall structural design shall accommodate a future retrofit for a seawall height extension up to a minimum elevation of 5.7 ft. NAVD (7.26 ft. NGVD).

9) When existing seawalls are disturbed as part of a right-of-way project they must be raised to a minimum elevation of 5.7 ft. NAVD. (*no change*)

#### **Minimum Residential Lot Grade:**

Recently, the City Commission amended the requirements for raising yards within Single Family Districts as an adaptation measure to address the effects of sea level rise. Within single family districts, the maximum elevation of a required front yard and side yards facing a street is limited to no higher than the greater of 'adjusted grade', which is the midpoint between the base floor elevation (BFE) and 'sidewalk grade', or 30 inches above 'sidewalk grade'. Grade is the sidewalk elevation at the center of the property. For example, if grade is 4 feet NGVD, and the base flood elevation (BFE) is 8 feet NGVD, then adjusted grade is 6 feet NGVD. Since the 'adjusted grade' is only 24 inches above 'grade', in this instance the maximum elevation of a required yard could be raised to 30 inches above grade or 6 feet 6 inches NGVD.

As part of its overall review, AECOM has recommended that if the elevation of required yards is less than elevation 2.5 feet NAVD, then required yards may be elevated to 5.0 feet NAVD. While the previous amendments reflect improvements in addressing concerns over sea level rise, there needs to be better agreement between the Land Development Regulations (LDR's) and the Miami Beach Stormwater Management Master Plan (SMP). The adopted SMP calls for the raising of the minimum crowns of roadways in various parts of the City to approximately 5.26 feet NGVD (3.7 feet NAVD). In order to improve consistency between the SMP and LDR's, the proposed ordinance establishes a definition for the 'future crown of the road', where the SMP is referenced. It also establishes a 'future adjusted grade' which is the midpoint elevation between the future crown of the road and the base flood elevation (BFE).

In order to accommodate the raising of the roadways and public sidewalks, the proposed ordinance would require that all required yards be raised to a minimum elevation of 5 feet NAVD (6.56 feet NGVD), with the exception of driveways, private walkways, grade transition areas, surface Stormwater shallow conveyance and LID features and areas where landscaping is to be preserved. However, it would still require that fences within front yards and side yards facing a street be measured from the existing 'sidewalk grade'. This will allow for better transitions between the public right of way and private property as the Stormwater Master Plan is implemented over time.

**SUMMARY**

These recommendations were developed by stormwater and flooding consultant AECOM and vetted by the Mayor’s Blue Ribbon Panel on Sea Level Rise and city staff. The proposals contained in the subject ordinances will not only reduce the city’s risk to sea level rise and flooding, but also will protect against storm surge as referenced in the summary chart. Furthermore, these recommendations protect and enhance our economic resiliency in light of forthcoming insurance reform, the upcoming FEMA flood map requirements and to improve our Community Rating System (CRS) score that affects private property insurance. These requirements will be reviewed periodically against the best available science, in order to adjust and to continue adapting.

The following chart provides a comparison of the primary changes proposed, as described above:

LDR Code / City Policy	Requirement	Policy Elevation (NAVD) ft.	Level of Protection from SLR & 2.0 ft. King Tide (ft.)	Equivalent Storm Surge Protection	Equivalent Storm Surge (return period)	Risk Reduction from Increasing Flood Insurance Costs	Risk Reduction from 1-ft increase in BFE from FIRM update
<b>Base Flood Elevation (BFE) (based on low elevation) actual BFE varies</b>							
<b>Existing</b>	5.44 Feet NAVD  (7 Feet NGVD)	5.44	3.44	Cat. 1	25-yr storm	no	no
<b>Proposed</b>	6.44 Feet NAVD  (8 Feet NGVD)	6.44	4.44	Cat. 1	50-yr storm	for properties at risk in 7 ft BFE zone	for properties at risk in 7 ft BFE zone
<b>Freeboard (comm. &amp; res.) *varies with BFE elevation (based on proposed min.)</b>							
<b>Existing</b>	BFE + 0 ft	6.44	4.44	Cat. 1	50-yr storm	for properties at risk in 7 ft BFE zone	for properties at risk in 7 ft BFE zone

<b>Proposed</b>	+1 ft.	7.44	5.44	Cat. 1	100-yr storm	only until increase in BFE occurs	only until increase in BFE occurs
	+2 ft.	8.44	6.44	Cat. 2	100-yr storm	yes, some cost reduction	yes, some cost reduction
	+3 ft.	9.44	7.44	Cat. 2	100-yr storm	yes, max. cost reduction	yes, some cost reduction
<b>Freeboard (comm. &amp; res.) *varies with BFE elevation (based on proposed min.) [CONTINUED]</b>							
<b>Proposed [CONT.]</b>	+4 ft.	10.44	8.44	Cat. 3	100-yr storm	yes	yes, max. cost reduction
	+5 ft.	11.44	9.44	Cat. 4	100-yr storm	yes	yes
<b>Freeboard (critical infrastructure)</b>							
<b>Existing (critical infra)</b>	+2 ft.	8.44	6.44	Cat. 2	100-yr storm	yes, some cost reduction	yes, some cost reduction
<b>Proposed (critical infra)</b>	+3 ft.	9.44	7.44	Cat. 3	100-yr storm	yes, max. cost reduction	yes, some cost reduction
<b>Seawall Elevation (Private)</b>							
<b>Existing</b>	3.2 FT NAVD (4.76 FT NGVD)	3.2	1.2	Cat. 0	2-year storm	n/a	n/a
<b>Proposed (interim)</b>	4.0 FT NAVD (5.56 FT NGVD)	4	2	Cat. 0	5-yr storm	n/a	n/a
<b>Proposed</b>	5.7 FT NAVD (7.26 FT NGVD)	5.7	3.7	Cat. 1	50-yr storm	n/a	n/a
<b>Seawall Elevation (Public)</b>							
<b>Existing</b>	3.2 FT NAVD (4.76 FT NGVD)	3.2	1.2	Cat. 0	2-year storm	n/a	n/a

<b>Proposed</b>	5.7 FT NAVD (7.26 FT NGVD)	5.7	3.7	Cat. 1	50-yr storm	n/a	n/a
<b>Minimum required yard elevation (existing lot elev. varies)</b>							
<b>Existing</b>	avg. of sidewalk and BFE	varies					
<b>Proposed</b>	5.0 Feet NAVD (6.56 Feet NGVD)	5	3	Cat. 1	25-yr storm	n/a	n/a

### **PLANNING BOARD REVIEW**

On March 22, 2016, the Planning Board transmitted the proposed ordinances to the City Commission with a favorable recommendation, including two notable changes. As recommended by the Mayor’s Blue Ribbon Panel on Flooding and Sea Level Rise, the Planning Board recommended increasing the maximum freeboard from three (3’) feet to five (5’) feet above the base flood elevation. The Board also recommended that single family homes which are individually designated as historic structures, or are classified as ‘contributing’ buildings in a local historic district, be exempt from the minimum yard elevation requirements. These recommendations have been incorporated into the text of the attached ordinances and denoted with a double underline. The issue of how to address sea level rise in historic districts is being further reviewed by staff and by the Mayor’s Blue Ribbon Panel on Sea Level Rise.

### **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 April 13, 2016, the subject ordinances were approved at First Reading and a Second Reading Public Hearing was set for May 11, 2016. The Commission also requested that guidelines be included for the regulation of raising front yards, in order to ensure a more gradual transition from the sidewalk level to the higher yard elevation requirements.

The ordinance for Chapter 142 has been modified to account for this transition by limiting the height of retaining walls constructed within four (4’) feet of the front and sideyard facing the street property lines, to no more than 30 inches above the existing adjacent sidewalk or grade elevation. Beyond that point, retaining walls would also be limited to 30 inches above the adjacent grade, and yard slopes would be limited to no more than 11% (5:1, horizontal:vertical). These requirements would ensure that higher yards transition in a stepped or terraced manner down to the lower sidewalk level, and not overwhelm adjacent older homes.

As a point of reference, most single family home lots in the City are less than 30" below the new minimum yard elevation of 5.0 Feet NAVD (6.56 feet NGVD), thus a retaining wall of less than 30" would be required in order to raise most yards up to the new minimum standard. This new standard would only apply to new home construction, and substantial improvements to existing structures. Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a one-year period, in which the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement.

Additionally, retaining walls will be required to be finished with stucco, stone, or other high quality materials, as well as satisfy the applicable design criteria in Section 142-105. In this regard, there may be instances where the interior sidewalls abut an existing property with dense landscaping and/or hedges, so the specific material and stepping of the walls can be evaluated on a case by case basis.

**RECOMMENDATION**

The Administration recommends that the City Commission adopt the ordinances.

  
JLM/SMT/TRM/MAB

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**FREEBOARD**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 54 “FLOODS” AT SECTION 54-35, “DEFINITIONS,” BY AMENDING THE DEFINITIONS FOR BASE FLOOD ELEVATION, CROWN OF ROAD, AND FREEBOARD, AND BY CREATING DEFINITIONS FOR CENTERLINE OF ROADWAY, CRITICAL FACILITY, FUTURE CROWN OF ROAD, MINIMUM FREEBOARD, MAXIMUM FREEBOARD, GREEN INFRASTRUCTURE, LOW IMPACT DEVELOPMENT (LID), AND SURFACE STORMWATER SHALLOW CONVEYANCE; BY AMENDING SECTION 54-45, “PERMIT PROCEDURES,” TO REQUIRE A STORMWATER MANAGEMENT PLAN; BY AMENDING SECTION 54-47, “GENERAL STANDARDS,” TO PROHIBIT SEPTIC SEWAGE SYSTEMS, AND INCLUDE REQUIREMENTS FOR STORAGE OF HAZARDOUS MATERIALS; BY AMENDING SECTION 54-48, “SPECIFIC STANDARDS,” TO CLARIFY THE MINIMUM ELEVATION OF THE LOWEST FINISHED FLOOR FOR RESIDENTIAL AND NON-RESIDENTIAL CONSTRUCTION, AND REQUIRING A MINIMUM ELEVATION FOR GARAGE ENTRANCES; BY AMENDING SECTION 54-51, “STANDARDS FOR COASTAL HIGH HAZARD AREAS (V-ZONES),” TO CLARIFY THE MINIMUM ELEVATION OF THE LOWEST FLOOR OF ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, sea level rise and flooding is an ongoing concern of the City; and

**WHEREAS**, low lying infrastructure including buildings must also elevate in order to reduce risk or maintain low risk from potential flood damage; and

**WHEREAS**, it is appropriate to establish minimum freeboard requirements for residential and commercial structures to provide additional levels of protection to maintain consistency with U.S. Federal and state guidance, and

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

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

**SECTION 1.** Section 54-35, “Definitions,” is amended as follows:

\* \* \*

Base Flood Elevation means the water surface elevation associated with the base flood—the regulatory elevation associated with building elevation, flood-proofing, protection of building systems and utilities and other flood protection provisions as identified in current FEMA Flood Insurance Rate Map (FIRM) panels. This elevation shall not be less than 8.0 ft. NGVD (6.44 ft. NAVD) in the City of Miami Beach.

\* \* \*

Crown of road (Center line) of roadway means a line running parallel with the highway roadway right-of-way which is half the distance between the extreme edges of the official right-of-way width as shown on a map approved by the department of the public works.

\* \* \*

Critical facility means a facility designated as an essential facility including, but not limited to: hospitals, fire, rescue, ambulance and police stations and emergency vehicle garages, emergency shelters, designated emergency preparedness, communications, and operation centers and other facilities required for emergency response, power generating stations and other public utility facilities required in an emergency ancillary structures (including, but not limited to, communication towers, fuel storage tanks, cooling towers, electrical substation structure, fire water storage tanks, or other structures housing or supporting water, or other fire-suppression material or equipment, water storage facilities and pump structures required to maintain water pressure for fire suppression building and other structures (including, but not limited to facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, hazardous waste, or explosives) containing extremely hazardous materials.

Crown of road means the highest elevation of the roadway at a specific cross section.

Crown of road, future means the highest elevation of the crown of road as described in the adopted Miami Beach Stormwater Master Plan, located at exhibit X.

\* \* \*

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions. All new construction and substantial improvements to existing construction shall meet the minimum freeboard requirement, and may exceed the minimum freeboard requirement up to the maximum freeboard without such height counting against the maximum height for construction in the applicable zoning district

Freeboard, minimum equals one (1) foot.

Freeboard, maximum equals five (5') feet.

\* \* \*

Green Infrastructure means natural vegetation, landscape design and engineered techniques that retain, absorb, and often cleanse stormwater runoff.

\* \* \*

Low-Impact development (LID) means techniques that mimic natural processes to manage stormwater, and are frequently cheaper and more attractive than traditional stormwater management techniques.

\* \* \*

Surface stormwater shallow conveyance means vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices.

\* \* \*

**SECTION 2.** Section 54-45, "Permit Procedures," is amended as follows:

Application for a development permit shall be made to the building director or his/her designee on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimension, and elevations of the area in questions, existing and proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application stage:

\* \* \*

(f) A stormwater management plan and site drainage calculations, for new constructions and substantial improvement, shall be prepared by a Florida licensed engineer in accordance with the Public Works Department Manual and Procedures, to demonstrate that adequate surface drainage shall be provided and surface run-off water shall be diverted to a storm conveyance or other approved point of collection, in accordance with Florida Building Code Sections 1804 and R401.3. The site shall be graded in manner to drain surface water away from foundation walls in accordance with Florida Building Code Sections 1804 and R401.3. All site drainage for new construction shall be designed and constructed in such a manner as to provide runoff rates, volume and pollutant loads not exceeding predevelopment conditions and prevent flooding adjacent properties.

\* \* \*

**SECTION 3.** Section 54-47, "General Standards," is hereby amended as follows:

In all areas of special flood hazard, all development sites, including new construction and substantial improvements, shall be reasonably safe from flooding and meet the following provisions:

\* \* \*

(16) Installation of new septic swage systems is prohibited in the City of Miami Beach Special Hazard Area.

(17) Hazardous materials shall be stored indoors in the City of Miami Beach Special Flood Hazard Area and shall be elevated no lower than Base Flood Elevation plus minimum freeboard.

\* \* \*

**SECTION 4.** Section 54-48, "Specific Standards," is hereby amended as follows:

In areas mapped as "Zone X" (shaded and unshaded) on the City of Miami Beach Flood Insurance Rate Map (FIRM), all new construction and substantial improvement of any buildings (including manufactured homes) shall construct the lowest floor at an elevation of at least one foot above the highest adjacent grade or above the crown of the nearest street, whichever is higher.

In all A-zones where base flood elevation data have been provided (zones AE, A1-30, A (with base flood elevation), and AH), as set forth in section 54-37, the following provisions, in addition to those set forth in sections 54-47 54-47 and 54-49 54-49, shall apply:

(1) *Residential construction.*

- (a) All new construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest finished floor including electrical, heating, ventilation, plumbing, air conditioning equipment, cable, telephone, and other service facilities, including duct work elevated to no lower than the base flood elevation plus minimum freeboard. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of subsection 54-48(3).

The following shall apply for single family residential garage structures:

When constructed as part of a detached or attached garage structure to the main home, garages shall be constructed no lower than adjusted grade, as defined in Section 114.1. Further, the overall height and structural composition of the first floor garage structure shall be designed and built to accommodate a future raised floor slab to meet the height of base flood elevation plus

minimum freeboard, subject to the height limitations provided in Section 142-105.

When constructed under the main home, the associated driveway shall be sloped upward from the public right of way to a minimum elevation of adjusted grade, as defined in Section 114.1, and then may slope downward to a lower garage elevation.

The following shall apply to multifamily residential garage structures:

Access drives to garage structures shall be sloped upward from the public right of way to a minimum elevation of adjusted grade, as defined in Section 114.1, and then may slope downward to a lower garage elevation. Further, the overall height and structural composition of the first floor garage structure shall be designed and built to accommodate a future raised floor slab to meet the height of base flood elevation plus minimum freeboard.

- (b) The lowest floor of an addition to the nonsubstantial improvement of a residential structure shall be elevated to no lower than the existing lowest finished floor elevation.

(2) *Nonresidential construction.*

- (a) All new construction and substantial improvement of any commercial, industrial, or nonresidential building (including manufactured homes) shall have the lowest floor, including basement, electrical, heating, ventilation, plumbing, air conditioning equipment, cable, telephone, and other service facilities, including duct work, elevated to no lower than the base flood elevation plus minimum freeboard. All buildings located in A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the base flood elevation, ~~plus one-foot~~ minimum freeboard are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA floodproofing certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the floodplain administrator.
- (b) The lowest floor of an addition to the nonsubstantial improvement of a commercial structure shall be elevated to no lower than the existing lowest finished floor elevation.
- (c) All new construction and substantial improvements to critical facilities shall have the lowest floor, including electrical, heating, ventilation, plumbing, air conditioning equipment, cable, telephone, and other service facilities including duct work, elevated to no lower than the base flood elevation plus two (2) feet.

\* \* \*

(4) *Standards for manufactured homes and recreational vehicles.*

- (a) All manufactured homes that are placed, or substantially improved within azones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than the base flood elevation, plus freeboard and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

\* \* \*

**SECTION 5.** Section 54-51. "Standards for coastal high hazard areas (V-zones),"is amended as follows:

\* \* \*

Located within areas of special flood hazard established in section 54-37 are coastal high hazard areas, designated as zones V1-V30, VE, or V (with BFE). The following provisions shall apply:

- (2) All new construction and substantial improvements in zones V1-V30, VE, and V (with BFE) shall be elevated on pilings or columns so that:
  - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than the base flood elevation, plus freeboard, whether or not the structure contains a basement; and

\* \* \*

- (c) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements of the habitable structures, as defined in Florida Building Code Section 3109, shall be elevated to the 100-year flood elevation established by the Florida Department of Environmental Protection, plus freeboard or the base flood elevation, plus freeboard, whichever is the higher.

\* \* \*

- (11) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements of the habitable structures, as defined in Florida Building Code Section 3109, shall be elevated to the flood elevation established by the Florida Department of Environmental Protection,

plus freeboard or the base flood elevation, plus freeboard, whichever is higher.  
All non-elevation design requirements subsections 54-51(2) through (10) shall apply.

\* \* \*

**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.

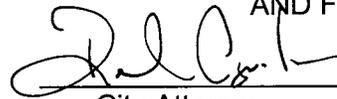
**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

ATTEST:

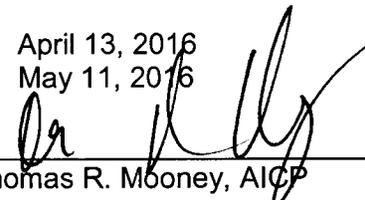
\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

  
\_\_\_\_\_  
City Attorney  


4-27-16  
\_\_\_\_\_  
Date

First Reading: April 13, 2016  
Second Reading: May 11, 2016

Verified By:   
\_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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

[Sponsored by Commissioner Joy Malakoff]

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**DEVELOPMENT REGULATIONS – GRADE ELEVATIONS AND HEIGHT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," BY AMENDING THE DEFINITIONS FOR GRADE, FUTURE ADJUSTED GRADE, AND BUILDING HEIGHT, AND TO ESTABLISH BY REFERENCE TO CHAPTER 54-35 DEFINITIONS FOR BASE FLOOD ELEVATION, CROWN OF ROAD, FUTURE CROWN OF ROAD, FREEBOARD, MINIMUM FREEBOARD, MAXIMUM FREEBOARD, GREEN INFRASTRUCTURE, FUTURE ADJUSTED GRADE, AND SURFACE STORMWATER SHALLOW CONVEYANCE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING AND CLARIFYING THE MAXIMUM ELEVATION WITHIN A REQUIRED YARD AND PROVIDING A MINIMUM ELEVATION REQUIREMENT FOR NEW CONSTRUCTION, AND AMENDING HOW MAXIMUM BUILDING HEIGHT IS CALCULATED; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, sea level rise and flooding is an ongoing concern of the City; and

**WHEREAS**, the City hired AECOM to produce a report relating to Enhancing Resiliency and to Review the City of Miami Beach's code of ordinances and regulations to assist the City in enhancing sustainability and resiliency in the face of climate change and increased flooding events; and

**WHEREAS**, the FEMA FIRM panels indicate a base flood elevation in certain areas of the City of 7.0 feet NGVD, and AECOM indicates that a large storm event would create a flood risk situation even at a flood elevation of 8.0 feet NGVD; and

**WHEREAS**, due to the foregoing, it is within the police powers of the City, for the health, safety and welfare of the City of Miami Beach, that existing low-lying infrastructure and future construction projects for structures, including buildings, be elevated in order to reduce risk or maintain low risk from potential flood damage; and

**WHEREAS**, in 2015, as one of the City's efforts to combat flooding and sea level rise, the City has previously implemented increased height requirements for sea walls in order to more fully protect the City and its residents from flooding; and

**WHEREAS**, the City is also implementing "freeboard," the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management, which factor is to be utilized in future construction projects in developing first floor elevations, in order to protect the structures from flooding events; and

**WHEREAS**, it is appropriate consistent with the "freeboard" amendments to the Code, and the desire to develop enhanced stormwater retention procedures for all properties, as well as the implemented increased heights of sea walls, the Administration recommends amending to amend the maximum elevation requirements within required yards of single family districts to eliminate or mitigate any conflict with the City's efforts corresponding legislation enacted to address sea level rise and flood mitigation measures; and

**WHEREAS**, the regulation of grade elevations in single family districts is necessary in order to ensure compatible development within the built character of the single-family neighborhoods of the City; and

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City.

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

**SECTION 1.** Section 114-1, "Definitions", is amended as follows:

\* \* \*

Base flood elevation, for the City of Miami Beach shall be as defined in Section 54-35.

\* \* \*

Crown of road, shall be as defined in Section 54-35.

Crown of road, future, shall be as defined in Section 54-35.

\* \* \*

Freeboard shall be as defined in Section 54-35.

Freeboard, minimum shall be as defined in Section 54-35.

Freeboard, maximum shall be as defined in Section 54-35.

\* \* \*

Green Infrastructure shall be as defined in Section 54-35.

\* \* \*

*Grade means the city sidewalk elevation at the centerline of the front of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the front of the property shall be used. ~~the public works director shall establish the city sidewalk elevations.~~*

*Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.*

\* \* \*

Grade, future adjusted, means the midpoint elevation between the future crown of the road as defined in the Public Works Manual, and the base flood elevation plus minimum freeboard for a lot or lots.

\* \* \*

*Height of building* means the vertical distance from the lowest floor according to the following, as applicable:

- (a) When the minimum finished floor elevation is located between grade and base flood elevation plus *freeboard*, height shall be measured from the minimum finished floor elevation to the highest point of the roof;
- ~~(b) When enclosed commercial or residential space is located at or below grade, height shall be measured from grade to the highest point to the roof;~~
- ~~(c)~~(b) When the minimum finished floor elevation is located above the base flood elevation plus *freeboard*, height shall be measured from the base flood elevation plus freeboard.

The highest point of a roof is as follows:

1. The highest point of a flat roof;
2. The deck line of a mansard roof;
3. The average height between eaves and ridge for gable hip and gambrel roofs; or
4. The average height between high and low points for a shed roof.

~~(c)~~ As all rights-of-way have not yet been elevated, for commercial properties, height shall be measured from the base flood elevation, plus *freeboard*, provided that the height of the first floor shall be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus minimum freeboard, once the adjacent right of way is elevated as provided under the City's Public Works Manual.

\* \* \*

Surface stormwater shallow conveyance shall be as defined in Section 54-35.

\* \* \*

**SECTION 2.** Section 142-105, "Development regulations and area requirements", is amended as follows:

\* \* \*

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District	Minimum Lot Area (square	Minimum Lot Width (feet)*	Maximum Lot Coverage for a 2-story Home (%)	Maximum Unit Size (% of Lot	Maximum Building Height, which shall not exceed two stories above the <u>minimum base flood elevation, plus freeboard</u> in all

	feet)		of lot area)**	Area)	districts***
RS-1	30,000	100	30%	50%	28 feet - flat roofs. 31 feet - sloped roofs.
RS-2	18,000	75	30%	50%	
RS-3	10,000	50 - Oceanfront lots. 60 - All others	30%	50%	24 feet - flat roofs. 27 feet - sloped roofs. May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.
RS-4	6,000	50	30%	50%	24 feet - flat roofs. 27 feet- sloped roofs.
		*Except those lots fronting on a cul-de-sac or circular street as defined in lot width	**Single story homes shall follow the requirements of section 142- 105(b)(4)b.		*** Height shall be measured from the <u>minimum</u> required <u>base</u> flood elevation for the lot, <u>plus</u> <u>freeboard</u> , measured to the top of the structural slab for a flat roof and to the mid-point of the slope for a sloped roof. Single story homes shall follow the requirements of section 142- 105(b)(4)b

(2) *Maximum number of stories.* The maximum number of stories shall not exceed two above the minimum base flood elevation, plus freeboard.

\* \* \*

(4) *Unit size requirements.*

\* \* \*

d. Non-air conditioned space located below minimum flood elevation, plus freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor is required to be located six feet or more above existing grade in order to meet minimum flood elevation requirements, including freeboard, the following shall apply:

1. The height of the area under the main structure may have a maximum floor to ceiling clearance of seven feet six inches from grade the lowest level slab

~~provided. Except that in the event that the minimum flood elevation requires the underside of the slab of the first habitable floor to exceed seven feet six inches from grade, such slab shall not exceed the minimum flood elevation as measured from grade.~~

2. Up to, but not exceeding, 600 square feet of segregated parking garage area may be permitted under the main structure.
3. The area under the first habitable floor of the main structure shall consist of non-air conditioned space, ~~which is at least 50 percent open.~~ Such area shall not be subdivided into different rooms, with the exception of the parking garage area, and required stairs and/or elevators.
4. The parking garage area and the ~~open,~~ non-air-conditioned floor space located directly below the first habitable floor, shall not count in the unit size calculations, ~~provided it remains open in perpetuity.~~

\* \* \*

(8) *Exterior building and lot standards.* The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

a. Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations, which face a street or right-of-way.

b. *Minimum yard elevation requirements.*

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c. below, the minimum elevation requirements shall still apply.

2. *Exemptions.* The minimum yard elevation requirements shall not apply to properties containing single family homes individually designated as historic structures, or to properties with single-family homes designated as 'contributing' within a local historic district.

~~b.c.~~ *Maximum yard elevation requirements.* The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. *Front Yard.* The maximum elevation within a required front yard shall not exceed adjusted grade, or 30 inches above grade, or future adjusted grade, whichever is greater. In this instance the maximum height of any fence(s) or wall(s) in the required front yard, constructed in compliance with Section 142-1132 (h), "Allowable encroachments within required yards", shall be measured from existing grade.

2. *Interior Side Yards* (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
  - a. When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
  - b. When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.
  - c.. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from the new average grade of the required side yards.
  
3. *Side Yard Facing a Street*. The maximum elevation within a required side yard facing a street shall not exceed adjusted grade ~~or~~ 30 inches above grade, or future adjusted grade, whichever is greater. In this instance the maximum height of any fence(s) or wall(s) in the required side yard facing a street, constructed in compliance with Section 142-1132 (h), "Allowable encroachments within required yards", shall be measured from existing grade.
  
4. *Rear Yard*. The maximum elevation for a required rear yard, (not including portions located within a required sideyard or sideyard facing the street), shall be calculated according to the following:
  - a. *Waterfront*. The maximum elevation shall not exceed the *minimum-required base flood elevation, plus freeboard.*
  - b. *Non-waterfront*. The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:
    - i. When the average grade of an adjacent lot along the abutting rear yard is equal or greater than adjusted grade, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
    - ii. When abutting a vacant property, the maximum elevation within the required rear yard shall not exceed 30 inches above adjusted grade.
    - iii. Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both rear yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with Section 142-1132 (h), *Allowable encroachments within required yards*, shall be measured from the new average grade of the required rear yards.

5. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
6. Retaining wall and yard slope requirements. Within the required front yard and within the required sideyard facing a street the following shall apply:
  1. Within the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
  2. When setback a minimum of four (4) feet from the property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
  3. Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria of Section 142-105.
  3. The maximum slope of the required front and sideyard facing a street shall not exceed 11% (5:1 horizontal:vertical).

**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. REPEALER.**

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

**SECTION 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

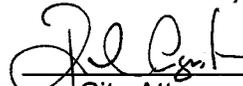
**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

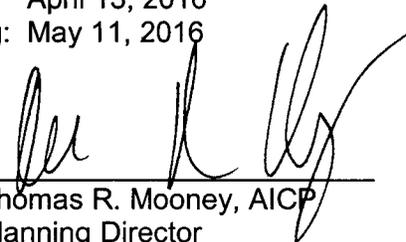
APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

  
City Attorney

4-27-16  
Date

First Reading: April 13, 2016  
Second Reading: May 11, 2016

Verified By:

  
Thomas R. Mooney, AICP  
Planning Director

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

[Sponsored by Commissioner Joy Malakoff]

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# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:00 a.m.**

A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 FS. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:01 a.m.**

A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 FS. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:05 a.m.**

An Ordinance Amending Subpart A - General Ordinances, Of The City Code, By Amending Chapter 54 "Floods" At Section 54-35, "Definitions," By Amending The Definitions For Base Flood Elevation, Crown Of Road, And Freeboard, And By Creating Definitions For Centerline Of Roadway, Critical Facility, Future Crown Of Road, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Low Impact Development (LID), And Surface Stormwater Shallow Conveyance; By Amending Section 54-45, "Permit Procedures," To Require A Stormwater Management Plan; By Amending Section 54-47, "General Standards," To Prohibit Septic Sewage Systems, And Include Requirements For Storage Of Hazardous Materials; By Amending Section 54-48, "Specific Standards," To Clarify The Minimum Elevation Of The Lowest Finished Floor For Residential And Non-Residential Construction; And Requiring A Minimum Elevation For Garage Entrances; By Amending Section 54-51, "Standards For Coastal High Hazard Areas (V-Zones)," To Clarify The Minimum Elevation Of The Lowest Floor Of All New Construction And Substantial Improvements; Providing Codification; Severability; And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:06 a.m.**

An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 114, "General Provisions," At Section 114-1, "Definitions," By Amending The Definitions For Grade, Future Adjusted Grade, And Building Height, And To Establish By Reference To Chapter 54-35 Definitions For Base Flood Elevation, Crown Of Road, Future Crown Of Road, Freeboard, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Future Adjusted Grade, And Surface Stormwater Shallow Conveyance; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard And Providing A Minimum Elevation Requirement For New Construction, And Amending How Maximum Building Height Is Calculated; Providing Codification; Repealer; Severability; And An Effective Date. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:10 a.m.**

An Ordinance Amending Chapter 118, Entitled "Administration And Review Procedures," Article I Entitled "In General" At Section 118-5, Entitled "Unity Of Title; Covenant In Lieu Thereof;" Chapter 114, Entitled "General Provisions," At Section 114-4, Entitled "Compliance With Regulations Required;" And Chapter 142, Entitled "Zoning Districts And Regulations," Article II Entitled "District Regulations," Division 1, Entitled "Generally," At Section 142-73, Entitled "Interpretation Of District Boundaries," In Order To Clarify Procedures For The Movement Of FAR Within Unified Development Sites With Differing Zoning Districts; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:15 a.m.**

An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article VI, "Procurement," Division 3, "Contract Procedures," By Creating Section 2-376, Entitled "Fair Chance Requirement For City Contractors," And Amending Chapter 62, "Human Relations," By Creating Article V, To Be Entitled The "Fair Chance Ordinance," To Provide Regulations Regarding The Consideration By The City And By City Contractors Of The Criminal History Of Applicants For Employment; And To Provide Limiting Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. Inquiries may be directed to the Office of the City Attorney at 305.673.7470; the Human Resources Department at 305.673.7524, and/or the Procurement Department at 305.673.7490.*

**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, 1<sup>st</sup> 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, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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

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

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad No. 1152

**Condensed Title:**

An Ordinance amending the Land Development Regulations of the City Code as it pertains to the distribution of allowable Floor Area Ratio (FAR) within a Unified Development Sites.

**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 amend Sections 114-4, 118-5 and 142-73 of the Land Development Regulations of the City Code in order to modify the requirements for the distribution of allowable Floor Area Ratio (FAR) within a Unified Development Sites.

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4C) to the Land Use and Development Committee. On January 20, 2016, the Land Use and Development Committee recommended that the City Commission refer the proposed ordinance to the Planning Board with the modification that sites involving multifamily zoning be excluded from the modification. On February 10, 2016, the City Commission referred the subject ordinance amendment (Item C4C) to the Planning Board.

On April 13, 2016 the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the ordinance at First Reading and; 3) set a Second Reading Public Hearing for May 11, 2016.

The Administration recommends that the City Commission adopt the ordinance.

**Advisory Board Recommendation:**

On March 22, 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: 50px; height: 50px; display: flex; align-items: center; justify-content: center;">                     OBPI                 </div>	1		
	2		
	3		
	Total		

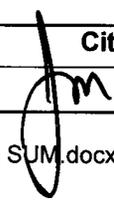
**Financial Impact Summary:**

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
	M.D. GRIECO	

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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: May 11, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I ENTITLED "IN GENERAL" AT SECTION 118-5, ENTITLED "UNITY OF TITLE; COVENANT IN LIEU THEREOF;" CHAPTER 114, ENTITLED "GENERAL PROVISIONS," AT SECTION 114-4, ENTITLED "COMPLIANCE WITH REGULATIONS REQUIRED;" AND CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-73, ENTITLED "INTERPRETATION OF DISTRICT BOUNDARIES;" IN ORDER TO CLARIFY PROCEDURES FOR THE MOVEMENT OF FAR WITHIN UNIFIED DEVELOPMENT SITES WITH DIFFERING ZONING DISTRICTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

The Administration recommends that the City Commission adopt the ordinance.

### **BACKGROUND**

On December 9, 2015, at the request of Commissioner Grieco, the City Commission referred the subject ordinance amendment (Item C4C) to the Land Use and Development Committee.

On January 20, 2016, the Land Use and Development Committee recommended that the City Commission refer the proposed ordinance to the Planning Board with the modification that sites involving multifamily zoning be excluded from the modification.

On February 10, 2016, the City Commission referred the subject ordinance amendment (Item C4C) to the Planning Board.

### **ANALYSIS**

Section 1.03(c) of the City of Miami Beach Charter explicitly prohibits the floor area ratio (FAR) of any property from being increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists currently, without being approved by a public referendum. This Charter provision does include an exception for the division of lots, "*or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance.*" The ordinance referred to is Section 118-5 of the Land Development Regulations of the City Code, pertaining to Unities of Title and Covenants in Lieu of Unity of Title. This section provides a

mechanism for single or multiple buildings proposed for a unified development site consisting of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way.

When a development is proposed over multiple lots, or multiple buildings are proposed for single or multiple lots, a Unity of Title or a Covenant in Lieu of Unity of Title must be executed to combine the lots or buildings for zoning purposes. While the code allows for a unified development site over multiple abutting lots, clarifications are needed as it relates to lots that have different zoning designations.

The proposed ordinance amendment would modify sections 114-4, 142-73, and 118-5, as it relates to FAR for unified sites with different zoning districts. If the zoning districts within the proposed unified site all have the same maximum FAR, the proposed ordinance would allow for the movement of floor area to different portions of the unified site, up to the maximum permitted by code for the entire site. While this may result in a situation where the maximum FAR is exceeded in a particular district, the overall unified site will still comply with the combined maximum permissible floor area.

The proposal will allow for additional flexibility when developing unified sites. Attached to the memorandum are maps identifying areas of the City with abutting zoning districts that have the same maximum FAR. These areas could potentially take advantage of this modification.

The Land Use Committee recommended that the proposed ordinance only apply to abutting districts zoned commercial and/or mixed-use. The following are the proposed amendments to the Land Development Regulations, as recommended by the Land Use Committee:

**Sec. 118-5. - Unity of title; covenant in lieu thereof.**

*The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right of way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels. Additionally, the following shall apply to any "Unified Development Site":*

- (a) All lots need not be in the same zoning district; however, the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district.*
- (b) If more than one commercial and/or mixed-use entertainment zoning district is proposed for a unified development site, the entire unified site may have the same maximum floor area ratio (FAR), inclusive of bonus FAR, provided the eligible commercial and/or mixed-use entertainment zoning districts within the unified development site have the same maximum allowable FAR. The instrument creating the unified development site shall clearly delineate both the maximum FAR and total square footage permitted.*
- (c) In the event a future change in zoning district classification modifies the maximum FAR for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.*

**114-4 - Compliance with regulations required**

*(7) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area ratio, minimum and average unit sizes or open space ratio regulations of the district in which it is located. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.*

**142-73 - Interpretation of district boundaries.**

*(6) If a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the district boundary shall be treated as if it were a lot line separating the two separately zoned parcels. However, in accordance with the Sec 118-5, the maximum floor area ratio (FAR) for a Unified Development Site may be located over multiple zoning district boundaries.*

**PLANNING BOARD REVIEW**

On March 22, 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.

**SUMMARY**

On April 13, 2016, the subject ordinance was approved at First Reading, with a minor text change further clarifying that the allowable unified site with different zoning districts shall not include residential districts, and is limited to commercial and mixed-use districts. The revised text has been included in the ordinance for Second Reading.

**RECOMMENDATION**

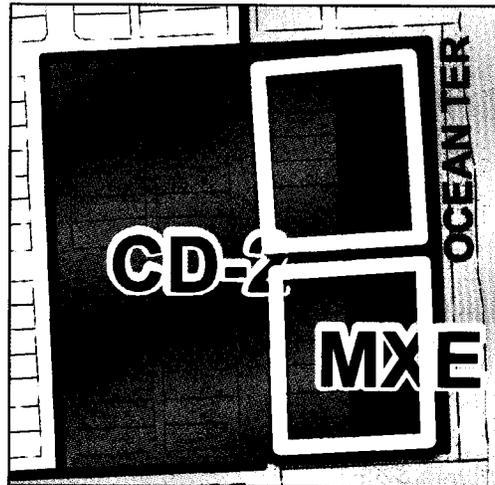
The Administration recommends that the City Commission adopt the attached ordinance.

*JLM*  
JLM/SMT/TRM

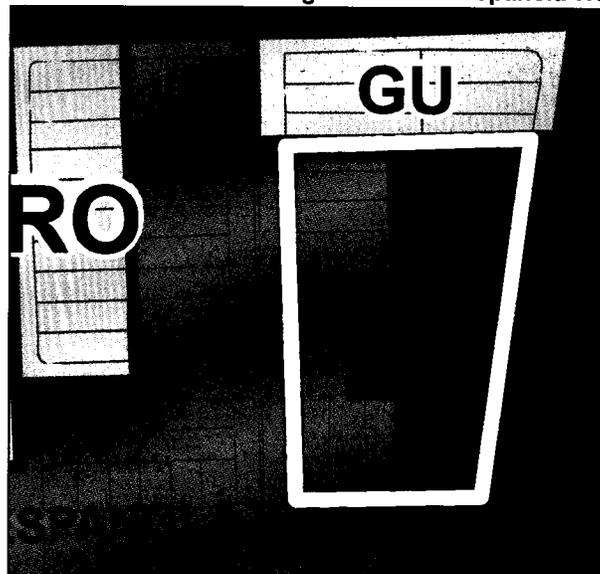
## Unified Development Sites and Distribution of Floor Area

### Applicable Sites

CD-2/MXE Area on Ocean Terrace



CD-2/MXE Area on Washington Ave and Espanola Way



**Unified Development Sites and FAR Distribution**

**ORDINANCE NO.**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I ENTITLED "IN GENERAL" AT SECTION 118-5, ENTITLED "UNITY OF TITLE; COVENANT IN LIEU THEREOF;" CHAPTER 114, ENTITLED "GENERAL PROVISIONS," AT SECTION 114-4, ENTITLED "COMPLIANCE WITH REGULATIONS REQUIRED;" AND CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-73, ENTITLED "INTERPRETATION OF DISTRICT BOUNDARIES;" IN ORDER TO CLARIFY PROCEDURES FOR THE MOVEMENT OF FAR WITHIN UNIFIED DEVELOPMENT SITES WITH DIFFERING ZONING DISTRICTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, CODIFICATION, 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**, Section 1.03(c) of the City of Miami Beach Charter explicitly prohibits the floor area ratio (FAR) of any property from being increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists currently, without being approved by a public referendum; and

**WHEREAS**, Section 1.03(c) of the City of Miami Beach Charter provision includes an exception to the floor area ratio limitation, "or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance"; and

**WHEREAS**, additional flexibility could improve the quality of development when developing certain sites within the City; and

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

**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 118, entitled "Administration and Review Procedures," Article I entitled "In General" at Section 118-5, entitled "Unity of title; covenant in lieu thereof," of the Miami Beach City Code is hereby amended as follows:

**Sec. 118-5. - Unity of title; covenant in lieu thereof.**

The term "Unified Development Site" shall be defined as a site where a development is proposed and consists of multiple lots, all lots touching and not separated by a lot under different ownership, or a public right-of-way. A "Unified Development Site" does not include any lots separated by a public right-of-way or any non-adjacent, non-contiguous parcels.

Additionally, the following shall apply to any "Unified Development Site":

(a) All lots need not be in the same zoning district; however, the allowable floor area ratio (FAR) shall be limited to the maximum FAR for each zoning district, inclusive of bonus FAR.

(b) ~~If more than one~~ Only commercial and/or mixed-use entertainment zoning districts is may be joined together to create a unified development site, provided the entire unified development site, including each separate zoning district, must have has the same maximum floor area ratio (FAR), inclusive of bonus FAR. Such unified development site shall only contain commercial and/or mixed-use entertainment districts and shall not include any residential zoning district. The instrument creating the unified development site shall clearly delineate both the maximum FAR, inclusive of bonus FAR, and total square footage permitted.

(c) In the event a future change in zoning district classification modifies the maximum floor area ratio (FAR), inclusive of bonus FAR, for a district within a unified development site, the maximum floor area square footage recorded for the unified development site shall not be exceeded.

**SECTION 2.** That Chapter 114, entitled "General Provisions," at Section 114-4, entitled "Compliance with regulations required," of the Miami Beach City Code is hereby amended as follows:

**114-4 - Compliance with regulations required**

(7) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area ratio, minimum and average unit sizes or open space ratio regulations of the district in which it is located. However, in accordance with Section 118-5, the maximum floor area ratio (FAR), inclusive of bonus FAR, for a unified development site may be located over multiple zoning district.

**SECTION 3.** That Chapter 142, entitled "Zoning Districts and Regulations," Article II entitled "District Regulations," Division 1, entitled "Generally," at Section 142-73, entitled "Interpretation of district boundaries," of the Miami Beach City Code is hereby amended as follows:

**142-73 - Interpretation of district boundaries.**

(6) If a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the district boundary shall be treated as if it were a lot line separating the two separately zoned parcels. However, in accordance with Section 118-5, the maximum floor area ratio (FAR), inclusive of bonus FAR, for a unified development site may be located over multiple zoning district.

**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. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

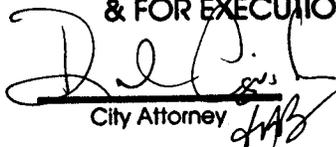
ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: April 13, 2016

Second Reading: May 11, 2016

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney  
Date 4/14/16

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

[Sponsored by Commissioner Michael Grieco]  
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# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS MAY 11, 2016

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**10:00 a.m.**  
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**10:01 a.m.**  
A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 F.S. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:05 a.m.**  
An Ordinance Amending Subpart A - General Ordinances, Of The City Code, By Amending Chapter 54 "Floods" At Section 54-35, "Definitions," By Amending The Definitions For Base Flood Elevation, Crown Of Road, And Freeboard, And By Creating Definitions For Centerline Of Roadway, Critical Facility, Future Crown Of Road, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Low Impact Development (LID), And Surface Stormwater Shallow Conveyance; By Amending Section 54-45, "Permit Procedures," To Require A Stormwater Management Plan; By Amending Section 54-47, "General Standards," To Prohibit Septic Sewage Systems, And Include Requirements For Storage Of Hazardous Materials; By Amending Section 54-48, "Specific Standards," To Clarify The Minimum Elevation Of The Lowest Finished Floor For Residential And Non-Residential Construction, And Requiring A Minimum Elevation For Garage Entrances; By Amending Section 54-51, "Standards For Coastal High Hazard Areas (V-Zones)," To Clarify The Minimum Elevation Of The Lowest Floor Of All New Construction And Substantial Improvements; Providing Codification; Repealer; Severability; And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:06 a.m.**  
An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 114, "General Provisions," At Section 114-1, "Definitions," By Amending The Definitions For Grade, Future Adjusted Grade, And Building Height, And To Establish By Reference To Chapter 54-35 Definitions For Base Flood Elevation, Crown Of Road, Future Crown Of Road, Freeboard, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Future Adjusted Grade, And Surface Stormwater Shallow Conveyance; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard And Providing A Minimum Elevation Requirement For New Construction, And Amending How Maximum Building Height Is Calculated; Providing Codification; Repealer; Severability; And An Effective Date. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:10 a.m.**  
An Ordinance Amending Chapter 118, Entitled "Administration And Review Procedures," Article I Entitled "In General" At Section 118-5, Entitled "Unity Of Title; Covenant In Lieu Thereof;" Chapter 114, Entitled "General Provisions," At Section 114-4, Entitled "Compliance With Regulations Required;" And Chapter 142, Entitled "Zoning Districts And Regulations," Article II Entitled "District Regulations," Division 1, Entitled "Generally," At Section 142-73, Entitled "Interpretation Of District Boundaries;" In Order To Clarify Procedures For The Movement Of FAR Within Unified Development Sites With Differing Zoning Districts; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:15 a.m.**  
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article VI, "Procurement," Division 3, "Contract Procedures," By Creating Section 2-376, Entitled "Fair Chance Requirement For City Contractors," And Amending Chapter 62, "Human Relations," By Creating Article V, To Be Entitled The "Fair Chance Ordinance," To Provide Regulations Regarding The Consideration By The City And By City Contractors Of The Criminal History Of Applicants For Employment, And To Provide Limiting Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470; the Human Resources Department at 305.673.7524, and/or the Procurement Department at 305.673.7490.*

**INTERESTED PARTIES** are invited to appear at this meeting, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> 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, 1<sup>st</sup> 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.

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Rafael E. Granado, City Clerk  
City of Miami Beach

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# MIAMI BEACH

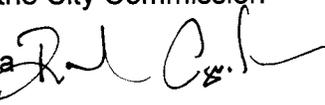
OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

**To:** Mayor Philip Levine  
Members of the City Commission

**Date:** May 11, 2016

**From:** Raul J. Aguila  
City Attorney



**Subject:** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE VI, "PROCUREMENT," DIVISION 3, "CONTRACT PROCEDURES," BY CREATING SECTION 2-376, ENTITLED "FAIR CHANCE REQUIREMENT FOR CITY CONTRACTORS," AND AMENDING CHAPTER 62, "HUMAN RELATIONS," BY CREATING ARTICLE V, TO BE ENTITLED THE "FAIR CHANCE ORDINANCE," TO PROVIDE REGULATIONS REGARDING THE CONSIDERATION BY THE CITY AND BY CITY CONTRACTORS OF THE CRIMINAL HISTORY OF APPLICANTS FOR EMPLOYMENT, AND TO PROVIDE LIMITING PROVISIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### A. Introduction and Summary

Pursuant to the request of Commissioner Michael Grieco, the attached "Fair Chance" or "Ban the Box" Ordinance is submitted for consideration by the Mayor and City Commission. The Ordinance amends Chapter 62 of the City Code, entitled "Human Relations," and the City's Procurement Code, at Chapter 2, Article VI.

In summary, the proposed Fair Chance Ordinance would prohibit the City, as an employer, from inquiring about an applicant's criminal history until the applicant is given a conditional offer of employment. The City would also be prohibited from (i) advertising employment positions with a statement that an individual with a criminal record may not apply for the position, and (ii) placing a statement on an employment application that a person with a criminal record may not apply for the position.

Currently, the City does not conduct a criminal background check of applicants for employment, until an applicant is given a conditional offer of employment. Additionally, City employment applications do not inquire into an applicant's criminal history. To that extent, the Ordinance would codify what is already a City policy.

Agenda Item R5C  
Date 5-11-16

## B. Policy

People with criminal records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for many forms of social service benefits. The “[r]outine exclusion of people with criminal records from the workforce has drastic consequences for individuals, families, and the economy,” and “fuels poverty, recidivism, and ultimately poor health in vulnerable populations.”<sup>1</sup>

“Ban the box” or “fair chance” policies and laws prohibit employers from asking questions about an applicant’s criminal history upon initial contact, and require employers to make individualized assessments about the relevance of a prior offense to the job. According to the National Employment Law Project, research indicates that “personal contact with an applicant reduces the negative effect of a criminal record on the employment decision.”<sup>2</sup>

For instance, a 2009 study conducted in New York City found “a significant effect of a criminal record on employment outcomes, and one that appears substantially larger for African Americans.”<sup>3</sup> However, “[e]mployment prospects improve significantly for applicants who have a chance to interact with the hiring manager, and more so among those who elicit sympathetic responses in the course of those interactions.”<sup>4</sup>

In Florida, the following local governments have adopted “ban the box” policies: Miami-Dade County, Clearwater, Daytona Beach, Fort Myers, Gainesville, Jacksonville, Orlando, Pompano Beach, St. Petersburg, Tampa, and Tallahassee.

## C. *Green* factors for considering arrest and conviction records in employment decisions

Under the proposed Ordinance, once the City gives an applicant a conditional offer of employment, the City, in compliance with Section 78-2 of the City Code, and state and federal law, shall conduct a criminal background check. If the City determines that the applicant has been convicted of a crime, the City shall consider the following factors when determining whether the conviction disqualifies the applicant for the position:

- (i) The nature and gravity of the offense or conduct;
- (ii) The time that has passed since the offense, conduct, and/or completion of the sentence;
- (iii) The nature of the job held or sought; and
- (iv) Whether, pursuant to state or federal law, the applicant’s criminal record would preclude the applicant from obtaining the position.

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<sup>1</sup> Sonali Saluja & Henry Rosen, *Why public health practitioners should care about job prospects for people with criminal records: Employment challenges and successful prison and jail reentry*, 6 HARV. PUB. HEALTH REV. (July 2015).

<sup>2</sup> Fact Sheet: “Ban the Box” is a Fair Chance for Workers with Records, National Employment Law Project, March 2016, <http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-Fact-Sheet.pdf>.

<sup>3</sup> Devah Pager, Bruce Western, & Naomi Sugie, *Sequencing disadvantage: Barriers to employment facing young black and white men with criminal records*, 623 ANNALS AM. ACAD. POL. & SOC. SCI. 195-213 (May 2009).

<sup>4</sup> *Id.*

Factors (i) through (iii) are consistent with U.S. Equal Employment Opportunity Commission (“EEOC”) guidance regarding the consideration of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964.<sup>5</sup> These factors, known as the *Green* factors, were first identified by the U.S. Circuit Court of Appeal for the Eighth Circuit in *Green v. Missouri Pacific Railroad*. In *Green*, the Eighth Circuit held that it was discriminatory under Title VII for an employer to “follow[] the policy of disqualifying for employment any applicant with a conviction for any crime other than a minor traffic offense.” 523 F.2d 1290, 1293 (8th Cir. 1975). The court held that these factors should be applied to assess whether exclusion is job related for the position in question and consistent with business necessity.

Upon consideration of these factors, the City shall determine whether to withdraw the conditional offer of employment. If an offer is withdrawn, the finalist will be notified and given an opportunity to respond within five (5) business days. If, after reviewing the additional information, the City determines that the applicant’s criminal history is disqualifying and a cause for withdrawal of a conditional offer of employment, the applicant will be provided with a written letter of rejection. The City’s selection and hiring decisions are final and are not subject to appeal.

#### **D. Prohibitions and limiting provisions**

Pursuant to the proposed Ordinance, the City shall not use or access the following records as a basis for declining to make or for withdrawing an offer of employment:

- (i) Records of arrest not followed by a valid conviction, as long as the criminal case is not currently pending;
- (ii) Sealed, dismissed, or expunged convictions;
- (iii) Misdemeanor convictions where no jail sentence can be imposed; and
- (iv) Non-criminal infractions.

Additionally, the proposed Ordinance would not apply to the extent that any of its provisions conflict with federal, state, or county law. The Ordinance would also not apply to the hiring of building inspectors, code compliance officers, law enforcement officers, police complaint officers, police dispatchers, fire fighters, or fire inspectors.

#### **E. Amendment to Procurement Code**

The Ordinance amends the City’s Procurement Code to require that the City shall not enter into a contract, resulting from a competitive solicitation, with a business unless the business certifies in writing that the business has adopted and employs written policies, practices, and standards that are consistent with the City’s Fair Chance Ordinance. This requirement may be waived by 5/7ths vote of the City Commission.

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<sup>5</sup> Equal Employment Opportunity Commission, EEOC Enforcement Guidance No. 915.002, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (2012).

**F. Economic Impact**

Pursuant to Section 5.02 of the City Charter, the City “shall consider the long-term economic impact (at least 5 years) of proposed legislative actions.” Based on the analysis of the Human Resources and Procurement Departments, this Ordinance will not have an economic impact on the City’s resources.

RA/NK/sc

F:\ATTOR\KALN\COMMISSION MEMOS\Ban the Box Memo 2nd reading.docx

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE VI, "PROCUREMENT," DIVISION 3, "CONTRACT PROCEDURES," BY CREATING SECTION 2-376, ENTITLED "FAIR CHANCE REQUIREMENT FOR CITY CONTRACTORS," AND AMENDING CHAPTER 62, "HUMAN RELATIONS," BY CREATING ARTICLE V, TO BE ENTITLED THE "FAIR CHANCE ORDINANCE," TO PROVIDE REGULATIONS REGARDING THE CONSIDERATION BY THE CITY AND BY CITY CONTRACTORS OF THE CRIMINAL HISTORY OF APPLICANTS FOR EMPLOYMENT, AND TO PROVIDE LIMITING PROVISIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, people with criminal records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for many forms of social service benefits; and

**WHEREAS**, members of racial minorities are arrested, convicted, and incarcerated in numbers disproportionate to their representation in the population as a whole; and

**WHEREAS**, as recognized in the Harvard Public Health Review, the "[r]outine exclusion of people with criminal records from the workforce has drastic consequences for individuals, families, and the economy. Job discrimination against those with criminal histories fuels poverty, recidivism and ultimately poor health in vulnerable populations"; and

**WHEREAS**, "ban the box" policies and laws prohibit employers from asking questions about an applicant's criminal history upon initial contact, and require employers to make individualized assessments about the relevance of a prior offense to the job; and

**WHEREAS**, according to the National Employment Law Project ("NELP"), research indicates that "personal contact with an applicant reduces the negative effect of a criminal record on the employment decision"; and

**WHEREAS**, this Ordinance integrates U.S. Equal Employment Opportunity Commission ("EEOC") guidance on arrest and conviction guidelines, which guidance requires employers to consider (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job held or sought; and

**WHEREAS**, according to NELP, over 100 cities and counties nationwide, and a total of 21 states, have adopted "ban the box" policies; and

**WHEREAS**, in Florida, the following local governments have adopted "ban the box" policies: Miami-Dade County, Clearwater, Daytona Beach, Fort Myers, Gainesville, Jacksonville, Orlando, Pompano Beach, St. Petersburg, Tampa, and Tallahassee; and

**WHEREAS**, the Mayor and City Commission desire to encourage the employment of individuals who have been previously arrested and/or convicted; and

**WHEREAS**, pursuant to Ordinance No. 2016-3996, which was enacted pursuant to Section 166.0442, Florida Statutes, the City is required to conduct background screening investigations for (1) any position of City employment, whether paid, unpaid, or contractual, and (2) any City contractor, employee of a City contractor, or City vendor who has direct contact with individual members of the public or access to any public facility or publicly operated facility; and

**WHEREAS**, the City is currently not required to include on its employment applications “the box” (i.e., the question of whether an applicant has a criminal history), which can intimidate applicants and preclude them from applying for a City employment position; and

**WHEREAS**, “banning the box” would demonstrate the City’s intent to support applicants in their efforts to find employment; and

**WHEREAS**, the Mayor and City Commission desire to adopt the following Code amendments.

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

**SECTION 1.** Division 3 of Article VI of Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE VI. – PROCUREMENT**

\* \* \*

**DIVISION 3. – CONTRACT PROCEDURES**

\* \* \*

**Section 2-376. Fair chance requirement for city contractors; waiver.**

- (a) Fair chance requirement. The city shall not enter into a contract, resulting from a competitive solicitation issued pursuant to this article, with a business unless the business certifies in writing that the business has adopted and employs written policies, practices, and standards that are consistent with the city’s Fair Chance Ordinance, set forth in article V of chapter 62 of this Code.
- (b) Waiver. The city commission, upon written recommendation of the city manager, may by resolution adopted by five-sevenths vote of the city commission waive the requirements of this section if the city commission finds such waiver to be in the best interest of the city, and provided such waiver is consistent with state and federal law.

**SECTION 2.** Article V of Chapter 62 of the Code of the City of Miami Beach is hereby created as follows:

**CHAPTER 62  
HUMAN RELATIONS**

\* \* \*

**ARTICLE V. – FAIR CHANCE ORDINANCE**

**Section 62-200. – Legislative intent.**

The employment of people with criminal records ensures healthier, safer communities, and reduces recidivism. The city hereby declares that it is in the interest of the health, safety, and welfare of the residents, visitors, and employees of Miami Beach to encourage the employment of individuals who have been previously arrested and/or convicted. People with criminal records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for social service benefits.

**Section 62-201. – Definitions.**

Applicant means any person considered for, or who requests to be considered for, employment or transfer to another employment position, by the city.

Employment means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work, and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay.

**Section 62-202. – Consideration by the city of conviction history in employment.**

- (a) The city shall not inquire about an applicant's criminal history and will not seek an applicant's authorization to conduct a criminal history background check unless and until the applicant is given a conditional offer of employment.
- (b) The city shall not advertise positions with a statement that an individual with a criminal record may not apply for the position or place on the application that a person with a criminal record may not apply, unless a criminal record would, pursuant to state or federal law, preclude the applicant from obtaining the position.
- (c) If, after making a conditional offer of employment to an applicant, the city, (i) in compliance with section 78-2 of this Code and state and federal law, conducts a criminal history background check, and (ii) determines that the applicant has been convicted of a crime, the city shall consider the following factors when determining whether the conviction disqualifies the applicant for the position:
  - (1) The nature and gravity of the offense or conduct;
  - (2) The time that has passed since the offense, conduct, and/or completion of the sentence;

- (3) The nature of the job held or sought; and
  - (4) Whether, pursuant to state or federal law, the applicant's criminal record would preclude the applicant from obtaining the position.
- (d) The city shall not use or access the following records as a basis for declining to make an offer of employment or for withdrawing the conditional offer of employment:
- (1) Records of arrest not followed by a valid conviction, as long as the criminal case is not currently pending;
  - (2) Sealed, dismissed, or expunged convictions;
  - (3) Misdemeanor convictions where no jail sentence can be imposed; and
  - (4) Non-criminal infractions.
- (e) If the city determines that the finalist's criminal history is cause for potential withdrawal of the conditional offer of employment, the finalist will be notified and given an opportunity to respond within five (5) business days of notification of cause for potential withdrawal.
- (f) If, after review of additional information submitted by the finalist, the city determines that the applicant's criminal history is disqualifying and a cause for withdrawal of a conditional offer of employment, the applicant will be provided with a written letter of rejection.
- (g) The city's selection and hiring decisions are final and are not subject to appeal.

**Section 62-203. – Limiting provisions.**

- (a) No individual provision of this article shall apply to the extent that any such provision conflicts with federal, state, or county law.
- (b) This article shall not apply to the hiring of building inspectors, code compliance officers, law enforcement officers, police complaint officers, police dispatchers, ~~or~~ fire fighters, or fire inspectors.
- (c) Nothing in this article requires the city to hire an applicant with a criminal record, nor limits the city's ability to select the most qualified applicant for a position.
- (d) Nothing in this article prohibits the city from denying employment based on a criminal conviction determined in accordance with the practices outlined in section 62-202 to be relevant to the position sought.
- (e) Nothing in this article creates a cause of action for any applicant with regard to hiring or selection for employment.



# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:00 a.m.**  
A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 F.S. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:01 a.m.**  
A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 F.S. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:05 a.m.**  
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**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, 1<sup>st</sup> 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, 1<sup>st</sup> 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

Ad No. 1152

R5D Ocean Terrace Overlay - LDR Amendments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay", To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **10:55 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

**(Item to be Submitted in Supplemental)**

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# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JIMMY MORALES

FROM: RAUL J. AGUILA *R. Aguilá*  
CITY ATTORNEY

SECOND READING  
PUBLIC HEARING

DATE: MAY 11, 2016

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 2 ENTITLED "OFFICERS, EMPLOYEES AND AGENCY MEMBERS", ADDING THERETO SECTION 2-461 ENTITLED "DISCLOSURE BY CITY COMMISSION MEMBERS OF SOLICITATION ON BEHALF OF NONPROFIT ORGANIZATION", REQUIRING CITY COMMISSION MEMBERS WHO SOLICIT GIFTS ON BEHALF OF A NONPROFIT ORGANIZATION FROM A VENDOR, LOBBYIST ON A PROCUREMENT ISSUE, REAL ESTATE DEVELOPER AND/OR LOBBYIST ON A REAL ESTATE DEVELOPMENT ISSUE, TO DISCLOSE THE DATE OF SOLICITATION AND NAME OF INDIVIDUAL SOLICITED, DISCLOSURE TO BE FILED IN CITY CLERK'S OFFICE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Pursuant to the request of City Commissioner Kristen Rosen Gonzalez, the attached Ordinance has been drafted for the purpose of amending the City's Standards of Conduct for Elected Officials to include a requirement that members of the City Commission disclose direct solicitations by them of gifts on behalf of a nonprofit organization (as such term is defined in Section 2-11.1(e)(2)(g), from a vendor, real estate developer, and/or their respective lobbyists (as said terms are defined in City Code Sections 2-487 through 2-490).

Although the practice of elected officials soliciting on behalf of nonprofit organizations is generally permitted by County ethics laws<sup>1</sup>, there is presently no requirement that such solicitation be made public via disclosure. Accordingly, and in light of the City's prior establishment of certain classes of donors (vendors, real estate developers, and their respective lobbyists) as presenting the greatest threat of perceived undue influence, Commissioner Rosen Gonzalez has proposed this legislation which will mandate public disclosure in those instances in which the City's elected officials have directly solicited this limited class of donors for gifts to nonprofit organizations.

<sup>1</sup> Note: This County law is subject to the State's ethics laws which prohibit elected officials from soliciting a gift from a vendor or lobbyist where such gift is for the personal benefit of the official, another reporting individual or procurement employee, or any member of their immediate family, as well as from a political committee. Fla. Stat. secs. 112.3148 (2)(a) and 112.31485.

This Ordinance passed on First Reading at the April 27, 2016 Commission meeting with an amendment to the definition of “nonprofit organization” in Section 2-461(c)(2) to include those entities described in section 501(c)(4) of the Internal Revenue Code concerning social welfare organizations and local associations of employees.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 2 ENTITLED “OFFICERS, EMPLOYEES AND AGENCY MEMBERS”, ADDING THERETO SECTION 2-461 ENTITLED “DISCLOSURE BY CITY COMMISSION MEMBERS OF SOLICITATION ON BEHALF OF NONPROFIT ORGANIZATION”, REQUIRING CITY COMMISSION MEMBERS WHO SOLICIT GIFTS ON BEHALF OF A NONPROFIT ORGANIZATION FROM A VENDOR, LOBBYIST ON A PROCUREMENT ISSUE, REAL ESTATE DEVELOPER AND/OR LOBBYIST ON A REAL ESTATE DEVELOPMENT ISSUE, TO DISCLOSE THE DATE OF SOLICITATION AND NAME OF INDIVIDUAL SOLICITED, DISCLOSURE TO BE FILED IN CITY CLERK’S OFFICE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, as reflected by its prior adoption of legislation on the issue of Campaign Finance Reform, the Miami Beach City Commission has found and determined that legislation is necessary for the preservation of the integrity of representative democracy in the City of Miami Beach in order to prevent the perception that public officials may be influenced by special interests; and

**WHEREAS**, pursuant to Section 2-11.1(e)(2) the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (applicable to City of Miami Beach personnel), elected officials of the City are permitted to solicit gifts “in the performance of their official duties,” and are also permitted to solicit gifts on behalf of any nonprofit organization (both said provisions subject to certain specific criteria<sup>1</sup>); and

**WHEREAS**, the County’s ethics laws, however do not impose any requirement for disclosure of such solicitation activities; and

**WHEREAS**, the below legislation is thus presented as an amendment to the City’s Code of Conduct in order to provide for stricter ethics laws than currently exist under State or County ethics codes, by requiring members of the City Commission to disclose their direct solicitation of gifts for a nonprofit organization from those donors found to be most involved in creating the perception of undue influence, said donor class consisting of “vendors,” “lobbyists on a procurement issue,” “real estate developers” or “lobbyists on a real estate development issue,” as said terms are defined in Chapter 2, Article VII, Division 5, Sections 2-487 through 2-490 of the Miami Beach City Code; and

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<sup>1</sup> See, Miami-Dade County Code section 2-11.1(e), subsections (2)(f) and (g).

**WHEREAS**, in its adoption of this new ethics law, the Miami Beach City Commission believes such disclosure necessary in order to advance the City’s important government interests of dispelling perceived undue influence while providing increased transparency in City government, recognizing that transparency has been acknowledged by the United States Supreme Court as enabling “...the electorate to make informed decisions and give proper weight to different speakers and messages.”<sup>2</sup>

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

**SECTION 1.** That Miami Beach City Code Chapter 2, Article VII, Division 2 entitled “Officers, Employees and Agency Members” is hereby amended by adding the following City Code Section 2-461 entitled “Disclosure by City Commission Members of Solicitation on Behalf of Nonprofit Organization” to read as follows:

Sec. 2-461. Reserved Disclosure by City Commission Members of Solicitation on Behalf of Nonprofit Organization.

**A. Disclosure.**

Any member of the City Commission who directly solicits gifts on behalf of a nonprofit organization from a vendor, lobbyist on a procurement issue, real estate developer and/or lobbyist on a real estate development issue shall disclose, on a form available in the City Clerk's Office, the date of solicitation and the name of the individual solicited. The form shall be filed in the City Clerk’s Office as a public record within 10 business days from the date in which the subject solicitation occurred.

**B. Exception.**

Any solicitation otherwise subject to the disclosure requirements of subsection A above is exempt from such disclosure requirement in those limited instances in which the City Commission has, by Resolution or motion adopted prior to such solicitation, endorsed or sponsored that particular nonprofit organization.

**C. Definitions.**

(1) The term “gift” shall have the meaning ascribed to such term in Miami-Dade County Code Section 2-11.1 (e).

(2) The term “nonprofit organization” shall have the meaning ascribed to such term in Miami-Dade County Code Section 2-11.1(e)(2)(g) and shall mean any entity described in sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code.<sup>3</sup>

(3) The terms “vendor”, “lobbyist on a procurement issue”, “real estate developer” or “lobbyist on a real estate development issue”, shall have the meaning ascribed to such terms in Chapter 2, Article VII, Division 5 of the Miami Beach City Code.

<sup>2</sup> *Citizens United v. Federal Election Commission*, 558 U.S. 310, 371 (2010).

<sup>3</sup> See, f.n.#2, above.

**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 the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

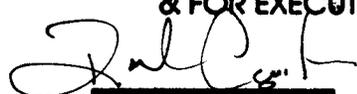
ATTEST:

\_\_\_\_\_  
Philip Levine  
Mayor

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(Requested by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney  
4-28-16  
\_\_\_\_\_  
Date

MIAMIBEACH

CITY OF MIAMI BEACH  
NOTICE OF PUBLIC HEARINGS

MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**11:00 a.m.**

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Entitled "Officers, Employees And Agency Members," Adding Thereto Section 2-461 Entitled "Disclosure By City Commission Members Of Solicitation On Behalf Of Nonprofit Organization," Requiring City Commission Members Who Solicit Gifts On Behalf Of A Nonprofit Organization From A Vendor, Lobbyist On A Procurement Issue, Real Estate Developer And/Or Lobbyist On A Real Estate Development Issue, To Disclose The Date Of Solicitation And Name Of Individual Solicited, Disclosure To Be Filed In City Clerk's Office; Providing For Repealer, Severability, Codification, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

~~11:05 a.m.~~

~~An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5, Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Consultants," Prohibiting Campaign Consultants And Certain Affiliated Persons Or Entities From Lobbying City Commission For 24 Months Subsequent To Swearing In Of Subject Elected Official(s), And Establishing Definitions, Providing For Repealer, Severability, Codification, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*~~

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, 1<sup>st</sup> 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, 1<sup>st</sup> 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

The item was deferred by acclamation to the June 8, 2016 City Commission Meeting on first reading with recommendations.

**Condensed Title:**

An Ordinance amending Chapter 142 of the City Code as it pertains to alcoholic beverage establishments on the west side of Alton Road and the south side of 17<sup>th</sup> Street.

**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 amend Chapter 142 of the Land Development Regulations in order to establish operational standards, hours of operation for alcoholic beverage establishments on the west side of Alton Road from 6<sup>th</sup> Street to Collins Canal and on the south side of 17<sup>th</sup> Street from Lenox to Meridian Avenues.

On February 10, 2016, at the request of Comm. Joy Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee (LUDC) pertaining to separate alcohol regulations for Alton Road and 17<sup>th</sup> Street. On March 30, 2016, the Land Use Committee recommended that the attached ordinance be approved.

On April 13, 2016, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the attached Ordinance at First Reading and set a Second Reading and Public Hearing for May 11, 2016; and 3) referred the Ordinance to the Planning Board for review and recommendation.

The Administration recommends that the City Commission adopt the ordinance.

**Advisory Board Recommendation:**

On April 19, 2016, the Planning Board reviewed the proposed Ordinance and transmitted it to the City Commission. The Board transmitted the Alton Road portion of the ordinance with a favorable recommendation and the 17<sup>th</sup> Street portion with an unfavorable recommendation.

**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
	<i>MIA for SULT</i>	<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: May 11, 2016

SECOND READING – PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS," (1) AT DIVISION 4, "CD-1 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-272, "MAIN PERMITTED USES;" (2) SECTION 142-273, "CONDITIONAL USES;" (3) SECTION 142-274, "ACCESSORY USES;" (4) SECTION 142-279, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" (5) AT DIVISION 5, "CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-302, "MAIN PERMITTED USES;" (6) SECTION 142-303, "CONDITIONAL USES;" (7) SECTION 142-304, "ACCESSORY USES;" (8) SECTION 142-310, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" AND (9) AT DIVISION 6, "CD-3 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-332, "MAIN PERMITTED USES;" (10) SECTION 142-333, "CONDITIONAL USES;" AND (11) AT SECTION 142-334, "ACCESSORY USES;" AND (12) 142-340, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" TO AMEND THE HOURS OF OPERATION, LOCATION AND USE RESTRICTIONS FOR (A) PROPERTIES ON THE WEST SIDE OF ALTON ROAD AND EAST OF ALTON COURT, FROM 6TH STREET TO COLLINS CANAL, (B) PROPERTIES ON THE EAST SIDE OF WEST AVENUE FROM LINCOLN ROAD TO 17TH STREET, AND (C) PROPERTIES WITHIN 100 FEET TO THE SOUTH OF 17TH STREET, BETWEEN LENOX AVENUE AND MERIDIAN AVENUE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the ordinance.

### BACKGROUND

At the February 10, 2016 City Commission meeting, while discussing item R5F, concerning the consolidation ordinance for alcoholic beverages, the Commission referred a discussion item to the Land Use and Development Committee (LUDC) pertaining to separate alcohol regulations for Alton Road and 17<sup>th</sup> Street. This proposal was sponsored by Commissioner Joy Malakoff.

On February 17, 2016, the LUDC discussed the item and continued the matter to March 30, 2016. Staff was instructed to prepare a draft ordinance in accordance with the discussion, for review on March 30, 2016.

On March 30, 2016, the Land Use Committee recommended that the City Commission approve the attached amendment to the City Code, and that the Commission refer a separate, companion amendment to the Land Development Regulations to the Planning Board.

### **ANALYSIS**

*Alton Road.* While most of Alton Road between Sixth (6<sup>th</sup>) Street and Dade Boulevard is commercially zoned (CD-1 and CD-2), the barrier between the commercial zones and residential zoning (RM-1 and RM-2) to the west is only the width of an alley (Alton Court). Immediately to the west of Alton Court (the alley west of Alton Road), is the West Avenue neighborhood characterized by residential mid-rise and low-rise apartment buildings.

*17<sup>th</sup> Street.* The south side of 17<sup>th</sup> Street is commercially zoned (CD-3), between Meridian Avenue and Lenox Avenue; therefore, there is the potential for more intense commercial development. This area is directly across the street from residential uses (RM-1 and RS-4) in the Palm View Historic District, which is comprised of low-rise apartment buildings and single family homes.

Certain operational standards and regulations exist in the zoning code for the other parts of the City (e.g. North Beach, South of Fifth, and Sunset Harbor) that have a mixture of residential development and destination eating and drinking establishments. However, new establishments along Alton Road and 17<sup>th</sup> Street do not currently have the same type of regulations.

Currently, alcoholic beverage and entertainment establishments not exceeding specified occupational load thresholds do not require Conditional Use review by the Planning Board in the commercial zoning districts along Alton Road and 17<sup>th</sup> Street. These thresholds are less than 300 persons for eating and drinking establishments without entertainment or less than 200 persons for establishments with entertainment as determined by the Fire Marshall. Additionally, 5:00 am liquor licenses are permitted.

The CD-1 and CD-2 zoning districts between Alton Road and West Avenue from sixth (6<sup>th</sup>) Street to Dade Boulevard, and the CD-3 district between Lincoln Lane North and 17<sup>th</sup> Street from Meridian Avenue to Lenox Avenue, both border low intensity, non-transient residential districts. As such, residents from these areas have been expressing a strong desire for operational restrictions on eating and drinking establishments, particularly with regard to the hours of operation, outdoor areas, and entertainment uses.

The attached ordinance sets forth operational requirements and hours restrictions on alcoholic beverage establishments and outdoor areas for the west side of Alton Road from 6<sup>th</sup> Street to Collins Canal, and for properties within 100 feet of the south side of 17<sup>th</sup> Street from Meridian to Lenox Avenues. The following is a summary of the proposed modifications to Chapter 142 of the Land Development Regulations:

1. Alcoholic beverage establishments shall cease operations no later than 2:00 a.m.
2. Sidewalk cafes and restaurants shall only serve alcoholic beverages during hours when food is served, shall cease operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Rooftop portions of alcoholic beverage establishments shall be limited to restaurants only,

shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.

4. Entertainment establishments, if permitted, shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved for conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. Outdoor bar counters shall be prohibited.
6. No special event permits shall be permitted.

#### **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.

### **SUMMARY**

On March 30, 2016, the Land Use Committee recommended that the proposed ordinance move forward, with the following additions:

1. The inclusion of the CD-2 zoned properties along the east side of West Avenue from Lincoln Road to 17<sup>th</sup> Street; and
2. The inclusion of an 'Exceptions' section, that would exclude those businesses that have obtained a Business Tax Receipt (BTR) prior to the effective date of the ordinance, as well as those properties with an approved Land Use Board Order obtained prior to the effective date of the ordinance.

These changes have been incorporated into the attached ordinance.

Initially the proposed modifications were to be located in Chapter 6 of the City Code; however, the modifications are more appropriate for Chapter 142 of the Land Development Regulations, so that all regulations regarding alcohol hours of operation and conditional use criteria be located within the same chapter.

### **PLANNING BOARD ACTION**

On April 19, 2016, the Planning Board reviewed the proposed Ordinance and took the following action:

1. The Alton Road portion of the ordinance was transmitted with a favorable recommendation (6-1).
2. The 17<sup>th</sup> Street portion of the ordinance was transmitted with an unfavorable recommendation (7-0) and the Board further recommended that this portion of the legislation be bi-furcated for further study.

### **UPDATE**

On April 13, 2016, the City Commission approved the attached Ordinance at First Reading and set a Second Reading Hearing for May 11, 2016. As part of the approval at First Reading, the 'Exceptions' clause was modified to include Business Tax Receipts that were in application status prior to April 14, 2016.

Additionally, the City Commission requested that the Planning Board further study the 17<sup>th</sup> Street portion of the legislation, particularly as it pertains to a 100 foot distance separation from single family uses. The Planning Board, as noted above, recommended that the 17<sup>th</sup> Street portion of the ordinance be bi-furcated for further study.

### **RECOMMENDATION**

The Administration recommends that the City Commission adopt the attached ordinance.

  
JLM/SMT/TRM

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# MIAMIBEACH

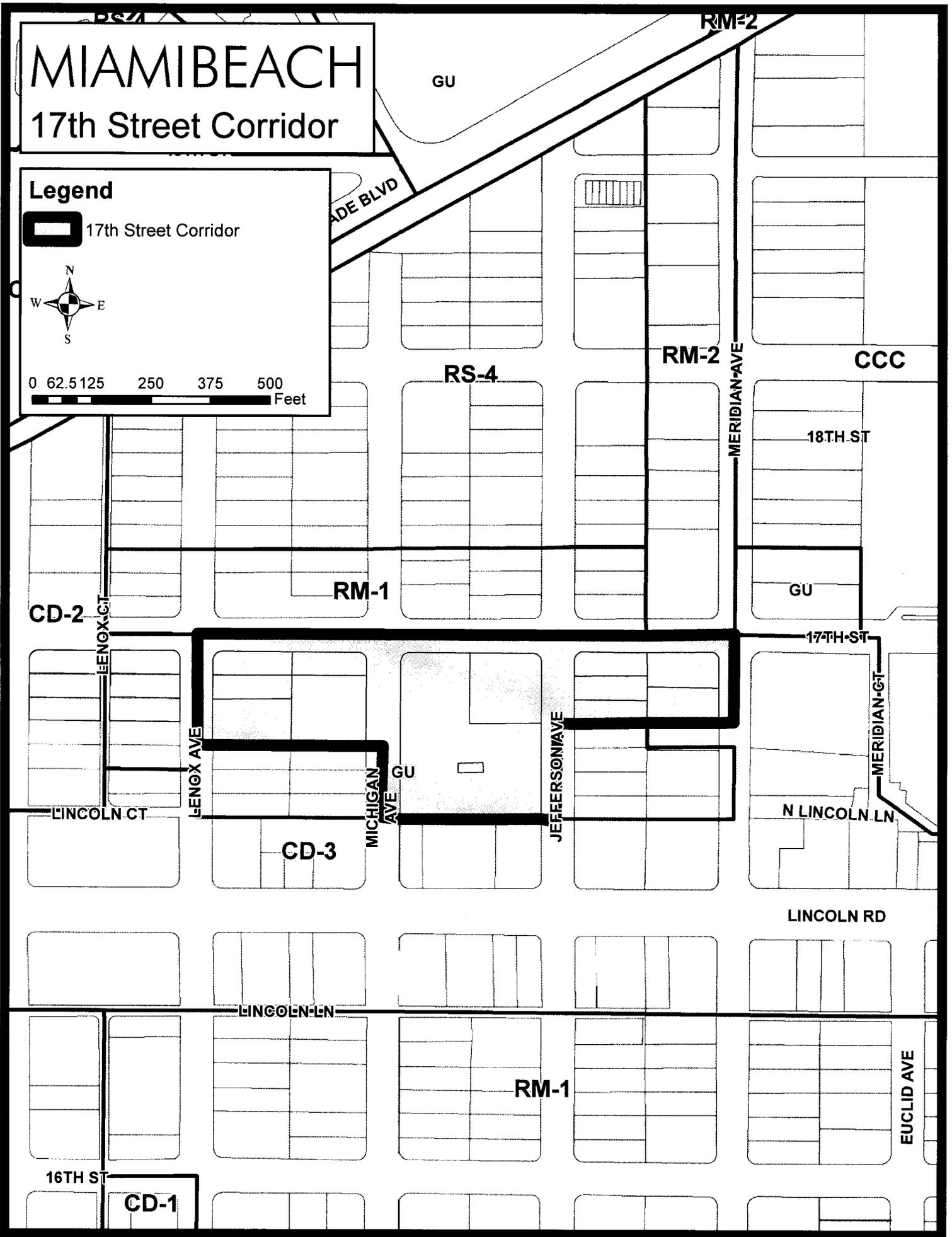
## 17th Street Corridor

### Legend

 17th Street Corridor



0 62.5 125 250 375 500 Feet



# MIAMIBEACH

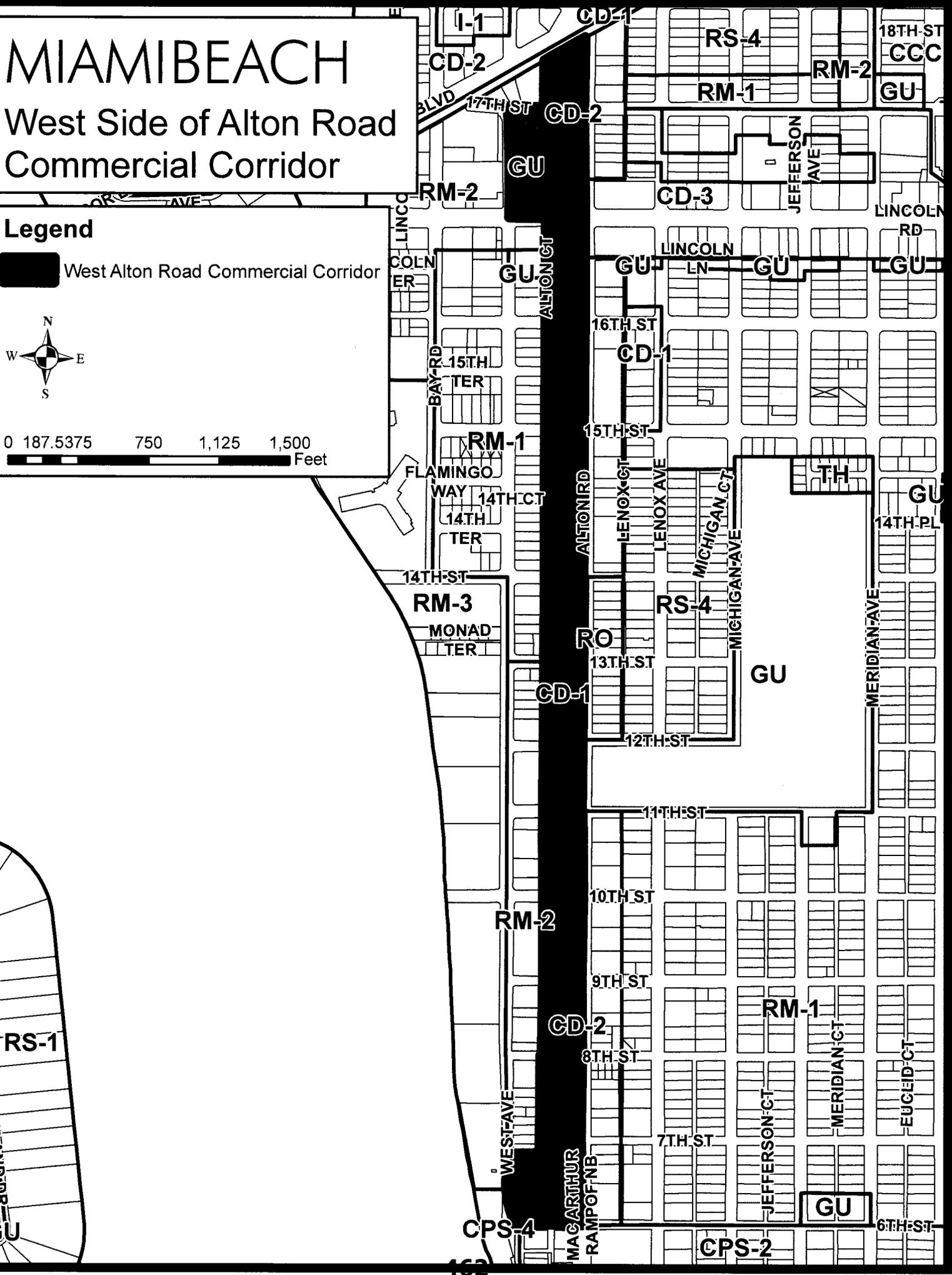
## West Side of Alton Road Commercial Corridor

### Legend

 West Alton Road Commercial Corridor



0 187.5375 750 1,125 1,500 Feet



**ALTON ROAD WEST AND 17<sup>TH</sup> STREET SOUTH  
ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS**

**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," (1) AT DIVISION 4, "CD-1 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-272, "MAIN PERMITTED USES;" (2) SECTION 142-273, "CONDITIONAL USES;" (3) SECTION 142-274, "ACCESSORY USES;" (4) SECTION 142-279, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" (5) AT DIVISION 5, "CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-302, "MAIN PERMITTED USES;" (6) SECTION 142-303, "CONDITIONAL USES;" (7) SECTION 142-304, "ACCESSORY USES;" (8) SECTION 142-310, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" AND (9) AT DIVISION 6, "CD-3 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-332, "MAIN PERMITTED USES;" (10) SECTION 142-333, "CONDITIONAL USES;" AND (11) SECTION 142-334, "ACCESSORY USES;" AND (12) SECTION 142-340, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" TO AMEND THE HOURS OF OPERATION, LOCATION AND USE RESTRICTIONS FOR (A) PROPERTIES ON THE WEST SIDE OF ALTON ROAD AND EAST OF ALTON COURT, FROM 6<sup>TH</sup> STREET TO COLLINS CANAL, (B) PROPERTIES ON THE EAST SIDE OF WEST AVENUE FROM LINCOLN ROAD TO 17<sup>TH</sup> STREET, AND (C) PROPERTIES WITHIN 100 FEET TO THE SOUTH OF 17<sup>TH</sup> STREET, BETWEEN LENOX AVENUE AND MERIDIAN AVENUE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Alton Road and 17<sup>th</sup> Street corridors have historically been composed of low intensity retail, service and retail establishments, which primarily serve City residents; and

**WHEREAS**, alcoholic beverage establishments in Miami Beach have been historically concentrated in the commercial and mixed-use entertainment districts along Washington Avenue, Collins Avenue, and Ocean Drive; and

**WHEREAS**, the West Avenue neighborhood is comprised mainly of residential uses and is divided only by an alley from the CD-1 and CD-2 commercial zoning districts on Alton Road; and

**WHEREAS**, the Palm View neighborhood, located to the north of 17th Street and to the south of the Collins Canal, is comprised of mainly single family residential uses and is divided by 17<sup>th</sup> Street from a CD-3 commercial high intensity district; and

**WHEREAS**, the City Code allows certain uses within the CD-1, CD-2, and CD-3 districts, which, absent mitigation, could be incompatible with adjacent residential uses in the West Avenue and Palm View neighborhoods; and

**WHEREAS**, large restaurants, stand-alone bars, entertainment establishments, and dance halls can sometimes be incompatible with the low scale character and quality of life of adjacent residential neighborhoods if not regulated; and

**WHEREAS**, the Mayor and City Commission desire to encourage uses that are compatible with the low-scale character of the neighborhood; and

**WHEREAS**, pursuant to Section 562.14, Florida Statutes, a municipality may, by ordinance, establish hours of sale for alcoholic beverages; and

**WHEREAS**, Florida courts have rejected equal protection and due process challenges to Section 562.14, Florida Statutes (*See Wednesday Night, Inc. v. City of Fort Lauderdale* (Fla. 1973)); and

**WHEREAS**, in *State ex rel. Floyd v. Noel* (Fla. 1936), the Florida Supreme Court recognized that “[i]t is so well settled that no citation of authority is required to support the statement that a municipality exercising the powers inherent in municipal corporations may reasonably regulate the sale of intoxicating liquors and in providing such reasonable regulations may prohibit the sale of such liquors within certain hours, and also may prohibit the sale of liquors within certain zones”; and

**WHEREAS**, in *Makos v. Prince* (Fla. 1953), the Florida Supreme Court recognized that a county may establish separate zones for the hours of sale of alcoholic beverages, and that the regulation of hours need not be uniform throughout the county as a whole; and

**WHEREAS**, Florida courts have consistently held that alcoholic beverage establishments are not entitled to grandfather status as to hours of sale for alcoholic beverages (*See Village of North Palm Beach v. S & H Foster’s, Inc.* (Fla. 4th DCA 2012); *Other Place of Miami, Inc. v. City of Hialeah Gardens* (Fla. 3d DCA 1978)); and

**WHEREAS**, Chapter 1, of the Land Use Element, Objective 2, “Land Use Compatibility,” of the City’s 2025 Comprehensive Plan (hereinafter “Plan”), specifies that the City’s land development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses; and

**WHEREAS**, Policy 2.1 of the Plan provides that the land development regulations shall continue to address the location and extent of nonresidential land uses in accordance with the Future Land Use map and the policies and descriptions of types, sizes and intensities of land uses contained in [the Future Land Use] Element; and

**WHEREAS**, Policy 2.2 of the Plan provides that development in land use categories which permit both residential and non-residential uses shall be regulated by formalized land development regulations which are designed to ensure adequate land use compatibility; and

**WHEREAS**, compatibility shall be achieved by one or more of the following: (1) enumeration of special land uses which may be particularly incompatible with residential uses and may be prohibited in specified areas or zoning districts; (2) enumeration of special land use administrative procedures such as Conditional Use approval, which require public hearings prior to special land use approval; (3) enumeration of special land use criteria such as minimum required distance separations from residential districts or uses or allowable hours of operation, to ensure that non-residential special land uses are properly located with respect to any residential uses to which they may be incompatible; and (4) the vertical separation of residential and non-residential uses within mixed use buildings through the use of land use regulations on accessory uses within residential buildings, and the identification of those types of commercial uses which are particularly incompatible with residential uses and which shall therefore NOT be permitted in mixed use buildings; and,

**WHEREAS**, in determining incompatibility, consideration shall be given to noise, lighting, shadows, access, traffic, parking, height, bulk, landscaping, hours of operation, buffering and any other criteria that may be important to ensure that necessary safeguards are provided for the protection of surrounding property, persons, and neighborhood values; and

**WHEREAS**, in accordance with Chapter 1, Objective 2, Policies 2.1 and 2.2 of the Plan, is it is desirable to encourage uses in commercial districts that are properly balanced and compatible with the scale, character and context of adjacent residential neighborhoods; and

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

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

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 4, "CD-1, Commercial, Low Intensity District," is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE II. – DISTRICT REGULATIONS**

\* \* \*

**DIVISION 4. – 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 alcoholic beverages establishments pursuant to the regulations set forth in Chapter 6. Alcoholic beverage establishments located on the west side of Alton Road and east of Alton Court, between 11th Street and 14th Street, shall be subject to the additional requirements set forth in section 142-279.

**Sec. 142-273. - Conditional Uses.**

The conditional uses in the CD-1 commercial, low intensity district are adult congregate living facilities; nursing homes; religious institutions with an occupancy greater than 199 persons; public and private institutions; schools; day care facility; pawnshops; video game arcades; warehouses; any use selling gasoline; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; neighborhood impact establishment; and storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See section 142-1103. Alcoholic beverage establishments located on the west side of Alton Road and east of Alton Court, between 11th Street and 14th Street, shall be subject to the additional requirements set forth in section 142-279.

**Sec. 142-274. - Accessory uses.**

The accessory uses in the CD-1 commercial, low intensity district are as required in article IV, division 2 of this chapter. Alcoholic beverage establishments located on the west side of Alton Road and east of Alton Court, between 11th Street and 14th Street, shall be subject to the additional requirements set forth in section 142-279.

\* \* \*

**Sec. 142-279. - Special regulations for alcoholic beverage establishments.**

(a) The following additional regulations shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located on the west side of Alton Road and east of Alton Court, between 11th Street and 14th Street:

1. Operations shall cease no later than 2:00 a.m.
2. Establishments with sidewalk café permits shall only serve alcoholic beverages at sidewalk cafés during hours when food is served in the restaurant, shall cease sidewalk café operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Commercial uses on rooftops shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.
4. Entertainment establishments shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved as a conditional use, entertainment

establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.

5. Outdoor bar counters shall be prohibited.

6. No special event permits shall be issued.

(b) This section shall not apply to any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an alcoholic beverage establishment that (i) is in application status prior to April 14, 2016; or (ii) issued prior to May 21, 2016; or (iii) to an establishment that has obtained approval for an alcoholic beverage establishment from a land use board, and which land use board order is active and has not expired, prior to May 21, 2016. Any increase to the approved hours of operation shall meet the requirements of this section.

\* \* \*

**SECTION 2.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2, Commercial, Medium Intensity District," is hereby amended as follows:

**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 alcoholic beverages establishments pursuant to the regulations set forth in Chapter 6. Alcoholic beverage establishments located on the west side of Alton Road and east of Alton Court, between 6<sup>th</sup> Street and 11<sup>th</sup> Street, and between 14<sup>th</sup> Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17<sup>th</sup> Street, shall be subject to the additional requirements set forth in section 142-310.

**Sec. 142-303. - Conditional uses.**

(a) [Generally.] The conditional uses in the CD-2 commercial, medium intensity district include the following:

- (1) Adult congregate living facilities;
- (2) Funeral home;
- (3) Nursing homes;
- (4) Religious institutions;
- (5) Pawnshops;
- (6) Video game arcades;
- (7) Public and private institutions;
- (8) Schools;
- (9) Any use selling gasoline;
- (10) New construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards;

- (11) Outdoor entertainment establishment;
- (12) Neighborhood impact establishment;
- (13) Open air entertainment establishment; and
- (14) Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located. See section 142-1103.

(b) *Sunset Harbour Neighborhood.* In addition to the conditional uses specified in section 142-303(a), and subject to the conditional use criteria in section 118-192(a), conditional 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 shall also include the following:

- (1) Main use parking garages;
- (2) Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons and a floor area in excess of 3,500 square feet.

(c) *North Beach Neighborhood.* In addition to the conditional uses specified in section 142-303(a), and subject to the conditional use criteria in section 118-192(a), conditional uses in the CD-2 commercial medium intensity district in the North Beach neighborhood (located north of 65th Street), shall also include the following:

- (1) Alcoholic beverage establishments (not also operating as a full restaurant with a full kitchen, serving full meals);
- (2) Dance halls;
- (3) Entertainment establishments.

(d) *South Alton Road Corridor.* In addition to the conditional uses specified in section 142-303(a), and subject to the conditional use criteria in section 118-192(a), conditional uses in the CD-2 commercial medium intensity district in the South Alton Road Corridor, which includes properties located along Alton Road between 6th and 11th Street, shall also include the following:

- (1) Self storage warehouse, provided the minimum distance separation between self storage warehouses shall be 300 feet and self storage warehouses shall follow the development regulations for "self storage warehouse" in section 142-305 and setback requirements in section 142-307.

(e) Alcoholic beverage establishments located on the west side of Alton Road and east of Alton Court, between 6<sup>th</sup> Street and 11<sup>th</sup> Street, and between 14<sup>th</sup> Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17<sup>th</sup> Street, shall be subject to the additional requirements set forth in section 142-310.

\* \* \*

**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, 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. Alcoholic beverage establishments located on the west side of Alton Road and east of Alton Court, between 6<sup>th</sup> Street and 11<sup>th</sup> Street, and between 14<sup>th</sup> Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17<sup>th</sup> Street, shall be subject to the additional requirements set forth in section 142-310.

\* \* \*

**Sec. 142-310. Special regulations for alcohol beverage establishments.**

(a) The following additional requirements shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located on the west side of Alton Road and east of Alton Court, between 6<sup>th</sup> Street and 11<sup>th</sup> Street, and between 14<sup>th</sup> Street and Collins Canal; and properties on the east side of West Avenue, between Lincoln Road and 17<sup>th</sup> Street:

1. Operations shall cease no later than 2:00 a.m.
2. Establishments with sidewalk café permits shall only serve alcoholic beverages at sidewalk cafés during hours when food is served in the restaurant, shall cease sidewalk café operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Commercial uses on rooftops shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.
4. Entertainment establishments shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved as a conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. Outdoor bar counters shall be prohibited.
6. No special event permits shall be issued.

(b) This section shall not apply to any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an alcoholic beverage establishment that (i) is in application status prior to April 14, 2016; or (ii) issued prior to May 21, 2016; or (iii) to an establishment that has obtained approval for an alcoholic beverage establishment from a land use board, and which land use board order is active and has not expired, prior to May 21, 2016. Any increase to the approved hours of operation shall meet the requirements of this section.

\* \* \*

**SECTION 3.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 6, "CD-3, Commercial, High Intensity District," is hereby amended as follows:

**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. 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. Alcoholic beverage establishments located within 100 feet of the south side of 17th Street, between Lenox Avenue and Meridian Avenue, shall be subject to the additional requirements set forth in section 142-340.

\* \* \*

**Sec. 142-333. - Conditional uses.**

The conditional uses in the CD-3 commercial, high intensity district are adult living congregate facilities; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment, neighborhood impact establishment, open air entertainment establishment, nursing homes; religious institutions with an occupancy greater than 199 persons; video game arcades; public and private institutions; schools and major cultural dormitory facilities as specified in section 142-1332; and storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located, except such storage and/or parking of commercial vehicles shall not be permitted on lots with frontage on Lincoln Road, Collins Avenue, 41st Street and 71st Street. See subsection 142-1103(c). When located on that portion of Lincoln Road that is closed to traffic, these uses shall comply with section 142-335. Alcoholic beverage establishments located within 100 feet of the south side of 17th Street, between Lenox Avenue and Meridian Avenue, shall be subject to the additional requirements set forth in section 142-340.

**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, 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) Alcoholic beverage establishments located within 100 feet of the south side of 17th Street, between Lenox Avenue and Meridian Avenue, shall be subject to the additional requirements set forth in section 142-340.

\* \* \*

**Sec. 142-340. - Special regulations for alcohol beverage establishments.**

- (a) The following additional requirements shall apply to alcoholic beverage establishments, whether as a main use, conditional use, or accessory use, that are located within 100 feet of the south side of 17th Street, between Lenox Avenue and Meridian Avenue:

1. Operations shall cease no later than 2:00 a.m.
2. Establishments with sidewalk café permits shall only serve alcoholic beverages at sidewalk cafés during hours when food is served in the restaurant, shall cease sidewalk café operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Commercial uses on rooftops shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.
4. Entertainment establishments shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved as a conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. Outdoor bar counters shall be prohibited.
6. No special event permits shall be issued.

- (b) This section shall not apply to any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an alcoholic beverage establishment that (i) is in application status prior to April 14, 2016; or (i) issued prior to May 21, 2016; or (iii) to an establishment that has obtained approval for an alcoholic beverage establishment from a land use board, and which land use board order is active and has not expired, prior to May 21, 2016. Any increase to the approved hours of operation shall meet the requirements of this section.

\* \* \*

**SECTION 4. REPEALER.**

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

**SECTION 5. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

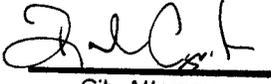
\_\_\_\_\_  
Philip Levine  
Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

First Reading: April 13, 2016  
Second Reading: May 11, 2016

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
City Attorney  
  
4-27-16  
\_\_\_\_\_  
Date

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING ORDINANCE REGULATING ALCOHOLIC BEVERAGE ESTABLISHMENTS ALONG ALTON ROAD, WEST AVENUE AND 17<sup>TH</sup> STREET May 11, 2016

NOTICE IS HEREBY given that a Second Reading Public Hearing will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chamber, 3<sup>rd</sup> Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on May 11, 2016 at 5:01 p.m., or as soon thereafter as the matter can be heard, to consider the adoption of the following ordinance:

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;" (1) AT DIVISION 4, "CD-1 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-272, "MAIN PERMITTED USES;" (2) SECTION 142-273, "CONDITIONAL USES;" (3) SECTION 142-274, "ACCESSORY USES;" (4) SECTION 142-279, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" (5) AT DIVISION 5, "CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-302, "MAIN PERMITTED USES;" (6) SECTION 142-303, "CONDITIONAL USES;" (7) SECTION 142-304, "ACCESSORY USES;" (8) SECTION 142-310, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" AND (9) AT DIVISION 6, "CD-3 COMMERCIAL MEDIUM INTENSITY DISTRICT," SECTION 142-332, "MAIN PERMITTED USES;" (10) SECTION 142-333, "CONDITIONAL USES;" AND (11) SECTION 142-334, "ACCESSORY USES;" AND (12) SECTION 142-340, "ADDITIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS;" TO AMEND THE HOURS OF OPERATION, LOCATION AND USE RESTRICTIONS FOR (A) PROPERTIES ON THE WEST SIDE OF ALTON ROAD AND EAST OF ALTON COURT, FROM 6<sup>TH</sup> STREET TO COLLINS CANAL, (B) PROPERTIES ON THE EAST SIDE OF WEST AVENUE FROM LINCOLN ROAD TO 17<sup>TH</sup> STREET, AND (C) PROPERTIES WITHIN 100 FEET TO THE SOUTH OF 17<sup>TH</sup> STREET, BETWEEN LENOX AVENUE AND MERIDIAN AVENUE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at 305.673.7550. This ordinance is being heard pursuant to 118-164, of the City's Land Development Code.

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, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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

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

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad 1149

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:40 a.m.**  
A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For Muss Park Located At 4400 Chase Avenue, Miami Beach, Florida; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District Pertaining To The Regulations Of Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements For Off-Street Parking In Order To Allow For The Construction Of A Multi-Use Activity Room. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071.

**10:45 a.m.**  
A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P59, Located At 4001 Prairie Avenue; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(k), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

**10:46 a.m.**  
A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P91, Located At 501 72 Street; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(k), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

**10:55 a.m.**  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay," To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer, Severability; Codification; And An Effective Date. This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.

**5:01 p.m.**  
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," (1) At Division 4, "CD-1 Commercial Medium Intensity District," Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-274, "Accessory Uses;" (4) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (5) At Division 5, "CD-2 Commercial Medium Intensity District," Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District," Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" And (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6<sup>th</sup> Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17<sup>th</sup> Street, And (C) Properties Within 100 Feet To The South Of 17<sup>th</sup> Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repealer; Severability; And An Effective Date. This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. 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, 1<sup>st</sup> 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, 1<sup>st</sup> 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 of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Land Development Regulations of the Miami Beach City Code, by amending Section 118-593(e), entitled "Delineation on Zoning Map" by designating the property at 1700 Alton Road as an Historic Site to be known as "1700 Alton Road Historic Site"

**Key Intended Outcome Supported:**

Protect Historic Building Stock

**Supporting Data (Surveys, Environmental Scan, etc**

In the 2014 Survey, 74% of residents and 77% of business owners maintained that the City was effective in its historic preservation efforts.

**Item Summary/Recommendation:**

**FIRST READING**  
 The proposed Ordinance would designate the property located at 1700 Alton Road as a Local Historic Site.  
  
 The Administration recommends that the City Commission approve the Ordinance at First Reading and set a Second Reading Public Hearing for June 8, 2016.

**Advisory Board Recommendation:**

On March 8, 2016, the Historic Preservation Board reviewed a Designation Report relative to the historic designation of 1700 Alton Road as a Local Historic Site and approved a motion to recommend approval of the designation of the proposed 1700 Alton Road Historic Site to the Planning Board and the City Commission by a vote of (7-0).  
  
 On April 19, 2016, the Planning Board reviewed a Designation Report relative to the historic designation of 1700 Alton Road as a local historic site and approved a motion to recommend approval of the designation to the City Commission by a vote of (7-0).

**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:**

N/A

**City Clerk's Office Legislative Tracking:**

Thomas Mooney

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
	MRS. SMT	JM

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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: May 11, 2016  
SUBJECT: 1700 Alton Road – Local Historic Site Designation

FIRST READING

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; BY AMENDING SECTION 118-593(E), ENTITLED "DELINEATION ON ZONING MAP" BY DESIGNATING ONE OR MORE BUILDINGS AT 1700 ALTON ROAD AS AN HISTORIC SITE TO BE KNOWN AS "1700 ALTON ROAD HISTORIC SITE," AS MORE PARTICULARLY DESCRIBED IN THE ORDINANCE; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE 1700 ALTON ROAD AS AN HISTORIC SITE; ADOPTING THE DESIGNATION REPORT ATTACHED TO THE STAFF REPORT AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

The Administration recommends that the City Commission approve the Ordinance at First Reading and set a Second Reading Public Hearing for June 8, 2016.

### **BACKGROUND**

On January 12, 2016, at the request of the applicant, the Historic Preservation Board reviewed a Preliminary Evaluation and Recommendation Report relative to the possible historic designation of the existing structure as an individual local historic site. At this meeting, the Board directed staff and the applicant to prepare a formal historic designation report. On February 9, 2016, the Board continued the application to the March 8, 2016 meeting, at the request of the applicant.

On March 8, 2016, the Historic Preservation Board (HPB) held a public hearing and voted unanimously (7-0) recommending in favor of the proposed historic site designation of 1700 Alton Road to the Planning Board and the City Commission (HPB File No. 7590).

On April 19, 2016, the Planning Board held a public hearing to consider the proposed designation and voted unanimously (7-0) in favor of recommending that the City Commission designate 1700 Alton Road as a local historic.

## **DESIGNATION PROCESS**

The designation report for a proposed historic district is required to be presented to the Historic Preservation Board and the Planning Board at separate public hearings. Following public input, the Historic Preservation Board votes on whether or not the proposed historic district meets the criteria listed in the Land Development Regulations of the City Code and transmits a recommendation on historic designation to the Planning Board and City Commission. If the Historic Preservation Board votes against the designation, no further action is required. If the Historic Preservation Board votes in favor of designation, the Planning Board reviews the designation report and formulates its own recommendation. The recommendations of both Boards, along with the designation report, are presented to the City Commission. Because in this instance the proposed ordinance involves an area less than ten (10) contiguous acres, the City Commission must hold one public hearing on the designation. Upon conclusion of the hearing, the City Commission can immediately adopt the ordinance with a 5/7 majority vote.

## **RELATION TO ORDINANCE CRITERIA**

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
  - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one of the following criteria:
    - (1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;
    - (2) Association with the lives of persons significant in the city's past history;
    - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
    - (4) Possesses high artistic values;
    - (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
    - (6) Have yielded, or are likely to yield information important in pre-history or history;
    - (7) Be listed in the National Register of Historic Places;

- (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
  - (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
2. The proposed 1700 Alton Road Historic Site is eligible for historic designation as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.
- (a) The Property is eligible for historic designation and in conformance with the designation criteria for the following reasons:
    - (1) Association with events that have made a significant contribution to the history of the city, the County, state or nation;

*The property was designed by noted local Architect Martin Luther Hampton in 1922 in Miami Beach. Designed in the Mediterranean architectural style, this was the second tallest high-rise hotel building constructed in the City in 1922.*

*The Building card lists two names for the building in 1922 - the Mayflower Hotel and the Variety Hotel. However in the Polk's Business Directory for 1924 and 1925 the building is listed as the Marlborough Hotel. In the 1926 and 1927 editions of the Polk's Directory it is listed as the Mayflower Hotel.*

*When constructed this neighborhood was a bit out of the mainstream of the city. However it was located in proximity to the Flamingo Hotel built by Carl Fisher in 1920 as well as close to the Miami Beach terminus of the Collins Bridge, the original vehicular connection to Miami. It was also located near to the future western end of Lincoln Road, although most development at that time on the Road was concentrated towards the eastern end.*

*By the 1930's this section of Alton Road was developing into one of the major commercial thoroughfares in the City. The corner of Alton and Lincoln Roads - one block to the south of 1700 Alton - was an important corner housing the 3-story Altonia Hotel at the SE corner and the Miami Beach First National Bank at the NE corner.*

*One of the city's earliest grocery stores - the Walker-Skagseth grocery store was located on the SE corner of 17th & Alton in a building from the 1920's and which still currently exists and has been renovated as a bank. And the 1950's saw the relocation of the Epicure grocery store from its previous location on Washington Avenue to 1/2 block south on Alton Road.*

- (2) Association with the lives of persons significant in the city's past history;

*The building was designed by prominent local architect, Martin Luther Hampton.*

- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;

*This hotel building is a good example of the Spanish Mediterranean style of architecture popular in the 1920's.*

*The relatively austere original facade treatment contains a limited number of Mediterranean style details, including an articulated corner door surround extending up to and including the corner second floor window. This more detailed door and window surround contrasts nicely with the typical simplicity of the rest of the building as seen in the historic photographs.*

*In addition, there were recessed arches over the first floor windows and doors at both the five-story and one-story buildings, above the fifth floor are hipped clay-tile roofs above the building parapets. The building corner rises into an abbreviated angled corner tower with a higher roof, culminated with a flagpole.*

*The desire to transform Miami Beach into a Mediterranean city corresponded with the ascendancy of the Mediterranean revival style in Florida. Its appearance in Florida was contemporary with the Spanish Colonial style - also popular in the early twentieth century. Spanish Mediterranean architecture was the "style of choice" for the first major boom period in Miami Beach. Its connotation of Mediterranean resort architecture, combining expressions of Italian, Moorish, North African and Southern Spanish themes, was an appropriate and commercially appealing image for the new Floridian seaside resort.*

*During the mid-1910's through the early 1930s the style was applied to hotels, apartment buildings, commercial structures, and even modest residences. Its architectural vocabulary was characterized by stucco walls, low pitched terra cotta and historic Cuban tile roofs, arches, scrolled or tile capped parapet walls and articulated door surrounds,*

*sometimes utilizing Spanish Baroque decorative motifs and Classical elements.*

*Spanish Mediterranean architecture flourished in Florida in a between 1915 and the late 1920s.*

- (4) Possess high artistic values;  
*This building is an outstanding example of the Spanish Mediterranean style of architecture popular in the 1920's.*
- (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;  
*Martin Luther Hampton (1891 - 1950) was a noted architect working in south Florida during the 1920's. He was from South Carolina and had been educated at Columbia University in New York City. After school, he had traveled extensively in Spain (together with the Architect V. H. Nellenbogen) and became a master of the true Spanish Mediterranean style. He came to Miami in 1914 and adapted the style to the Florida landscape, designing buildings in Palm Beach and Miami as well as in Miami Beach. After serving overseas in World War I, he returned to South Florida.*
- (6) Have yielded, or are likely to yield information important in pre-history or history;  
*As the second tallest building in Miami Beach in 1922, this building plays an important role in developing higher-rise buildings in the early formative years of the City. By the time of this building's construction in 1922, the City of Miami Beach was barely seven years old.*  
*At that time, this was the second tallest building in the city, after the Flamingo Hotel. Historic designation of the property and preservation of the building will ensure that the historical record remains intact.*
- (7) Be listed in the National Register of Historic Places;  
*Although this structure is not listed on the National Register of Historic Places, it appears to have clear potential to be determined to be eligible for inclusion within the adjacent Miami Beach National Register Architectural District.*
- (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction;  
*Not applicable to an individual historic site designation.*

- (b) A building, structure (including the public` portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.  
*While several alterations have been made over the years, the building retains many of its significant architectural elements.*

### **PLANNING BOARD REVIEW**

On April 19, 2016, the Planning Board, by a vote of (7-0) transmitted the proposed designation Ordinance to the City Commission with a favorable recommendation.

### **ANALYSIS**

In accordance with responses to all the review criteria listed in previous sections of this report, it is apparent that the building is consistent with the applicable historic designation and Planning Board review criteria. The Designation Report (Attached as Appendix "A") describes the significance of the building and of the neighborhood in which it is located.

The proposed designation of the 1700 Alton Road Historic Site will not create any negative impacts for the surrounding areas and is appropriate to protect the aesthetic, architectural, and historical importance of the neighborhood. The positive social and economic impact that preservation has had on the revitalization of Miami Beach is well known. Further, alterations are permitted to historic structures provided that the changes are found to satisfy the Certificate of Appropriateness Criteria outline in Sec. 118-563 in the City Code.

### **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 accept the recommendation of the Historic Preservation Board and Planning Board, and approve the Ordinance at First Reading and set a Second Reading Public Hearing for June 8, 2016.

  
JLM/SMT/TRM/DJT

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### Site Location Map – 1700 Alton Road



1700 ALTON ROAD – HISTORIC SITE DESIGNATION

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; BY AMENDING SECTION 118-593(E), ENTITLED "DELINEATION ON ZONING MAP" BY DESIGNATING ONE OR MORE BUILDINGS AT 1700 ALTON ROAD AS AN HISTORIC SITE TO BE KNOWN AS "1700 ALTON ROAD HISTORIC SITE," AS MORE PARTICULARLY DESCRIBED IN THE ORDINANCE; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE 1700 ALTON ROAD AS AN HISTORIC SITE; ADOPTING THE DESIGNATION REPORT ATTACHED TO THE STAFF REPORT AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, on March 8, 2016, the City's Historic Preservation Board held a public hearing and voted unanimously (7-0) in favor of recommending that the City Commission designate 1700 Alton Road, as an Historic Site; and

**WHEREAS**, on April 19, 2016 the City's Planning Board held a public hearing to consider the proposed designation and voted unanimously (7-0) in favor of recommending that the City Commission designate 1700 Alton Road, as an Historic Site; and

**WHEREAS**, the City of Miami Beach Planning Department has recommended this amendment to the Land Development Regulations of the City Code; and

**WHEREAS**, these recommendations of approval for the designation of 1700 Alton Road as an Historic Site were based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department attached hereto as Appendix "A."

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

**SECTION 1. DESIGNATION OF 36 OCEAN DRIVE AS AN HISTORIC SITE.**

That the certain area located on Lots 1 & 2, Block 17, of Commercial Subdivision 1st Addition, According to the Plat Thereof, as Recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida; and having the legal description as described herein, is hereby designated as an Historic Site of the City of Miami Beach and shall be known as "1700 Alton Road." That the Designation Report attached hereto as Appendix "A" is hereby adopted.

**SECTION 2. AMENDMENT OF SUBSECTION 118-593(E).**

That Subsection (e), entitled "Delineation on Zoning Map," of Section 118-593, entitled "Historic Preservation Designation," of Division 4, entitled "Designation," of Article X, entitled "Historic Preservation," of Chapter 118, entitled "Administration and Review Procedures," of Subpart B of the Land Development Regulations of the City Code is hereby amended to read as follows:

**Section 118-593. Historic Preservation Designation.**

\* \* \*

(e) *Delineation on zoning map.* All sites and districts designated as historic sites and districts shall be delineated on the city's zoning map, pursuant to section 142-71, as an overlay district. Such sites and districts include:

(1) Historic preservation sites (HPS).

\* \* \*

o. CD-2/HPS-15: 1700 Alton Road, as more particularly described as Lots 1 & 2, Block 17, of Commercial Subdivision 1st Addition, According to the Plat Thereof, as Recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida.

\* \* \*

**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 re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 4. AMENDMENT OF ZONING MAP.**

That the Mayor and City Commission hereby amend the Zoning Map of the City of Miami Beach as contained in the Land Development Regulations of the City Code by identifying the area described herein as HPS-15, Historic Preservation Site 15.

**SECTION 5. REPEALER.**

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

**SECTION 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_

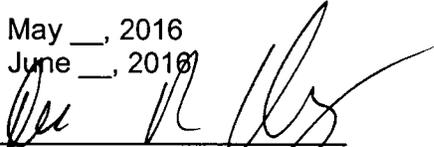
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

Reed      4-27-16  
City Attorney      Date  
*fab*

First Reading:    May \_\_, 2016  
Second Reading: June \_\_, 2016  
Verified by:   
Thomas R. Mooney, AICP  
Planning Director

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

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Appendix "A"



MARLBOROUGH HOTEL PHOTOGRAPH circa 1924 (23)

1700 ALTON ROAD

THE MARLBOROUGH HOTEL aka THE MAYFLOWER HOTEL aka THE VARIETY HOTEL  
MIAMI BEACH, FLORIDA 33139

HISTORIC SITE DESIGNATION  
REPORT

PREPARED BY:

ARTHUR MARCUS ARCHITECT  
1800 NORTH ANDREWS AVENUE #7F  
FORT LAUDERDALE, FLORIDA 33311

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tele: 305-467-6141

PREPARED FOR

AC 1700 ALTON OWNER LLC c/o Adam Verner

OCTOBER 9, 2015

1700 ALTON ROAD

HOTEL MAYFLOWER

MIAMI BEACH, FLORIDA



HOTEL MAYFLOWER POSTCARD circa 1940 (20)

1700 ALTON ROAD  
MIAMI BEACH, FLORIDA 33139  
HISTORIC SITE DESIGNATION  
REPORT

PREPARED BY:

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[www.arthurmarcus.com](http://www.arthurmarcus.com)

tele: 305-467-6141

FOR THE

CITY of MIAMI BEACH HISTORIC PRESERVATION BOARD  
CITY of MIAMI BEACH PLANNING BOARD  
CITY of MIAMI BEACH COMMISSION

PREPARED FOR:

AC 1700 ALTON OWNER LLC

c/o Adam Verner

320 Fifth Avenue, Suite 800

New York, New York 10001

OCTOBER 9, 2015

1700 ALTON ROAD



HOTEL VARIETY POSTCARD circa 1950's (23)

TABLE of CONTENTS

1.	DESIGNATION REQUEST + PROCESS	4
2.	RELATION TO ORDINANCE CRITERIA	5
4.	GENERAL DESCRIPTION OF BOUNDARIES	15
5.	GENERAL DESCRIPTION OF SITE IN CURRENT CONDITION	16
6.	PRESENT OWNERS	16
7.	PRESENT USE	16
8.	PRESENT ZONING	17
9.	HISTORICAL BACKGROUND	17
10.	ARCHITECTURAL BACKGROUND	19
11.	PLANNING CONTEXT	21
12.	BIBLIOGRAPHY	22
13.	EXHIBITS	23

I. DESIGNATION REQUEST

The applicant AC 1700 ALTON OWNER LLC requests the designation as an individual historic site of the property containing a five story hotel building located at 1700 Alton Road (the "Property") and amendment of the Land Development Regulations and Zoning Map of the City of Miami Beach (the "City") to reflect historic designation. See Exhibit A - Location Map.

II. DESIGNATION PROCESS

The process of historic designation is delineated in sections 118-591 through 118-593 in sub-part B of the Land development Regulations of the City Code (Chapter 118, Article X, Division 4) An outline of the process is delineated below:

Step One: A request for designation is made either by the City Commission, The Historic Preservation Board, other agencies and organizations as listed in the Land Development Regulations of the City Code, or the property owners involved. Proposals for designation shall include a completed application for the Planning Department.

Step Two: The Planning department prepares a preliminary evaluation report with recommendations for consideration by the Board.

Step Three: The Historic Preservation Board considers the preliminary evaluation to determine if proceeding with a designation report is warranted.

The designation report is an historical and architectural analysis of the proposed district or site. The report:

- 1) describes the historic, architectural and/or archeological significance of the property or subject area proposed for Historical Site or District designation.
- 2) recommends Evaluation Guidelines to be used by the Board to evaluate the appropriateness and compatibility of the proposed Developments affecting the designated Site or District, and

- 3) will serve as an attachment to the Land Development Regulations of the City Code.

Step Four: The Designation Report is presented to the Historic Preservation Board at a public hearing. If the Historic Preservation Board determines that the proposed site or district satisfies the requirements for designation as set forth in the Land development regulations of the City Code, The Historic Preservation Board transmits a recommendation in favor designation to the Planning Board and City Commission.

Step Five: The Planning Board will hold a public hearing the proposed designation, and shall consider the proposed historic designation as an amendment to the Land Development Regulations of the City Code and, subsequently, transmit its recommendation to the City Commission.

Step Five: The Planning Board will hold a public hearing on the proposed designation, and shall consider the proposed historic designation as an amendment to the Land development regulations of the City Code and, subsequently, transmit its recommendation to the City Commission.

Step Six: The City Commission may adopt an amendment to the Land Development Regulations of the City Code which thereby designates the historic Preservation site or Historic District after (1) public hearing for a parcel of land less than 10 contiguous acres or after (2) public hearings for a parcel of land which is more than (10) contiguous acres.

### III RELATION TO ORDINANCE CRITERIA

1. In accordance with section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
  - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors

(architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:

- (1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;
  - (2) Association with the lives of persons significant in the city's past history;
  - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
  - (4) Possess high artistic values;
  - (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage
  - (6) Have yielded, or are likely to yield information important in pre-history or history;
  - (7) Be listed in the National Register of Historic Places
  - (8) Consist of a geographically definable area that possesses a significant concentration of site, buildings or structures united by historically significant past enter or aesthetically by plan or physical development, whose components may lack individual distinction.
- (b) A building, structure (including the public portions of the interior improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

2. The property is eligible for designation as an historic site as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.

(a) The Property is eligible for historic designation and in conformance with the designation criteria for the following reasons:

(1) Association with events that have made a significant contribution to the history of the city, county, state or nation.

The property was designed by noted local Architect Martin Luther Hampton in 1922 in Miami Beach. Designed in the Mediterranean architectural style, this was the second tallest high-rise hotel building constructed in the City in 1922.

The Building card lists two names for the building in 1922 - the Mayflower Hotel and the Variety Hotel. However in the Polk's Business Directory for 1924 and 1925 the building is listed as the Marlborough Hotel. In the 1926 and 1927 editions of the Polk's Directory it is listed as the Mayflower Hotel.

When constructed this neighborhood was a bit out of the mainstream of the city. However it was located in proximity to the Flamingo Hotel built by Carl Fisher in 1920 as well as close to the Miami Beach terminus of the Collins Bridge, the original vehicular connection to Miami. It was also located near to the future western end of Lincoln Road, although most development at that time on the Road was concentrated towards the eastern end.

By the 1930's this section of Alton Road was developing into one of the major commercial thoroughfares in the City. The corner of Alton and Lincoln Roads - one block to the south of 1700 Alton - was an important corner housing the 3-story Altonia Hotel at the SE corner and the Miami Beach First National Bank at the NE corner.

One of the city's earliest grocery stores - the Walker-Skagseth grocery store was located on the SE corner of 17th & Alton in a building from the 1920's and which still currently exists and has been renovated as a bank. And the 1950's saw the relocation of the Epicure grocery store from its previous location on Washington Avenue to 1/2 block south on Alton Road.

- (2) Association with the lives of persons significant in the city's past history:

The building was designed by Martin Luther Hampton Architect, of whom more is written in section (5)

- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction:

#### DISTINCTIVE CHARACTERISTICS

This hotel building is a good example of the Spanish Meiterranean style of architecture popular in the 1920's.

The relatively austere original facade treatment contains a limited number of Mediterranean style details, including an articulated corner door surround extending up to and including the corner second floor window. This more detailed door and window surround contrasts nicely with the typical simplicity of the rest of the building as seen in the historic photographs..

In addition there were recessed arches over the first floor windows and doors at both the five story and one story buildings, Above the fifth floor are hipped clay-tile roofs above the building parapets.

The building corner rises into an abbreviated angled corner tower with a higher roof, culminated with a flagpole.

## 1700 ALTON ROAD

The desire to transform Miami Beach into a Mediterranean city corresponded with the ascendancy of the Mediterranean revival style in Florida. ...Its appearance in Florida was contemporary with the Spanish Colonial style - also popular in the early twentieth century

Spanish Mediterranean architecture was the "style of choice" for the first major boom period in Miami Beach. Its connotation of Mediterranean resort architecture, combining expressions of Italian, Moorish, North African and Southern Spanish themes, was found to be an appropriate and commercially appealing image for the new Floridian seaside resort.

During the mid 1910's through the early 1930s the style was applied to hotels, apartment buildings, commercial structures, and even modest residences. Its architectural vocabulary was characterized by stucco walls, low pitched terra cotta and historic Cuban tile roofs, arches, scrolled or tile capped parapet walls and articulated door surrounds, sometimes utilizing Spanish Baroque decorative motifs and Classical elements. Featured detailing was occasionally executed in keystone.

Spanish Mediterranean architecture flourished in Florida in a compressed time period, starting in 1917 when Pittsburgh architect Richard Kiehnel (1870-1944) began designing...Kiehnel was working on El Jardin in Miami (Coconut Grove) the architect Addison Mizner (1872-1933) was designing the Everglades Club in Palm Beach.. A decade and a half later most architects had turned their eyes to what we now call Art Deco..

### METHOD of CONSTRUCTION

At the time of its construction in 1922 - 1700 Alton Road (5 stories) was the second tallest structure in the City. it was one of a select group of early high-rise hotels and apartment houses in Miami Beach. In 1922 the only other taller high-rise building in the City was the recently constructed 11-story Flamingo Hotel which had opened on January 1, 1921.

1700 ALTON ROAD

Other notable high-rises built in Miami Beach in the 1920's and designed in the Mediterranean style were constructed AFTER 1700 Alton Road - as follows:

Pancoast Hotel - 1923 - 7 stories  
Martin L. Hampton Architect

William Penn Hotel - 1924 - 4 stories  
Harvey & Clarke Architects

Helene Hotel - 1924 - 8 stories  
Martin L. Hampton Architect

Nautilus Hotel - 1924 - 6 stories  
Schulze & Weaver Architects

Van Dyke aka Fisher Office Building - 1924 - 7 stories  
August Geiger Architect

Roney Plaza Hotel - 1925 - 9 stories  
Schulze & Weaver Architects

Fleetwood Hotel - 1925 - 15 stories  
Frank V. Newell Architect

Floridian Hotel - 1925 - 10 stories  
Samuel D. Butterworth Architect

Boulevard Hotel - 1926 - 8 stories  
William F. Brown Architect

Old Miami Beach City Hall - 1927  
Martin L. Hampton Architect

Blackstone Hotel - 1929  
B. Kingston Hall Architect

- (4) Possess high artistic values:  
As originally designed this building is a good example of the Spanish / Mediterranean architecture of the 1920's.

1700 ALTON ROAD

In some of these historic photographs the awnings resemble then contemporary views of the Flamingo Hotel, which located two blocks to the south. The Flamingo would have been quite visible from 1700 Alton Road at that time.

It is likely that the original building awnings did not survive the 1926 hurricane and thus were never restored to the building.

- (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage

'MARTIN HAMPTON ARCHITECT (1891 - 1950) was a noted architect working in south Florida during the 1920's. He was from South Carolina and had been educated at Columbia University in New York City.

After school he had traveled extensively in Spain (together with the Architect V. H. Nellenbogen) and became a master of the true Spanish /Mediterranean style.

He came to Miami in 1914 and adapted the style to the Florida landscape, designing buildings in Palm Beach and Miami as well as in Miami Beach. After serving overseas in World War I he returned to south Florida. .

A rendering of the Roman Pools on Twenty-Third Street in Miami Beach, signed "M. Luther Hampton 1917" also indicates that , as one of his first projects, he re-modeled the earlier bathhouse there for Carl Fisher.' (1)

*"Hampton had worked with Addison Mizner in Palm Beach during the fist few years of Palm Beach's emergence and then spread the Spanish / Mediterranean architectural style in almost missionary fashion." (7)*

1700 ALTON ROAD

'In 1921 Hampton and H. George Fink went to work on George Merrick's Coral Gables development as its first two architects, but Hampton continued to design in Miami Beach, Miami and Palm Beach as well.

In 1922, Hampton remodeled Fink's 1919 Bay Shore Golf Clubhouse in Miami Beach, enlarging it and adding two domes to the roof. This clubhouse was demolished in 1954.' (1) Many of his buildings are listed on the National Register of Historic Places.

MARTIN LUTHER HAMPTON ARCHITECT  
REPRESENTATIVE PROJECTS INCLUDE:

- \* 1700 Alton Road 1922
- \* Pancoast Hotel, Miami Beach (demolished)
- \* Community Theater on Lincoln Road (1923)  
(demolished)
- \* Good Hotel on the ocean, Miami Beach
- \* Sheridan Theater (1937) (demolished)
- \* Hampton Court Apts at 2800 Collins Ave (1924)
- \* Hampton Hotel at 940 Lincoln Road (1926)
- \* Residence at 1820 West 25th Street
- \* La Corona 2814 Collins Avenue 1924
- \* Helene Apartments 15th Street between Michigan  
and Lenox Avenues Miami Beach 1921-1973
- \* Ocean Spray Hotel 4130 Collins Avenue 1937
- \* Congress Building 111 N. E. 2nd Avenue 1923
- \* Beach Mansions 2939 Indian Creek Drive
- \* Old Miami Beach City Hall on Washington Ave. 1927

(6) Have yielded, or are likely to yield information important in pre-history or history;

As the second tallest building in Miami Beach in 1922, this building plays an important role in developing higher-rise buildings in the early formative years of the City. By the time of this building's construction in 1922 the City of Miami Beach was barely seven years old.

At that time this was the second tallest building in the city, after the Flamingo Hotel. Historic designation of the property and preservation of the building will ensure that the historical record remains intact.

*"The city was on the edge of greatness, with much emphasis being put on becoming the country's greatest winter resort." (4)*

To better understand the significance of this building, one must place the building into context with what was happening elsewhere in Miami Beach - at that time. The City's recent accomplishments by 1922 included the following:

\* *In January, 1920 the first census reported the population had increased to 644 people. (2)*

\* *'During the year 1920 the seams (of the City) were bursting loose. The City continued to grow greatly through the Roaring Twenties.' (2)*

\* *The new county causeway connecting Miami and Miami Beach opened on February 17, 1920. ...*

\* *The first electric trolley system opened on December 8, 1920 also connecting Miami Beach to Miami and providing local service with 13 stops within Miami Beach. (6)*

\* *The first automatic telephone system was installed (in 1920) and a Western Union Telegraph Office opened in the little city. (4)*

\* *The first religious institution which has now grown into the Miami Beach Community Church on Lincoln Road) held its first religious service in the unfinished structure on March 14, 1920. (3*

\* *Joe Weiss, ...opened his own restaurant called Joe's in 1920 with his wife Jennie. This restaurant would become famous as Joe's Stone Crab Restaurant..(4)*

\* *As 1920 had begun Miami Beach only had a few small hotel and apartment houses. (2) In 1920 the first major luxury hotel - The Flamingo - was constructed along Biscayne Bay. It rose to 11 stories and contained 200 rooms and was topped by an illuminated glass dome that could be viewed from way out in the Atlantic Ocean. The Flamingo opened officially on January 1, 1921. (5)*

- (7) Be listed in the National Register of Historic Places

This significant historic structure is not located within any of the existing national or local historic districts in the City of Miami Beach.

Although the structure is not presently listed in the National Register of Historic Places, it does appear to have clear potential to be determined to be eligible for historic designation.

- (8) Consist of a geographically definable area that possesses a significant concentration of site, buildings or structures united by historically significant past enter or aesthetically by plan or physical development, whose components may lack individual distinction.

Not applicable to an individual historic site designation.

- (b) A building, structure (including the public portions of the interior improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

While alterations have been made over the years to the building, these alterations are for the most part reversible, since the most significant architectural elements are intact and repairable. However there are no original interiors remaining.

Although the corner door and window surround which originally framed the main entrance to the hotel has long since been removed, it nonetheless can be re-created. However since it is difficult to determine the exact original designs of this door surround from the historic photographs, an approximation of their design will need be accommodated.

The formerly existing recessed arches above the first floor windows and doors can also be restored. However these restored arches may not exactly align with the existing retail shop windows and doors below, based upon renovations which have taken place since 1922.

The roof tiled parapet plus the higher corner roof can also be restored along with the formerly existing flagpole.

A re-interpretation of the original awnings can also be accomplished and installed utilizing more contemporary materials and code compliant awning materials and structures.

IV. GENERAL DESCRIPTION of BOUNDARIES

The property lot size is 100'-0" x 150'-0" located on the northwest corner of 17th Street and Alton Road in the City of Miami Beach.

Folio Number: 02-3234-017-0010

Legal Description: Ocean Beach Fla Sub PB-38; Lot 4 Blk 1

Owner: AC 1700 ALTON OWNER LLC c/o Adam Verner

Sub-Division: Commercial Sub 1st Addition

Lot Size: 15,000 SF

Year Built: 1922

V. GENERAL DESCRIPTION OF THE SITE IN CURRENT CONDITION

The Property contains a five story structure covering almost all of the property which is located on the northwest corner of 17th Street and Alton Road in Miami Beach. There is a secondary one-story retail structure located to the north of the five story portion along Alton Road. The property currently contains 68 living units plus retail and restaurant on the first floor and is currently zoned as CD-2.

Formerly existing building decoration has been removed through renovations completed over the years. This includes the corner entrance door and window decorative surrounds plus the arches which formerly existed above the first floor windows and doors on both elevations.

The roofline is notable for the two rows of continuous spanish tile interrupted by the higher corner tower which is also topped with a spanish tile roof..

VI. PRESENT OWNERS

The present Owner of the Property is the Applicant:  
AC 1700 ALTON OWNER LLC c/o Adam Verner  
who have owned this property since May 20, 2015

VII. PRESENT USE

The original five story hotel building still exists in its essential original form, although some renovations over the years have removed selected historic details. The building has now been converted into 50% residential rental apartments and 50% hotel use on floors 2 through 5. The first floor has been converted for rental retail and restaurant use.

The secondary single story retail building along Alton Road continues to house retail and restaurant uses. According to the Building Card four new stores were constructed on Lot 2 in 1952 after the then existing stores were demolished - also in 1952.

The original corner hotel entrance was changed many years ago and is now located along the 17th Street elevation. The former corner entrance is now the entrance to a retail space.

VIII. PRESENT ZONING

Zoning Classification for this property is: C-PS1- City of Miami Beach

IX. HISTORICAL BACKGROUND

*"...as late as 1917, Miami Beach was described as a wilderness. It was a sub-tropical barrier island comprising three interrelated ecosystems; a beach along the Atlantic ocean-front that merged with the dunes and the remnants of earlier coconut tree plantings; a low scrub forest in the interior; and a belt of mangroves facing Biscayne Bay on its west side."* (8)

"By the time the town of Miami Beach was incorporated in 1915, there were three major developers here: the Lummus Brothers at the south end of the peninsula up to about Fifteenth Street; the Collins-Pancoast family north of Nineteenth Street; and Carl Fisher who started with the land in between." (9)

The property at 1700 Alton Road was part of this original land development of Carl Fisher, which stretched from Ocean to Bay and from 15th Street to 19th Street. Lincoln Road was situated across the middle of Fisher's land. *"His Alton Beach Realty Company platted it on January 15, 1914 and Fisher laid out Lincoln Road from east to west (ocean to bay) through the center of it."* (10)

Until the County Causeway (MacArthur Causeway) was opened in 1920 the only vehicular route to Miami Beach was via the Collins Bridge. The future site of 1700 Alton Road in 1922 was strategically situated at the Miami Beach entrance to the Collins Bridge.

In his development "Fisher was after the new young lions of American industry.." (11) *"...Within a decade (after beginning work) Lincoln Road became the cultural and commercial center of Miami Beach.."* (12) And 1700 Alton Road was superbly situated to take advantage of its closeness to Lincoln Road.

The end of World War I also spurred development since construction materials might now be more easily obtained. *"By 1921 Miami Beach was experiencing a mini-boom. With each day therefore new announcements of record building permits, of new residents and distinguished visitors."* (12)

*"In 1922 Miami Beach was growing rapidly. Yet for all the estates being built, as well as apartment houses, cottages and hotels, Miami Beach still retained much of its agricultural roots. In 1922 Miami Beach claimed the largest avocado and mango grove in the world."* (13)

*"By mid-1922 building records were being shattered. Already additions were being built to the Flamingo and Wofford Hotels." (14)*

*"When determining where to build his latest hotel, Fisher again chose the bay side of Miami Beach. It was his idea to build hotels in places that were unlikely to be developed. The oceanside was seen as prime land for estates. And as part of his thinking, Fisher wanted hotels on the bay side because that was where he was conducting his huge boat races and polo matches. The Flamingo, at 15th Street, was at the southern edge of his racing courses: the Nautilus, just above 41st Street, would be on the northern leg." (15)*

The location of the new Mayflower Hoel in 1922 just two blocks north of the Flamingo was certainly meant to capitalize upon this west side location which also offered easy proximity to Lincoln Road as well as being located at the western terminus of the Collins Bridge to Miami.

*"The rush of progress in 1923 was just the tip of the Boom. What followed in 1924 and 1925 was overwhelming, not only in Miami Beach but throughout the southern half of the state. Miami was transformed from a sleepy little town on the edge of Biscayne Bay into a Magic City of modest skyscrapers and legendary real estate profits.." (16)*

*"So fast was Miami Beach developing than what was relatively new outlived its usefulness quickly." (17) True even to today.*

*"The Collins bridge, the link that opened Miami Beach to development, had become a relic in just a dozen years..(17) Partly due to the lack of permanence of a wooden structured bridge and partly due to the susceptibility of the wood pilings to worms and other invasive species.*

*"The Bay Biscayne Improvement Company, which was building the Venetian Islands, purchased the bridge from the Collins/Pancoast interests and announced plans to construct a new one in its place, a series of 12 concrete bridges linking the islands, the mainland and Miami Beach. By March (1925) Collins' wooden bridge was being dismantled. The (new) Venetian Way opened on February 28, 1926." (17)*

Along with all of this construction and development was a rampant speculation in the price of land. Business and development was beginning to fall off slightly - just in advance of the hurricane of 1926 which changed everything. Following is an excerpt of a personal account from the Miami Tribune about impressions of Miami Beach after the great hurricane:

*“My first view of the storm’s ravages at America’s Playground brought tears to my eyes. Beautiful Belle Isle is prostrate...All royal palms are down. The Bay Front from the causeway to Carl Fisher’s Flamingo hotel is star naked. ..The canal from Belle Isle to Meridian Avenue is half full of wreckage from the Mayflower Hotel.. The glass down is gone from the Flamingo...Not an apartment block, hotel or storage on South Beach escaped the ravages of the storm.” (18)*

A number of factors led to the decline in the coming years of any advantages formerly attached to the location of 1700 Alton Road.

- \* The new Venetian Way became more of the slower, local neighborhood road as most traffic now entered Miami Beach via the newer County (MacArthur) Causeway which entered the Beach at 5th Street.
- \* In the 1950’s the Flamingo Hotel was demolished and replaced by Morton Towers apartment community. This reflected changes over the years to this west side community. Single family homes and estates were replaced by multi-family apartments and condominium buildings. By the 1950’s the center of the hotel industry in Miami Beach had shifted to mid-beach.
- \* The great hurricane of 1926 changed everything in Miami Beach and is likely the reason for the disappearance of awnings on the building. In all historic photographs ever since of 1700 Alton Road the only awnings are those on the first floor at the retail stores.
- \* Today this has again become a prime location. In addition to the easy access to Lincoln Road and the Venetian Causeway, the re-development of the area is expanding to include properties on the east side of Alton Road between 15th and 17th Streets. And the new West Avenue Bridge should soon be under construction.

## X. ARCHITECTURAL BACKGROUND

The structure located at 1700 Alton Road in Miami Beach was designed by the noted architect Martin Luther Hampton. It was built in 1922 and is an excellent example of early 1920’s Spanish-Mediterranean hotel architecture. It is composed of two parts: a five story hotel and retail building located on the northwest corner of 17th & Alton plus a one story retail building facing Alton Road.

In 1922 this was the second tallest building in Miami Beach. This is likely the oldest surviving mid-rise hotel building designed in this style remaining in the City in its almost original condition, and as such is quite unique..

1700 ALTON ROAD

From original postcards and photographs of the building in the early 1920's - the building presents a rather typically plain facade contrasting with the original more elaborate two-story entrance corner accent surround. With its relatively simple elevations the building itself is a rather modest yet important example of the Spanish / Mediterranean style.

The height of the building is noted as being 56'-0" on the Building Card. The original General Contractor was P. J. Davis, who was a noted contractor in Miami Beach during the 1920's. The building is also noted as having been constructed with 'hollow tile and concrete' and with a concrete roof. The foundations are set on pilings.

In 1952 - it is noted on the Building Card - of 'Wrecking Old Stores 50' back from lot line and the construction of four new stores on Lot 2; remodeling for 5 new stores and 2 offices and new lobby in Hotel building with a new patio. The Architect for these renovations and additions was T. Hunter Henderson, a noted local architect the time. This was likely the time when the entrance to the Hotel was changed from the corner to the middle of the 17th street elevation in order to provide additional retail space fronting Alton Road..

From approximately 1953 through 1974 the name of the building is referred to as the Variety Hotel on the Building Card.

SPANISH / MEDITERRANEAN STYLE ca. mid 1910s - early 1930

*"The desire to transform Miami Beach into a Mediterranean city corresponded with the ascendancy of the Mediterranean revival style in Florida. ...It's appearance in Florida was contemporary with the Spanish Colonial style popular in the early twentieth century and evoked notably at San Diego's 1915 Panama-California exposition. " (19)*

*"Architects and developers working in Florida were quick to see the value of imposing the template of a stylistically unified and regionally appropriate civic art into its growing new cities. The Mediterranean Revival defined the style of the 1920's in Miami Beach, and because it also embodied new planning paradigms, set the stage for the modern city of the next decade." (18)*

Spanish Mediterranean architecture was the "style of choice" for the first major boom period in Miami Beach. Its connotation of Mediterranean resort architecture, combining expressions of Italian, Moorish, North African and Southern Spanish themes, was found to be an appropriate and commercially appealing image for the new Floridian seaside resort.

During the mid-1910s through the early 1930s the style was applied to hotels, apartment buildings, commercial structures, and residences. Its architectural vocabulary was characterized by stucco walls, low pitched terra cotta and historic Cuban tile roofs, arches, scrolled or tile capped parapet walls and

articulated door surrounds, sometimes utilizing Spanish Baroque decorative motifs and Classical elements. Featured detailing was occasionally executed in keystone.

Application of the architectural vocabulary in Miami Beach ranged from sparing to modestly exuberant, and building massing varied from simple rectangular form to stepped massing with recessed wall planes and tower-like corner features. Wooden casement or double hung windows of several configurations provided additional detail to the facades.

*“It was intended largely, to look Spanish, but it wasn’t Spanish; it was a composite of Spanish Renaissance, Andalusian Moorish, Tuscan, Venetian, and Roman architectural elements, with allusions to classical Greece, Baroque France and virtually any other place or era that seemed to fit.” (3)*

*“Mediterranean Revival architecture flourished in Florida in a compressed time period, starting in 1917 when Pittsburgh architect Richard Kiehnel (1870-1944) began designing...Kiehnel was working on El Jardin in Miami (Coconut Grove) the architect Addison Mizner (1872-1933) was designing the Everglades Club in Palm Beach.. A decade and a half later most architects had turned their eyes to what we now call Art Deco..” (4)*

## XI. PLANNING CONTEXT

Cities evolve and change over time due to an array of circumstances. Historic Site designation will aid in the achievement of preserving the character and architectural integrity of historic buildings for future generations, and will help to protect historic buildings, streetscape and open space from inappropriate or undesirable alterations. The review and approval of projects for historic sites under the City’s Design Guidelines and the Historic Preservation Ordinance will ensure smart development which is sensitive to the unique aesthetic character of the sites and respectful of their early origins.

1700 ALTON ROAD



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- (1) Miami Beach in 1920 by Abraham D. Lavender 2002, The Making of a winter resort, page 63.
- (2) Ibid., page 14.
- (3) Ibid., page 16.
- (4) Ibid., page 17.
- (5) Ibid., page 15.
- (6) Ibid., pp. 16-17)
- (7) Inventing Antiquity: The Art and Craft of Mediterranean Revival Architecture by Beth Dunlop, The Journal of Decorative and Propaganda Arts Wolfsonian - Florida International University 1998
- (8) The Making of Miami Beach 1933-1942 by Allan T. Shulman and Jean Francois LeJeune, 2000 p. 8.
- (9) Lost Miami Beach by Carolyn Klepser, 2014, page 92.
- (10) Ibid., page 93.
- (11) Ibid., p.92.
- (12) Ibid., pp.93-94.
- (13) Miami Beach: A History by Howard Kleinberg, 1996 p. 82
- (14) Ibid., page 87.
- (15) Ibid., page 91.
- (16) Ibid., page 93.
- (17) Ibid., page 104.
- (18) Ibid., pp. 107 - 108.
- (19) The Making of Miami Beach 1933-1942 by Jean Francois LeJeune and Allan t. Shulman, p. 20.
- (20) Postcard courtesy of City of Miami Beach Planning & Zoning Department
- (21) Florida: The East Coast circa 1924 published by the Miami Herald courtesy History Miami.
- (22) Lost Miami Beach by Carolyn Klepser 2014
- (23) Courtesy History Miami archives

1700 ALTON ROAD



MARLBOROUGH HOTEL PHOTOGRAPH circa 1924 (23)

## E X H I B I T S

EXHIBIT A: HISTORIC DOCUMENTATION	23
EXHIBIT B: AERIAL PHOTOGRAPHS & SURVEYS	33
EXHIBIT C: HISTORIC RENOVATION DRAWINGS	39
EXHIBIT D: CONTEMPORARY PHOTOGRAPHS	41
EXHIBIT E: BUILDING CARD	50
EXHIBIT F: MARTIN L. HAMPTON ARCHITECT REPRESENTATIVE PROJECTS	62

1700 ALTON ROAD

The Miami News - Mar. 24, 1923 - Browse this newspaper - Browse all newspapers -

### MARLBOROUGH HOTEL MIAMI BEACH

In keeping with our plans for the Summer season, the hotel will be operated on both American and European plans, beginning Monday, March 12.

Attractive outside rooms, each with private bath. Special rates now in effect, with or without meals. Restaurant, a la carte service.

**Peter M. Chamberlain**  
Manager

### Price \$3,500 and Up TERMS 20% CASH

Balance equal payments—one, two, three and four years, at 7 percent interest.

### \$500 Discount If a House Is Erected During 1923

These lots have black soil; under cultivation for past ten years. The most wonderful opportunity ever offered for a homestead.

### Miami Beach Improvement Co.

JOHN S. COLLINS, President  
207 Twenty-third Street.

THOS. J. PANCOAST, Secy. Treas.  
Phone M. B. 433

## OPTIONAL MIRAMAR HOMES AT ATTRACTIVE PRICES



EXHIBIT A: MARLBOROUGH HOTEL ADVERTISEMENT from THE MIAMI NEWS MARCH 24, 1923

EXHIBIT A: COLLINS CANAL LOOKING EAST FROM ALTON ROAD 1916 (DIRECTLY BEHIND FUTURE HOTEL) (23)

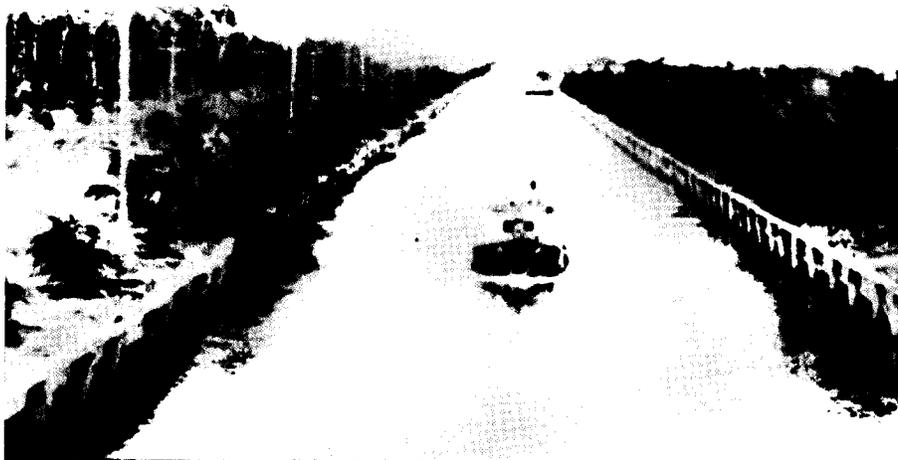


EXHIBIT A: COLLINS CANAL LOOKING EAST FROM ALTON ROAD.

1700 ALTON ROAD



# Beautiful MAYFLOWER HOTEL Miami Beach

What better place to stay in Miami Beach than the Mayflower Hotel?

At 1700 Alton Road, The Mayflower is just a few blocks from Lincoln Road, 17th Street of the South Beach district. A landmark of fashion and elegant design, it has it all: every sport and diversion you can think of. Golf, Tennis, Beaching, Boating and Beach Clubs, Palm and Beach, deepwater Fishing, Theaters and Gay Night Clubs, Ice Skating and Ice Cream, too. The Mayflower is open to you with the best of both worlds. A newly redecorated lobby, an elegant lounge, private dining and entertainment. Guest Rooms are all the more so with Private Bath, generous and comfortable beds, air conditioning, and all the amenities. The Mayflower is just a few blocks from Lincoln Road, 17th Street of the South Beach district. A landmark of fashion and elegant design, it has it all: every sport and diversion you can think of. Golf, Tennis, Beaching, Boating and Beach Clubs, Palm and Beach, deepwater Fishing, Theaters and Gay Night Clubs, Ice Skating and Ice Cream, too. The Mayflower is open to you with the best of both worlds. A newly redecorated lobby, an elegant lounge, private dining and entertainment. Guest Rooms are all the more so with Private Bath, generous and comfortable beds, air conditioning, and all the amenities.

Staff here to help you through it all. They are selected and trained to give you the attention and service you deserve.

The Best Deal: MAYFLOWER HOTEL, 1700 ALTON ROAD, MIAMI BEACH, FLORIDA

FREE AUTO PARKING.

## GUARANTEED DAILY ROOM TARIFF

DO NOT BE MISLED—OUR TWO HIGHER RATED PROTECT YOU FROM THE WORK UP AND ARE IN EFFECT TO DECEMBER 31ST 1938

Large Airy Rooms with Private Bath & Shower for	
1 PERSON	\$1.50
2 PERSONS	\$2.00
Two Rooms with Private Bath & Shower for	
3 PERSONS	\$3.50
4 PERSONS	\$4.00

Plus Taxes, Tip, and Other Charges

## FEATURES

- Large Airy Outside Rooms
- Private Attached Rooms
- Deep Feather Bed Sets
- Tub and Shower in Every Room
- Full Length Mirrors in Every Room
- Private Bath
- Telephone in Every Room
- Covered to Breakfast
- Shower in All Rooms
- Direct to Street from

PHONE 5-2222

EXHIBIT A: MAYFLOWER HOTEL PROMOTIONAL BROCHURE circa 1926

# MAYFLOWER HOTEL

"In the exclusive North Beach Section"

## MIAMI BEACH

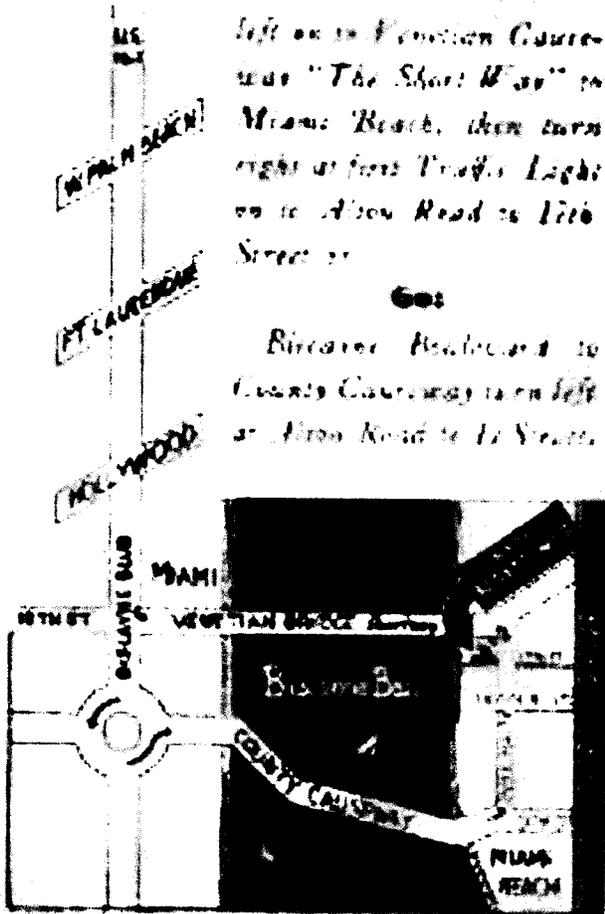
Get

Biscayne Boulevard to 15th Street then turn

left on to Pension Caser-  
was "The Short Way" to  
Miami Beach, then turn  
right at first Traffic Light  
on to Alton Road to 15th  
Street.

Get

Biscayne Boulevard to  
County Courthouse turn left  
at Alton Road to 15 Street.



## HONOR BEFORE PROFIT

By C. D. McCarthy

Business is simply a service of goods or ser-  
vices by which one person transfers to another cer-  
tain goods or trade or performs certain services.

The entire part of the transaction is the good  
amount of money that is paid in the equivalent  
for the goods or services. The two parts, how-  
ever, in the transactions that certain goods or ser-  
vices exchanged are as represented to be on the  
part of one person in the world of another is on  
basis of true trading.

After all we live by logic more than knowledge  
and you can be sure that my logic is governed  
that by human logic by great. As financial manager  
of the bank I realize that even will be the danger  
yet of the great majority in the place where he  
has been well served and I am certain in the many  
years that I have served I am expressing great re-  
sponsibility toward them and I am always ready  
to be helpful and useful to them.

Again I repeat with me that service honor in  
business that that profit.

C. D. McCarthy

General Manager

## Be On Your Guard

Don't be misled by claims that the new pro-  
cess is guaranteed. The Mayflower Hotel is the  
only one in Miami Beach that has been built  
up and will be affected by the new process  
which follows.

EXHIBIT A: MAYFLOWER HOTEL PROMOTIONAL BROCHURE circa 1926

1700 ALTON ROAD

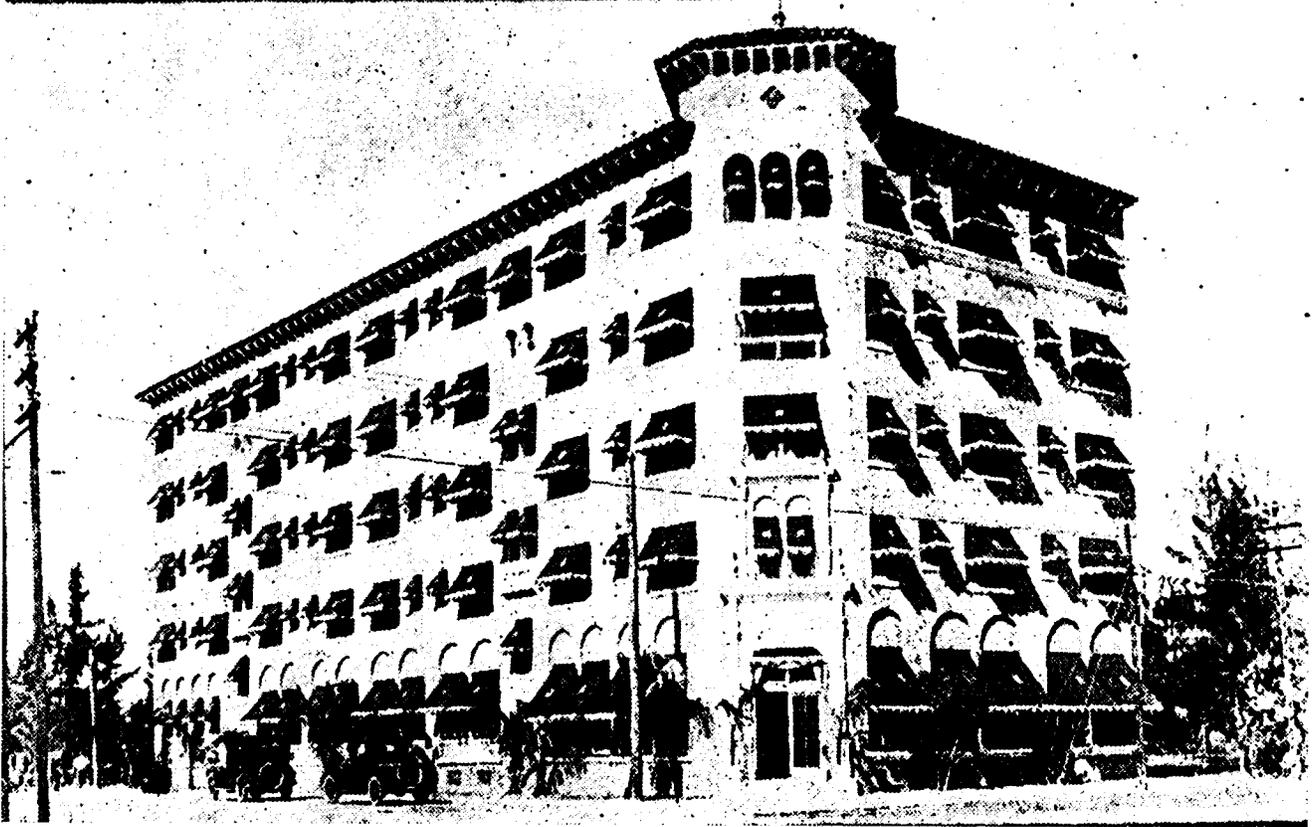


EXHIBIT A: MARLBOROUGH HOTEL PHOTOGRAPH circa 1924 (21)

EXHIBIT A: LOOKING EAST DOWN LINCOLN ROAD FROM ALTON ROAD CIRCA 1930'S W/ ALTONIA HOTEL AT RIGHT (22)

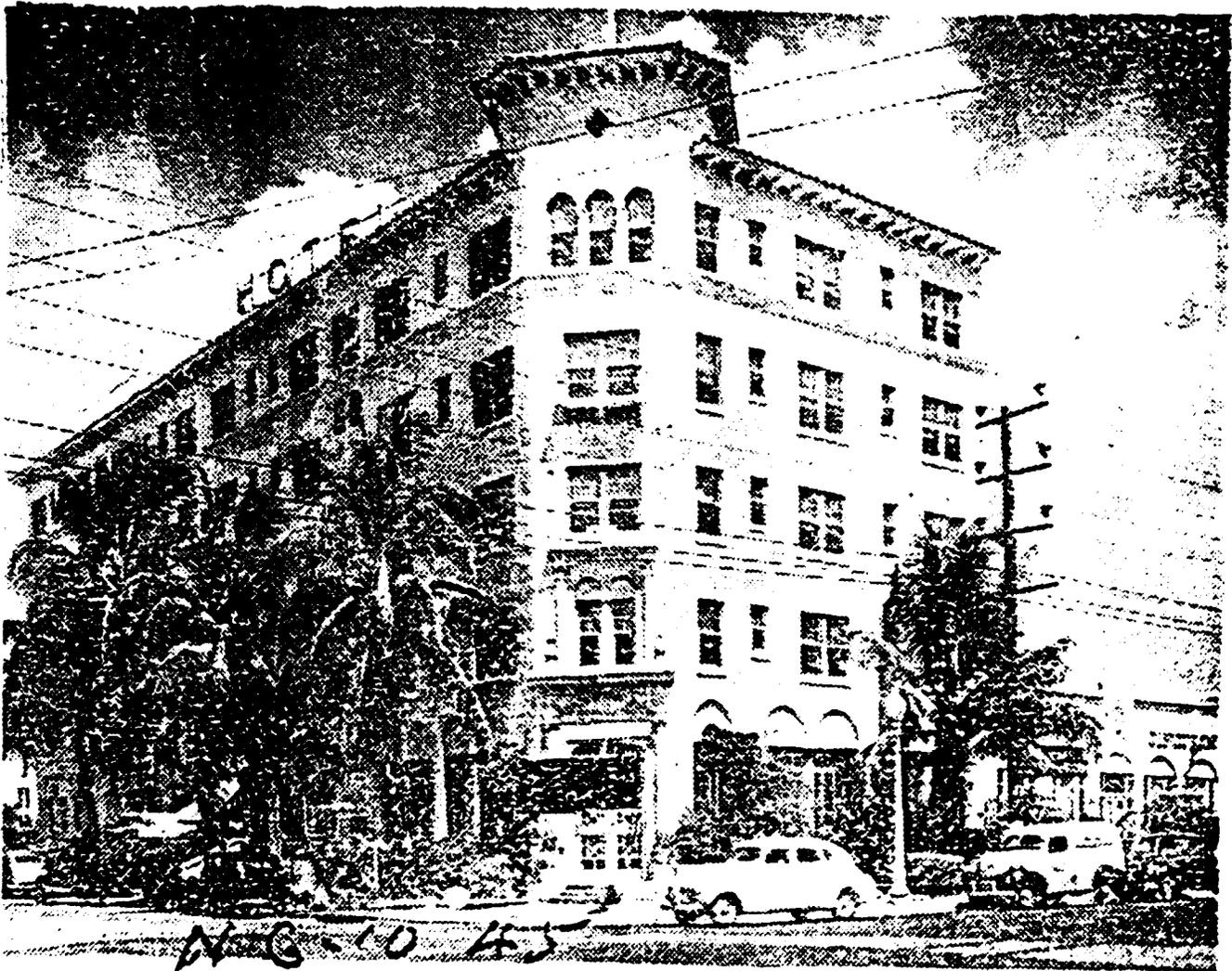


27

1700 ALTON ROAD



EXHIBIT A: LOOKING SOUTH ON ALTON ROAD FROM DADE BOULEVARD circa 1941  
MAYFLOWER HOTEL AT RIGHT (23)



W-6-10-45

**THE MAYFLOWER** hotel, Alton road at 17th st., Miami Beach, has been leased to a corporation headed by Samuel G. Jamison, it was revealed by Birm. Berliner Co. Saturday. The lease is for 99 years and the total rent to be paid for the period exceeds \$2,000,000. The ground floor will be converted into store buildings. Details are given in story on this page.

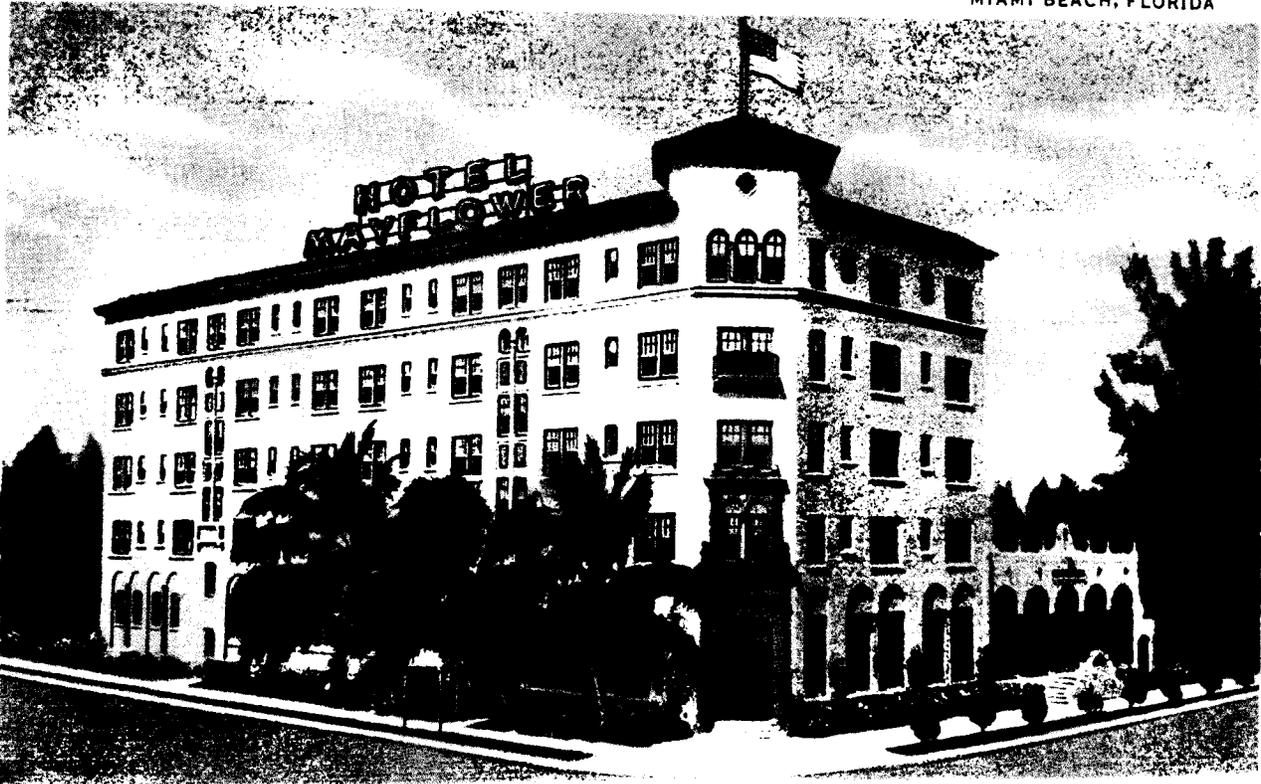
EXHIBIT A: NEWSPAPER ARTICLE FROM THE MIAMI NEWS JUNE 10, 1945: (23)

*"THE MAYFLOWER hotel, Alton road at 17th St., Miami Beach has been leased to a corporation headed by Samuel G. Jamison, it was revealed by Birm, Berliner Co. Saturday. The lease is for 99 years and the total rent to be paid of the period exceeds \$2,000,000.00 The ground floor will be converted into store buildings."*

1700 ALTON ROAD

HOTEL MAYFLOWER

MIAMI BEACH, FLORIDA



GROSSMAN OWNERSHIP MANAGEMENT

*If You Still Demand The Best*

EXHIBIT A: HOTEL MAYFLOWER POSTCARD circa 1940 (20)

1700 ALTON ROAD

ALTON ROAD

MIAMI BEACH



# MAYFLOWER

HOTEL

## DAILY RATES

Be on your Guard - Do not be misled by folders that do not give you a guaranteed "No Higher Rate." Our rates protect you from misleading folders and are in effect to March 6th, then lower.

Large Airy Room with Double or Twin Beds  
Private Bath & Shower for

Single \$5-\$6-\$7

Double \$6-\$7-\$8

"NO HIGHER"

A Location that suits you  
"Atmosphere" congenial to you  
A type of service that you will like  
A clientele that's "your sort."  
A friendly management  
A dignified address  
**SPEARS MURPHY FUTCH,**  
Resident Manager  
S. A. G.

### FEATURES

Every Room Completely Carpeted  
Large Airy Outside Balconies  
Deep Feather Soft Beds  
Full Length Mirrors in Every Room  
Telephone in Every Room  
Elevators to All Floors  
Open Air Porch for Dining and Smoking  
Dress in Your Room for Sun Bathing  
A Few Steps From Beautiful Lantana Road  
The Fifth Avenue of the South

Perfectly Appointed Rooms  
100 Rooms - 57 Tubs and Showers  
Venetian Blinds  
Convenient to Everything  
Outlet for Electric Motor

Mayflower

EXHIBIT A: HOTEL MAYFLOWER PROMOTIONAL BROCHURE circa 1930's

1700 ALTON ROAD



EXHIBIT A: HOTEL VARIETY POSTCARD circa 1950's (23)

1700 ALTON ROAD

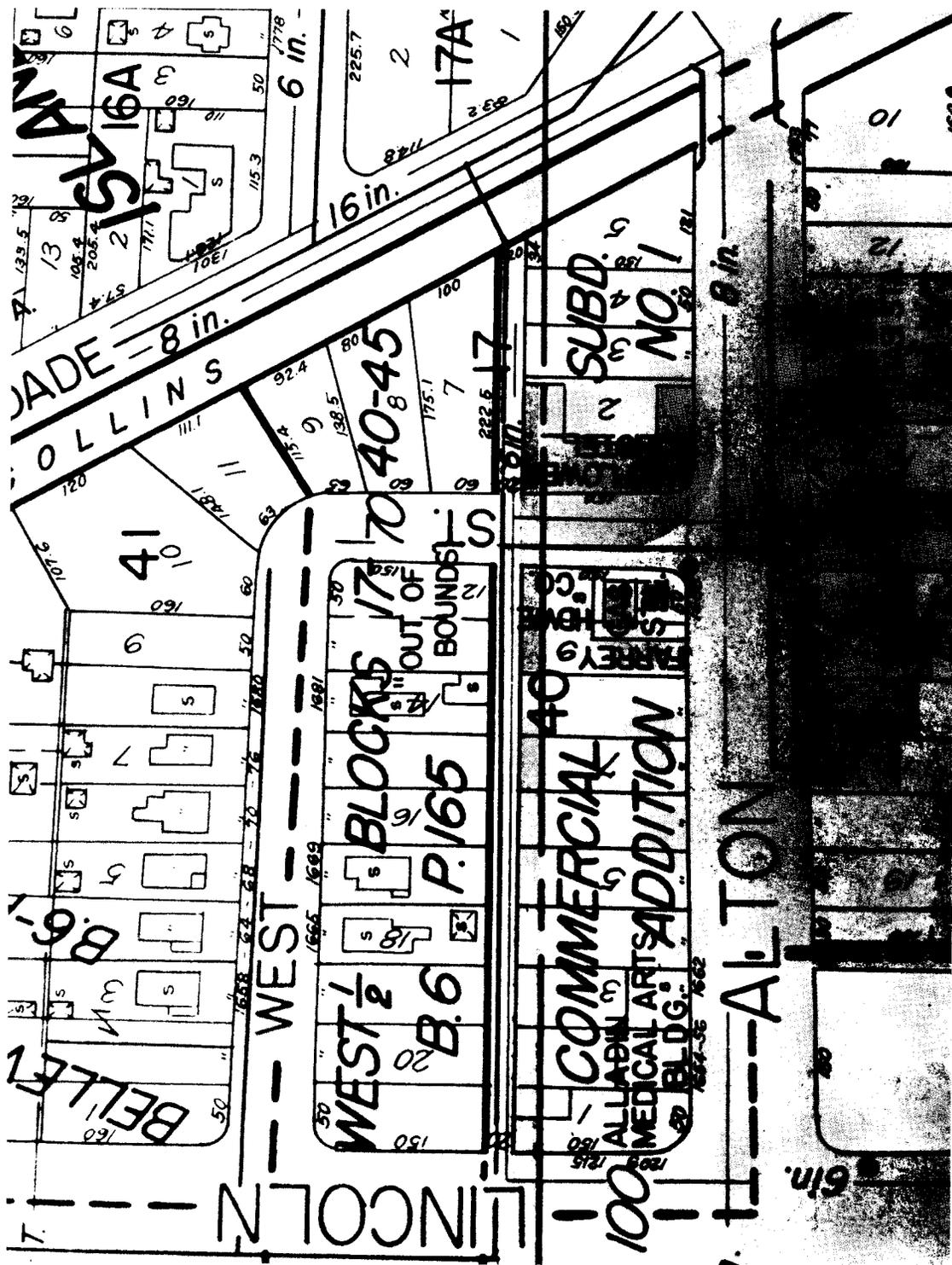


EXHIBIT B: 1935 FRANKLIN SURVEY ATLAS of MIAMI BEACH

1700 ALTON ROAD



EXHIBIT B: 1959 AERIAL PHOTOGRAPH courtesy CITY OF MIAMI BEACH PUBLIC WORKS  
NOTE THAT 17th STREET DID NOT YET CONNECT WITH DADE BOULEVARD  
AND PROLIFERATION OF SINGLE FAMILY RESIDENCES ALONG UPPER WEST AVENUE

1700 ALTON ROAD

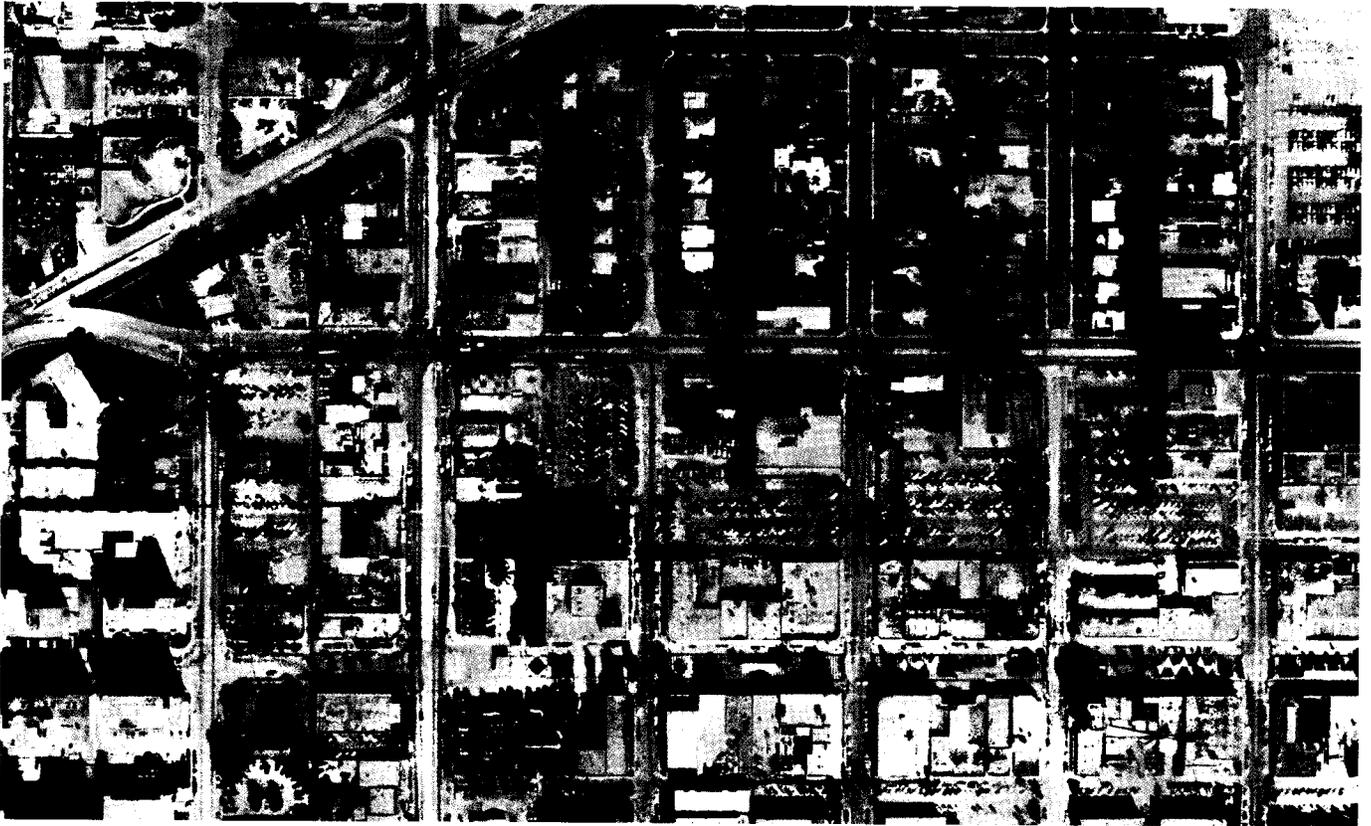


EXHIBIT B: 1959 AERIAL PHOTOGRAPH courtesy CITY OF MIAMI BEACH PUBLIC WORKS  
NOTE NEW 17th STREET CONNECTION TO DADE BOULEVARD AND THE VENETIAN WAY

1700 ALTON ROAD



EXHIBIT B: 1994 AERIAL PHOTOGRAPH courtesy CITY OF MIAMI BEACH PUBLIC WORKS

1700 ALTON ROAD



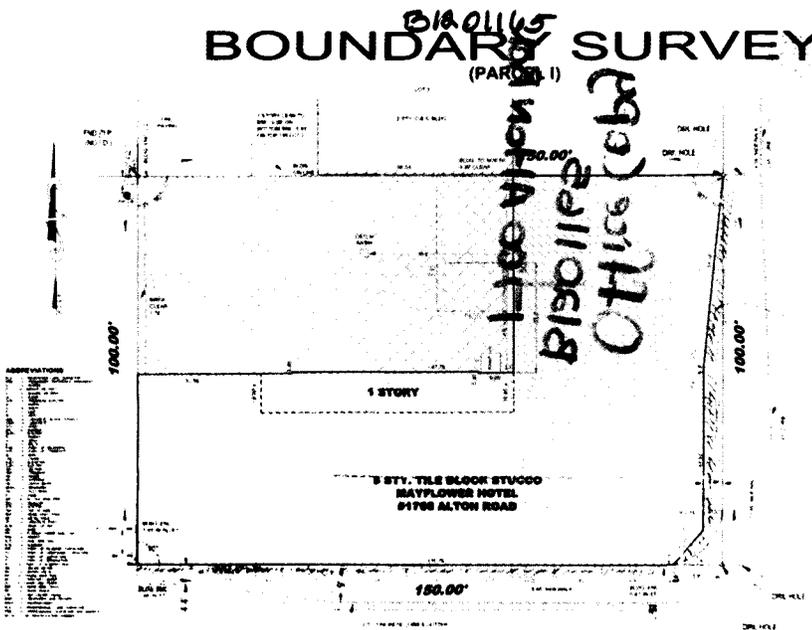
EXHIBIT B: 1994 AERIAL PHOTOGRAPH courtesy GOOGLE EARTH

1700 ALTON ROAD

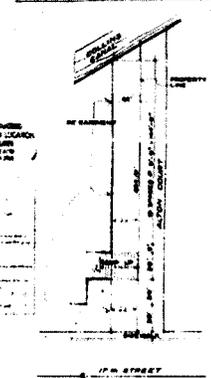


EXHIBIT B: CIRCA 2010 AERIAL PHOTOGRAPH courtesy BENCHMARK REALTY GROUP

**BOUNDARY SURVEY**  
(PARCEL I)



LOCATION MAP (N.T.S.)



Parcel II

Images taken directly from the Official Public Records of Miami-Dade County (N.C. Field Verified)

**SURVEYOR'S NOTES**  
1. This survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
2. The survey was conducted on the day and date shown on the title page of this report.  
3. The survey was conducted by the undersigned, a duly licensed Professional Surveyor in the State of Florida.  
4. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
5. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
6. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
7. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
8. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
9. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.  
10. The survey was conducted in accordance with the Florida Statutes, Chapter 40, Part I, and the Florida Board of Surveying and Mapping, Chapter 40, Part II, Florida Statutes.

**17TH STREET**

**FLOOD INFORMATION**  
Flood Zone: X-1  
Flood Hazard: Moderate  
Flood Risk: Moderate  
Flood Insurance: Recommended

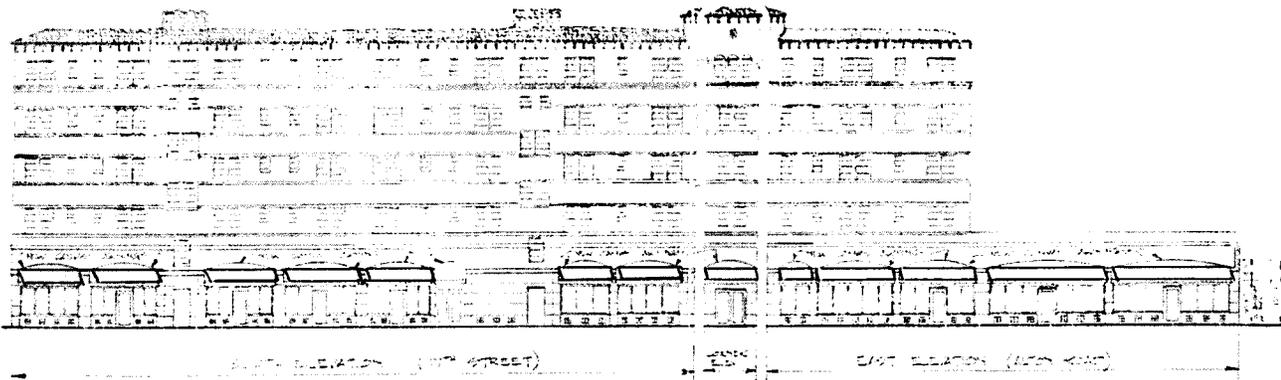
**LEGAL DESCRIPTION**  
(Parcel I)  
Lots 1 and 2, Block 17, of 1st Addition to Commercial Subdivision of the Alton Beach Realty Company, According to the Plat thereof, as Recorded in Plat Book 6, at Page 30 of the Public Records of Miami-Dade County, Florida.  
Property contains 17,000 Square Feet more or less or 0.388 Acres more or less.  
  
(Parcel II)  
Non-exclusive easement for parking as set forth in that certain Easement Deed recorded in Official Records Book 11882 Page 2009 over the following described property: The East 22 feet of Lots 7, 8, and 9, Block 17, of ALTON BEACH REALTY COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 6, Page 105, of the Public Records of Miami-Dade County, Florida.

**CERTIFIED TO:**  
Northern Trust, N/A, Its Successors and or Assigns, Goldwater Realty, Inc., a Florida corporation,  
Fidelity National Life Insurance Company, Barred & Associates, P.A.

**ZURWELLE-WHITTAKER INC.**  
CONSULTING ENGINEERS AND SURVEYORS  
1700 Alton Road  
MIAMI BEACH, FL 33139

EXHIBIT C: 1952 BOUNDARY SURVEY UPDATED TO 2007

1700 ALTON ROAD



MIAMI AWNING COMPANY	JOB: 1700 ALTON ROAD	DATE: 10/15/09
290 NW 36th ST MIAMI, FL 33137	ALTON ROAD RENOVATION	SCALE: 1/8" = 1'-0"
800.572.2009 FAX: 852.0514	MIAMI BRANCH OFFICE	DRAWN BY: [Signature]

EXHIBIT C: 1993 AWNING RENOVATION DRAWINGS

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS  
VIEW FROM NEARBY PARKING GARAGE

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS  
STREET CORNER VIEW OF ENTIRE PROPERTY

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS

CLOSE-UP STREET CORNER VIEW

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS

CLOSE-UP VIEW OF HOTEL BUILDING

EXHIBIT D: CONTEMPORARY PHOTOGRAPHS

ROOFTOP ARCHITECTURAL DETAILS



1700 ALTON ROAD

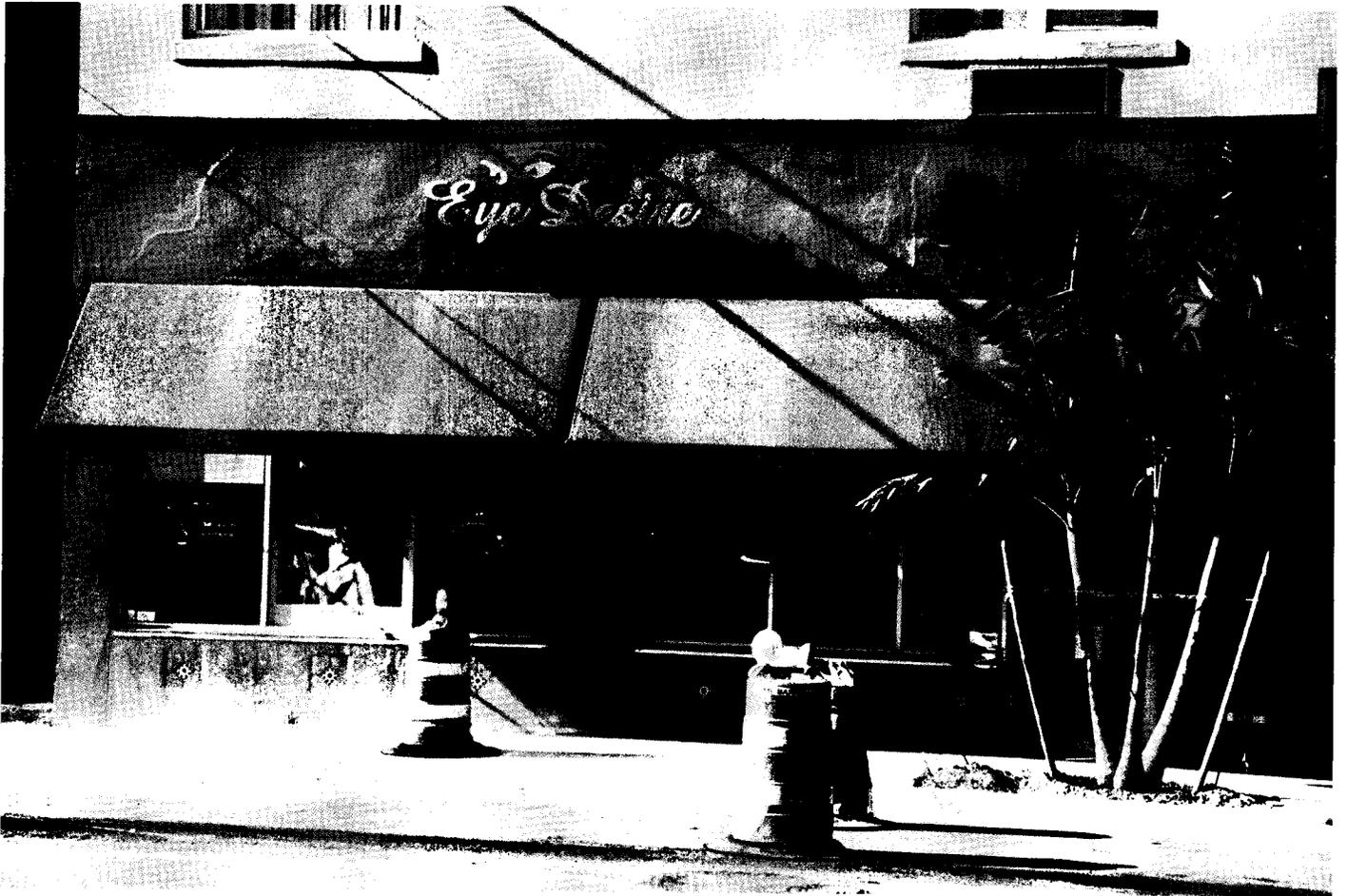


EXHIBIT D: CONTEMPORARY PHOTOGRAPHS

CLOSE-UP VIEW FIRST FLOOR RETAIL STORES  
WITH STUCCOED PORTIONS ABOVE STOREFRONTS AT FORMER ARCH AREAS

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS

SOUTHWEST CORNER VIEW OF HOTEL BUILDING SHOWING REAR (WEST) ALLEY ELEVATION

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS

CLOSE-UP VIEW OF QUATRE-FOIL GRILL AT CORNER ROOFTOP TOWER

1700 ALTON ROAD



EXHIBIT D: CONTEMPORARY PHOTOGRAPHS



**Building Permits:** # 27074 New stairs- blockwalls and railing on stairs-A. Kaplan- \$ 500: Apr. 23, 1948  
 #29139 Awning - A.C. Awning Company \$ 150: Dec. 17, 1948  
 # 30183 Roof repair - G. & L. Roofing Company, contr. \$ 360.. June 20, 1949  
 # 30728 Roof repair - G. & L. Roofing Company, contr. \$ 350.. Sept. 12, 1949  
 # 30932 Changing elevators to push button type - Eastern Elevator Company, contr. \$8,600...Oct. 4, 1949  
 # 31281 Painting, interior - Owner, day labor \$ 500...Nov. 2, 1949  
 # 31285 Painting, outside of windows - Owner \$ 100...Nov. 2, 1949  
 # 31502 Flat wall sign - 74 sq. ft.- Electro Neon Sign Co. \$ 450...Nov. 23, 1949  
 # 38713 WRECKING OLD STORES 50' BACK FROM FRONT LOT LINE- Marks Brothers, contr. \$ 2,000...June 17, 1952  
 # 38904 Repairs to floor- J.Y.Gooch Co.Inc. \$ 2,000...July 11, 1952  
 # 38925 Four new stores on Lot 2, Remodeling for 5 new stores & 2 offices & new lobby in Hotel building - new patio- Fire doors must meet approval of Building Inspector- 50' x 55' x 19' x 19' x 19' x 19' - Concrete filling, Foundation- Flat roof- T.Hunter Henderson, arch: R.A.Belsham, engr.: J.Y.Gooch \$ 28,000...July 15, 1952  
 # 39194 Wet sandblasting - All American Sand Blasting Co. \$ 1,800...Aug. 15, 1952

1700 Alton # 40012 1 permanent canopy, per ord. #1030, District E. 8x15 - 10 ft. above grade - J. Y. Gooch Co. Inc. - \$500...Nov. 6, 1952  
 1702 Alton # 43204 Awning: Sea View Ventilated Awning Co: \$1,845: Nov 5, 1953  
 1702 Alton Road #44027 Remodeling for Restaurant- Owner \$1000.- Feb. 26, 1954  
 1700 Alton Road # 45782 owner....Paving \$ 200.00 Sept. 13, 1954  
 1710 Alton Road # 46427 by owner remodeling for restaurant.....\$ 1000 November 19, 1954  
 1700 Alton Road 47871 New partition in rear of stores 4 & 5 and archways and 2 new doors in rear of stores 4 & 5 (old permits #46427 & 44027) partition around kitchen \$ 300 June 24, 1955

1700 Alton Road 48000 United Engineering Corp: Install 1-10 ton A. C. Unit and 1 - 10 ton Cooling Tower \$ 3,000 9/20/1955  
 1702 Alton Road 48636 Mutual Neon: Neon sign 50' x 2' \$ 100. 9/23/55  
 1700 Alton Road 49281 by owner: New Partition and new toilet in rear of Store #1708 NC PLAN \$ 200: Nov. 25, 51

1700 Alton Road 49353 Neon True Light Corp: Flat wall neon sign 15 square feet \$ 187 Dec. 5, 1952  
 1700 Alton Road 49458 ADDITION OF CONCRETE STAIRWAY 30" Wide by owner \$ 300 Dec. 16, 1952

1706 Alton Rd. #65046 Owner: Rework front of building - \$200. - June 6, 1961  
 1700 Alton Rd. #69309 Dealer Installations, Inc.: Install 15 - 1 hp air conditioners, wall units - \$3,000, 5/9/63  
 1700 Alton Rd. #70348 Allen Appliance Service, Inc.: Install 14 - 1 ton a.c. wall units - \$2800. - 10/11/63 OK PLAA 12/18/63  
 1700 Alton Rd. #71097 Owner, Variety Hotels: Convert part of hall and hotel room into apartments at 1st, 2nd, 3rd, 4th floors; 6 parking spaces required and provided on Lot 7 - \$2,000. - 2/18/64  
 1700 Alton Rd. #72550 Owner, Variety Hotels: Convert part of hall and hotel room into apartments at 1st, 2nd, 3rd, 4th floors; 6 parking spaces required and provided on Lot 7 - \$2,000. - 2/18/64  
 1700 Alton Rd. Pan Am Window Sales Co.: 129 awning type windows on north side of bldg; require Metro approval of window units - \$5,000. - 5/14/64  
 1700 Alton Rd. #71762 Harry Klein: Paint north wall - \$400. - 6/14/64  
 1700 Alton Rd. #71838 All Florida Corp.: Roof repairs - \$900. - 6/18/64  
 1700 Alton Rd. #72429 Modern Precasting: Precast lowered fence around pool - \$450. - 9/15/64 OK Brown 2/5/65  
 1710 Alton Rd. #72549 Owner, Katz: Remodel store; no structural changes - \$400. - 9/28/64 OK Brown 2/25/65  
 1700 Alton Rd. #72550 All Florida Corp.: Roof repair - \$1400. - 9/28/64  
 1700 Alton Rd. #72846 Ramsdell Air Cond.: One 2-ton room A.C. unit - \$400. - 11/2/64 OK Flaag 11/2/64  
 1700 Alton Rd. #76739 Harry Klein: Paint exterior - \$1500 - 7/28/66  
 1700 Alton Rd. #76868 Rowell Van Atta: Install ceiling in card room - \$500 - 8/16/66 OK McLaughlin 9/1/66  
**PLUMBING PERMITS**  
 1207 - 17th St. #36794 Serota Plumbing: 2 lavatories - Feb. 4, 1955 OK Rothman 2/7/55  
 1211 - 17th St. #37440 Serota Plumbing: 1 gas range - Oct. 6, 1955  
 1702 Alton Rd. #37597 Serota Plumbing: 2 water closets, 1 lavatory - Nov. 28, 1955

Variety Hotel #52428-Pro Plumbing- major repairs-4-23-7)

1702 Alton Road Electrical Permits: #38462 Claude Reed: 1 Neon Transformer: Jan 5, 1953  
 #38809 Muntz TV: 1 Television Antenna: Feb 25, 1953  
 # 43449 Astor Electric: one switch outlet, 2 receptacles, 16 light outlets, 3 appliances, 1 motor... November 19, 1954 OK, Rosser 11/26/54  
 #45125 Kammer and Wood: 1 center of distribution, 2 motors, 0-lhp, 1 motor, 2-5hp  
 45125 Kammer and Wood: 1 center of distribution, 2 motors, 0-lhp, 1 motor, 2-5hp July 18, 1955  
 45236 Ace Electric Service: four fixtures, one meter change 7/29/1955  
 1215 17th Street OK, Rosser 12/1/1955  
 1702 Alton Road 45646 Astor Electric: one motor, 0-lhp, 2 motors, 2-5hp September 15, 1955  
 45713 Mutual Neon Sign Co: six neon transformers September 23, 1955  
 1702 Alton Road 46270 Angler Electrical Corp of Miami: 4 switch outlets, 7 receptacles, 15 light outlets, 12 fixtures, 2 appliance outlets, 1 fan outlet, 1 center of distribution, 1 sign outlet, 8 motors, 0-lhp 2 motors, 6-10 hp  
 OK, ROSSER 12/1/1955  
 1700 Alton Road 46298 True Light Neon Co: one neon transformer December 5, 1955

1702 Alton Road #47158 Jones Electric Service: 1 center of distribution, 2 motors, 0-lhp, 1 motor, 2-5hp

EXHIBIT #	DESCRIPTION	DATE	AMOUNT	REMARKS
# 4510	Remodeling of roof	May 1	\$ 4,000.00	
# 6002	Repairs to roof			
# 6622	Solarium addition & fire-proof stairway to roof:			
	A. Kaplan, contractor: G.L. Pfeiffer, architect:			
# 7019	Remodeling sun porch and addition of 3 bath rooms	Dec. 17, 1934	\$ 600.00	
# 12687	Remodeling steps from outside of building to inside	May 31, 1935	\$ 3,000.00	
# 12794	Entrance canopy - Miami Beach Avning Co.	July 13, 1939	\$ 500.00	
# 14736	New exhaust pipe & concrete wall at dining room	Aug. 7, 1939	\$ 100.00	
	Pfeiffer & Pitt, architect: A. Kaplan, contractor:	Oct. 9, 1940	\$ 500.00	
# 16221	Addition and remodeling dining room:	Oct. 10, 1941	\$ 1,500.00	
# 13505	Patio - Interior remodeling (fire-proof entirely)	Jan. 4, 1940	\$ 5,000.00	
	A. Kaplan, contractor: Gerard Pitt, architect:			
# 17446	Painting - Magnus Olsen, painting	Aug. 5, 1943	\$ 3,000.00	
# 17722	Replacing hoods in kitchen - Miami Roofing & Sheet Metal	Nov. 2, 1943	\$ 300.00	
# 19485	Cement Walk - inside property line - A. Kaplan, contractor	Dec. 11, 1944	\$ 50.00	
# 20132	Alterations to toilet room - A. Kaplan, contractor:	May 24, 1945	\$ 500.00	
# 20849	Painting - W.L. Noonan - painter	Oct. 5, 1945	\$ 865.00	
# 21816	Avning - Florida Avning Co.	Jan. 17, 1946	\$ 140.00	
# 22270	Sheet metal work - Miami Roofing & Sheet Metal Co.	Apr. 8, 1946	\$ 400.00	
# 22651	Alterations in restaurant - Gerard Pitt, arch:	May 9, 1946	\$ 400.00	
# 25047	Roofing - Ideal Roofing Company	June 20, 1946	\$ 300.00	
# 26756	Remodeling a sign which is already up-changing the reading	July 30, 1947	\$ 287.50	
	Changing copy on pole sign reading "Pizza" - York Sign Co.			
# 26767	Horizontal sign on owner's property - York Sign Company	York Sign Company		
# 26948		March 2, 1948	\$ 50.00	
		March 2, 1948	\$ 10.00	
		April 6, 1948	\$ 48.00	
<b>Plumbing Permits:</b>				
#16166	Stolomen Plumbing Co: 11 Gas - 1 steam table, 1 dish washer, 10-16-41	Nov. 9, 1941		
				Rough OK - Bell
#17165	Markowitz & Resnick: 2 Grease traps, October 25, 1943			
#17170	Markowitz & Resnick: 4 sinks, 1 dishwashing machine, 8 gas ranges, Nov. 2, 1943			
#17202	Markowitz & Resnick: 4 gas coffee makers, November 9, 1943			
#17813	O. Schweitzer - 1 sink, 8 gas ranges, 2 steam tables, 1 coffee urn, Oct. 27, 1944			
#17823	O. Schweitzer: 1 Grease trap, 1 floor drain, October 31, 1944			
#20828	Astor Electric: 10 light outlets, 15 fixtures, December 20, 1944			
#18274	P.V. Levi - 2 Water closets, 2 lavatories, 2 urinals, June 1, 1945			
#10064	P.V. Levi. 1 dish washing machine January 8, 1946			
#10508	R. Martin: 3 gas ranges, April 6, 1946			
#28142	Florida Fuel Oil: 1 Oil burner - 275 gallons - Dec. 5, 1949			
#33911	Service Plumbing Co: 7 Water closets, 5 Lavatories, 1 Urinal, 1 Drinking fountain, 1 Floor drain, Sept. 11, 1952 Final OK 11-13-52 Rothman			
#35859	Serota Plumbing Co.: 1 Lavatory, 1 Dish Washing Machine, 1 Grease Trap, 2 Floor Drains February 26, 1954			
#2525	Beach Plumbing: 2 sinks, 1 grease trap, 1 safe waste, 3 gas ranges, 1 gas water heater, OK, Cox 11/23/54 October 29, 1954			

EXHIBIT E: BUILDING CARD 4

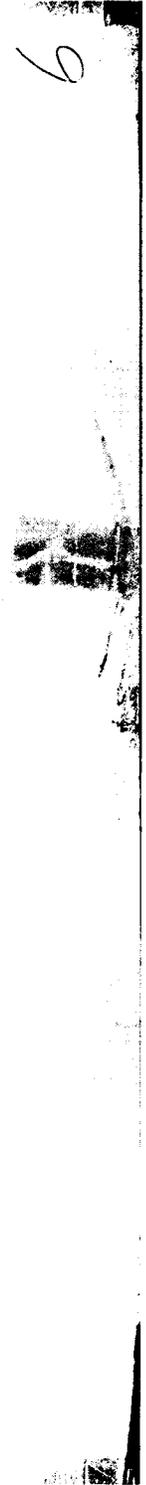
#2525 Jones - 24 outlets, 1 motor, October 12, 1971  
 #2422 Jones - 37 outlets, August 20, 1933  
 #5605 Goddard - 4 outlets, 8 receptacles, September 30, 1935  
 #5553 Goddard - 14 outlets, 16 receptacles, October 9, 1935  
 #5090 Goddard - 4 outlets, 1 receptacle, December 23, 1935  
 #17061 Ast Electric - 1 center of distribution, 2 motors, July 27, 1939  
 #17178 B. L. Reiser - 1 neon transformer - August 10, 1939  
 #14439 F. C. Ast - 10 light outlets, 2 receptacles, January 25, 1940  
 #14516 F. C. Ast - 4 switch, 53 light outlets, 1 center of distribution, 2/13/41  
 #14586 F. C. Ast - 50 light outlets, 10 fixtures, 1 center of distribution, March 1, 1940  
 #14820 F. C. Ast - 1 receptacle, 1 motor, April 29, 1940  
 #14827 Reiser Neon Co: 2 Neon transformers - May 1, 1940  
 #17700 Ast Electric: 1 switch, 7 light outlets, 1 receptacle, 10 fixtures, Oct. 20, 1941  
 #19162 Lyon Electric: 15 light outlets, 6 centers of distribution, 1 service, Jan. 21, 1943  
 #17021 USAAFTTC 1 meter change - (temporary) January 18, 1943  
 #10241 Biscayne Electric: 1 light outlet (booth), February 8, 1943  
 #10424 USAAFTTC: 2 switch outlets, 5 light outlets, 6 receptacles, 5 fixtures, 4 motors, USAFTTC  
 #19625 Meter change - restored to prior status - Sept. 10, 1943 - O.K. I. W. - USAFTTC  
 #19620 USAAFTTC Meter restoration: September 10, 1943  
 #10782 Astor Electric: 3 switch outlets, 15 light outlets, 25 fixtures, 1 center, 11-11-43  
 #10704 Astor Electric: 5 receptacles, 8 motors, 7 centers, Nov. 16, 1943  
 #19013 Biscayne Electric: 1 Receptacle, 8 motors, 24, 1943  
 #20243 Neonite Sign Co: 2 neon transformers, November 2, 1944  
 #20613 Astor Electric: 10 light outlets, 5 motors, November 2, 1944  
 #21603 Alkay Electric: 16 receptacles, 1 center of distribution, Nov. 26, 1945  
 #28890 Gray Electric: 1 light outlet, 1 fixture, 15 centers of distribution, 1 service 5/2/49  
 #29709 Eastern Elevator Co: 2 motors - Oct. 4, 1949  
 #30141 Biscayne Electric: 1 Light outlet, 11/15/49 Meginniss 2/1/50  
 #37330 B & W Electric - 1 neon transformer - Nov. 20, 1949 Meginniss 2/7/50  
 #37721 B & W Electric: 30 receptacles, 20 light outlets, 20 fixtures-Oct. 7, 1952 ok 11-14 Rosser  
 #38058 B & W Electric: 68 switch outlets, 33 receptacles, 105 light outlets, 105 fixtures, 22 centers of distribution, 1 service equipment, 10 sign outlets - Nov 13, 1952  
 #38058 B & W Electric: 68 switch outlets, 33 receptacles, 105 light outlets, 105 fixtures, 22 centers of distribution, 1 service equipment, 10 sign outlets - Nov 13, 1952

- o v e r -

2 Neon Transformers: 1/14/57  
 1700 Alton Road Sun State Electric: #56724, 1 motor 2-5 HP, 5/12/68  
 1201 - 17th St. Violation Notice to Variety Hotel - 5/14/63 - property wire window type a.c. units; remove extension cords.  
 1700 Alton Road #59905 Angler Elec. Corp.: 34 motors, 0-1 hp; 1 meter change; 1 cent. of dist.; 1 serv. equip. - 7/22/63  
 1201-17th Street #60276 Angler Elec: 14 motors 0-1 HP-10/23/63  
 1201-17th Street 1710 Alton Rd. #61526 C.J. Kay Elec. Co.: 8 receptacles; 5 fixtures (22 lamps); 20 appliance outlets; 10/8/64  
 #65680 Angler Elect. Corp.: 1 motors 2-5 hp. - 4/22/68  
 #72061-Miami Beach Electric- violation-r 4-10-75- Variety Hotel

BUILDING PERMITS:

#80077 Albo Refrigeraton Service Co.: Install two window units (capacity 33,000) - \$1,000 - 4/12/68 OK  
 #87137 - owner - interior painting DF \$1,000.00  
 #08280 - Owner Panelling 1211-19St 12-1-75 \$380.00 7/12/71



ALTERATIONS & ADDITIONS

Building Permits:

1702 Alton #5347: Floor drains: concrete inside stairway on 1st floor only. Conversion to hotel rooms to 20 efficiency units. Each efficiency unit will have 2 efficiency units in place of 1 in 1952 plans. See plan for exact reservations. 400 units after this alteration will be in hotel rooms. 100 apartments - total of 50 units - 4000.00 - 1957 - 20. 1957 - 20. 1957 - 20. 1957 - 20.

1700 Alton #54033 Owner: Partition for office & utility room to be anchored to existing columns - \$150.00 - July 29, 1957

1700 Alton #55921 ABC Neon: 10x2 flat wall neon sign "HOTELS", 20 sq.ft. - \$150.00 - April 18, 1958

1700 Alton #67382 Owner, Variety Hotel: Replace windows on south and east side of building with aluminum awning type; paint east and south side of building - \$3,500. - 6/5/62 (Ins. cert. att. to bldg. appl.)

1700 Alton #67645 Owner, Variety Hotel: Repairs to roof - \$300 - 2/17/62

1700 Alton #68506 Dealer's installations: 2 - 1 ton air conditioners - \$400. - 11/28/62 OK Plaag 1/3/63

Plumbing Permits:

#39736 Serota Plbg: 1 Sink, 1 Floor Drain, 1 Safe Waste Drain - AUG. 9, 1957

#39953 Serota Plbg: 4 Sinks - Oct. 17, 1957 (Apts. 114, 214, 314, 414)

#40816 Serota Plbg: 16 Sinks, 16 gas ranges - 7/29/58

#42779 Serota Plumbing: 1 urinal - Jan. 27, 1961

#43553 Stolpman Plumbing: 1 gas booster, T. D. - 11/21/62

1700 Alton #44190 Service Plumbing: 4 sinks; 4 gas ranges - 3/10/64 (Bldg. Permit #71097)

1710 Alton #44445 Stolpman Plumbing: 4 lavatories; 1 water heater, elec. - 10/6/64 OK JENKS 11/5/64

1718: ~~XXXXXXXX~~ #

Electrical Permits:

#50883 Astor Elec: 3 light outlets, 3 fixtures - September 18, 1957

ALTERATIONS & ADDITIONS

Building Permits: #06601-A & A Glass Mirror-Flat glass replacement-\$200-12-10-74  
 #54400 Variety Hotel 1700 Alton: painting interior and portions exterior\$1,000.00 9/9/57  
 1710 Alton Rd. A. & A Glass & Mirror: # replace plate glass - \$175 # 12/29/67  
 #83528 Fino Signs - 2 Flat wall signs as per plan PFSI RESTAURANT OPEN 24 HOURS VARIETY REST.  
 Total Sq. Footage 40' Council Approval 12/15/69 \$350.00  
 #1410 - Dewey Hawkins - air cond. wind 1-2 HP 12/2/70  
 #87551 - A & S Build. Co. - repairs - clean up and patching and painting interior \$10,000-00 9/19/71  
 #02152 Max Signs-Sign-Nurias Wig Studio-\$150-11-29-72

Plumbing Permits: #48422 - Stolpmann Plumb - 10 rgh 10 set sink residence - 10 gas stoves 5/19/71  
 #48566 - Sorota - 10 rgh 10-set sink residence - 7-29-71

Building Permit 05254-Owner-Partition wall 12' x 13½ each side-\$200-3-25-74  
 Mechanical 02954-Belcher Oil- 1-560 gal. underground tank-\$300-4-22-74  
 Plumbing-Peoples Gas-meter set(gas)7-26-76  
 #06033-Nu Art Sign-Sign-\$300-8-7-74  
 Building Permit 2596-amber Oil Corp.- 1 70 gallons hot water boilers-\$825-5-22-73

Electrical Permits:

#67461 Miami Beach Elec Co: 1 motor 2-5 HP 10/30/69  
 #68151 - Ocean Elect. Co. - 3 light outlets - 3 fixtures 7/28/70  
 #70396-Ocean Electric- 3 special purpose outlets-3-7-73  
 #71583-Tony Bujtas Electric- 4 appliance outlets; 1 water heater-9-17-74  
 #73593-Ocean Electric- repairs-11-2-76

1700 ALTON ROAD

3-14-70

1718 Alton Rd-#74788-Miami Dade Electric- 1 water heater-6-8-78  
#76889 Ocean Electric Co/repairs due to fire damages/10-21-80  
#78119--J.M. Mendez--3 Switch, 8 light, outlets, 8 receptacles, 1-150 amps, 16 fixtures--8/11/82  
#78476 3/8/83 ocean Elect - 12 light outlets, 3 receptacles, repairs

EXHIBIT E: BUILDING CARD 9

58

Electrical Permits:

Chinese Restaurant - # 14313	Neon Sign & Service: 2 Neon transformers, January 4, 1940	Jan. 12, 40
# 14372	Ace Electric: 1 Light outlet, 1 Receptacle, 2 Fans, 2 Motors, 1 center,	
19647	F. C. Ast: 1 Motor, 1 center of distribution, Sept. 16, 1943	
20412	Astor Electric: 3 Light outlets, 3 Receptacles, 3 Fixtures, 3 appliances, 1 center of distribution, August 15, 1944.	
20544	Astor Electric: 4 switch outlets, 9 light outlets, 5 receptacles, 9 fixtures, 5 motors, 2 centers of distribution, Oct. 14, 1944	
20647	Neonite Sign Co: 1 Neon transformer, November 15, 1944	
21168	Astor Electric: 3 Switch outlets, 5 Light outlets, 2 receptacles, 5 fixtures, 4 motors, 3 centers, July 18, 1945 OK RBV -10-	
21442	Astor Electric: 2 centers, 1 temporary, October 17, 1945	
22645	Astor Electric: 2 Switch outlets, 4 Light outlets, 2 receptacles, 4 light outlets, 8, 1946	
23127	Astor Electric: 4 light outlets, 8 fixtures, October 3, 1946	
24191	Astor Electric: 3 Switch outlets, 4 Receptacles, 22 Fixtures, May 13, 1947	
24275	Astor Electric: 2 Centers of distribution, June 1, 1947	
26642	Palm Electric: 6 Switch outlets, 25 Light outlets, 17 receptacles, 25 Fixtures, 3 motors, 5 centers, 2 meter changes, June 29, 1948	
27187	Palm Electric: 1 Temporary service: Sept. 14, 1948	
27281	Astor Electric: 2 Receptacles, (violations) Sept. 29, 1948	
27700	LaVigne Electric: 3 Motors, 1 Center of distribution, 1 service, 11-19-44	
30071	Claude Neon: 2 Neon transformers, Nov. 8, 1949 Meginniss OK - 11/17th 49	
30164	Astor Electric: 5 Fixtures Nov. 10, 1949: Meginniss OK - 11/17th 49	
31182	Acme Neon Company: 4 neon transformers, 1 motor- April 26, 1950	
31186	Gray Electric: 1 switch outlet, 4 receptacles, 4 centers of distribution, 1 meter change - April 27, 1950	
322 47	Acme Neon Sign Co: 2 neon transformers - Sept. 27, 1950	
35719	Astor Electric Service Incl: 1 receptacle - 12/12/51	
36247	Kenny Electric Co: 8 Fixtures, Mar. 20, 1952 OK- Meginniss 7-10-52	
37357	Kenny Electric: 3 Switch outlets, 1 Receptacle, 4 Fixtures, Aug. 25, 1952	
37427	Kenny Electric: 12 fixtures: Aug. 29, 1952 OK- Meginniss 10-29-52	
38284	Kenny Electric: 5 switch outlets, 5 light outlets, 5 fixtures: Dec 9, 1952 - OK, Parsons, 12-10-52	
44019	Edison Neon Sign Company reconnect Service February 21, 1955	
47157	Jones Electric Service: connect telephone booth April 6, 1956	
48649	Astor Electric: 4 receptacles, 1 light outlet, 2 fixtures Oct. 3, 1956	

LOT: 3 BLOCK: 17 SUBDIVISION: 1st Add ADDRESS: 1716-1720 Alton Rd **5332**

**ALTERATIONS & ADDITIONS**

**BUILDING PERMITS** #M07348 6/3/85 Allco Air Cond - 7½ ton air cond central  
#28128 3/13/86 owner paneling over exist paneling only min "C" flame spread, & replace exist front door \$100.  
#29038 8/21/86 owner decorative fascia \$300.

**PLUMBING PERMITS**

**ELECTRICAL PERMITS**

1700 ALTON ROAD

ELECTRICAL PERMITS: #E8801031 - Ocean Electric - Violation repairs - 6-8-88

EXHIBIT E: BUILDING CARD 12

1700 ALTON ROAD

MARTIN LUTHER HAMPTON ARCHITECT  
REPRESENTATIVE PROJECTS:

LEFT: OLD MIAMI BEACH CITY HALL

RIGHT: HAMPTON COURT APARTMENTS, MIAMI BEACH

BELOW: GOOD HOTEL, MIAMI BEACH

PHOTOGRAPHS by ARTHUR MARCUS



1700 ALTON ROAD

ARTHUR J. MARCUS ARCHITECT P.A.

1800 NORTH ANDREWS AVENUE #7F \* FORT LAUDERDALE, FLORIDA 33311 \* T: 305.467.6141  
email: marcus\_a@bellsouth.net \* web: www.arthumarcus.com  
AA #26000962

September 25, 2015

Deborah Tackett  
Preservation and Design Manager  
CITY of MIAMI BEACH  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Re: HISTORIC RESOURCES REPORT for  
1700 ALTON ROAD  
Marlborough Hotel aka Mayflower Hotel aka Variety Hotel  
Miami Beach, FL 33139  
for the City of Miami Beach Historic Preservation Board  
No original architectural plans available.

Deborah..

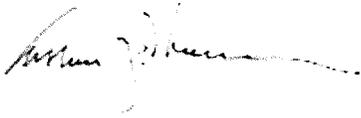
Per our discussions on similar historic reports for buildings designed and constructed in the 1920's in Miami Beach - I would like to document via this letter the fact that a search at the Records Desk in the City of Miami Beach Building Department for original historic plans for this building has revealed no available architectural plans or elevations. There were some plans for renovations completed over the years. However the Building Card was available.

As we have previously discussed it is not surprising that there are no records available for this building due to its age in Miami Beach.

This letter will also be attached to the Historic Resource Report.

ADDRESS	ARCHITECT	YEAR BUILT	STYLE
1700 Alton Road.	Martin Luther Hampton	1922	Spanish/Mediterranean

Yours truly,



Arthur J. Marcus Architect

cc: Adam Verner, Monika Entin Esq.

XII. PLANNING DEPARTMENT RECOMMENDATIONS

1. **Criteria for Designation:** The Planning Department finds the structure located at 1700 Alton Road to be in compliance with the Criteria for Designation listed in Section 118-592 in the Land Development Regulations of the City Code.
1. **Site Boundaries:** At its January 12, 2016 meeting, the Historic Preservation Board reviewed the preliminary evaluation report and adopted the site boundary recommendations of the Planning Department for the proposed designation of 1700 Alton Road, as indicated in **Section IV, General Description of Boundaries.**
2. **Areas Subject to Review:** The Planning Department recommends that the areas subject to review shall include all exterior building elevations, public interior spaces, and site and landscape features located within the proposed site boundaries of 1700 Alton Road.
3. **Review Guidelines:** The Planning Department recommends that a decision on an application for a Certificate of Appropriateness shall be based upon compatibility of the physical alteration or improvement with surrounding properties and where deemed applicable in substantial compliance with the following:
  - a. **The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,** as revised from time to time;
  - b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the City Commission;
  - c. All additional criteria as listed under Section 118-564 (b) in the Land Development Regulations of the City Code;
  - d. City of Miami Beach Design Guidelines as adopted by the Joint Design Review/Historic Preservation Board on October 12, 1993, amended June 13, 2000, as may be revised from time to time.

XIII. BOARD ACTION

At its January 12, 2016 meeting, the Historic Preservation Board reviewed the preliminary evaluation report and directed staff to prepare a Designation Report relative to the individual historic site designation of 1700 Alton Road.

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**Condensed Title:**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE V, "BEACHES", CREATING DIVISION 3, "BEACH AND SAND QUALITY," AT SECTIONS 82-472 THROUGH 82-478, ENSURING THE PRESERVATION AND ENHANCEMENT OF THE QUALITY OF THE CITY'S BEACHES BY REQUIRING TESTING OF SAND OR FILL PLACED EAST OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL), CONSISTENT WITH THE REQUIREMENTS OF SECTION 161.053, FLORIDA STATUTES AND RULE 62B-33, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR FINAL APPROVAL FROM THE CITY PRIOR TO THE PLACEMENT OF ANY SAND OR FILL EAST OF THE COASTAL CONSTRUCTION CONTROL LINE AND INCLUDING PROVISION THAT THE CITY'S APPROVAL SHALL BE CONTINGENT ON THE APPLICANT OBTAINING A LETTER OF NO OBJECTION FROM MIAMI-DADE COUNTY DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM), AND PROVIDING FOR COST RECOVERY FROM THE APPLICANT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

**Key Intended Outcome Supported:**

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

**Item Summary/Recommendation:**

The proposed Beach Sand Quality Ordinance sets forth requirements for the physical characteristics and chemical composition of the sand to be placed east of the Coastal Construction Control Line (CCCL). The proposed ordinance requires the developer to pay for the cost of the testing, as well as the cost for the City to conduct appropriate oversight over the sand transfer-related activities. The administration recommends that the City Commission approve the ordinance to require that excavation and placement of sand seaward of the CCCL comply with the protocols related to the chemical composition and obtain a soil classification letter and letter of no objection from Miami-Dade County Division of Environmental Resources Management (DERM) with respect to the excavated sand and the proposed reuse.

The Administration recommends that the City Commission adopt the Ordinance on first reading and schedule second reading, public hearing.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account
OBPI	1		
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Elizabeth Wheaton, Director x 6121

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
ESW	SMT <i>W. J. ...</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

DATE: May 11, 2016

FIRST READING

SUBJECT: AN ORDINANCE AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE V, "BEACHES," CREATING DIVISION 3, "BEACH AND SAND QUALITY," AT SECTIONS 82-472 THROUGH 82-478, ENSURING THE PRESERVATION AND ENHANCEMENT OF THE QUALITY OF THE CITY'S BEACHES BY REQUIRING TESTING OF SAND OR FILL PLACED EAST OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL), CONSISTENT WITH THE REQUIREMENTS OF SECTION 161.053, FLORIDA STATUTES AND RULE 62B-33, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR FINAL APPROVAL FROM THE CITY PRIOR TO THE PLACEMENT OF ANY SAND OR FILL EAST OF THE COASTAL CONSTRUCTION CONTROL LINE AND INCLUDING PROVISION THAT THE CITY'S APPROVAL SHALL BE CONTINGENT ON THE APPLICANT OBTAINING A LETTER OF NO OBJECTION FROM MIAMI-DADE COUNTY DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM), AND PROVIDING FOR COST RECOVERY FROM THE APPLICANT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

### BACKGROUND

The Coastal Construction Control Line (CCCL) Program was established to protect the coastal system from improperly sited and designed structures, which can destabilize or destroy the beach and dune system. The Florida Department of Environmental Protection (FDEP) regulates all construction activities east of the CCCL. Chapter 62B-33, Florida Administrative Code requires that all excavated material east of the CCCL be retained onsite or within the larger coastal cell.

In recent years a number of beachfront developments in Miami-Dade County, have had excess sand material that the FDEP has permitted to be placed east of the ECL, on state lands. There

are a number of areas in Miami Beach that are critically eroded and can benefit from additional sand being placed to mitigate these erosional impacts.

The Chateau Ocean excavated approximately 20,000 cubic yards of sand that the State permitted to be placed east of the ECL. In April 2015, this material was placed in the vicinity of 53rd Street to 58th Street to mitigate the erosion in this area. However, once the material had been placed on the beach, construction debris, nails, concrete, and glass were discovered.

The Town of Surfside, which has also faced these same issues, worked with the Florida Department of Environmental Protection, to draft an ordinance that provides safeguards to ensure the quality of the material, and also ensures that the beaches within the Town's jurisdiction remain nourished to ensure the protection of the coastline.

### **ANALYSIS**

The City of Miami Beach has the authority to promulgate setbacks, building codes and land development regulations stricter than the State's requirements. The proposed Beach Sand Quality Ordinance sets forth requirements for the physical characteristics and chemical composition of the sand to be placed east of the CCCL.

The proposed ordinance requires the developer to pay for the cost of the testing, as well as the cost for the City to conduct appropriate oversight over the sand transfer-related activities.

The administration recommends that the City Commission approve the ordinance to require that excavation and placement of sand seaward of the CCCL comply with the protocols related to the chemical composition and obtain a soil classification letter and letter of no objection from Miami-Dade County Division of Environmental Resources Management (DERM) with respect to the excavated sand and the proposed reuse.

### **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, and the ordinance includes a cost recovery provision from the developer for all testing required to ensure the safety of the sand.

### **CONCLUSION**

The Administration recommends that the City Commission adopt the Ordinance on first reading and schedule second reading, public hearing.

JLM/SMT/ESW

**Beach and Sand Quality**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE V, "BEACHES", CREATING DIVISION 3, "BEACH AND SAND QUALITY," AT SECTIONS 82-472 THROUGH 82-478, ENSURING THE PRESERVATION AND ENHANCEMENT OF THE QUALITY OF THE CITY'S BEACHES BY REQUIRING TESTING OF SAND OR FILL PLACED EAST OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL), CONSISTENT WITH THE REQUIREMENTS OF SECTION 161.053, FLORIDA STATUTES AND RULE 62B-33, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR FINAL APPROVAL FROM THE CITY PRIOR TO THE PLACEMENT OF ANY SAND OR FILL EAST OF THE COASTAL CONSTRUCTION CONTROL LINE AND INCLUDING PROVISION THAT THE CITY'S APPROVAL SHALL BE CONTINGENT ON THE APPLICANT OBTAINING A LETTER OF NO OBJECTION FROM MIAMI-DADE COUNTY DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM), AND PROVIDING FOR COST RECOVERY FROM THE APPLICANT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has concerns relating to development of properties east of the Coastal Construction Control Line (CCCL), which is located approximately midway between Collins Avenue and the ocean. For those properties sand generated during development must be placed on the subject site and/or on the beach, unless specifically authorized otherwise by the Florida Department of Environmental Protection (FDEP); and

**WHEREAS**, The FDEP has the power, authorized by statute and the Florida Administrative Code, to allow developers to relocate sand fill from their properties adjacent to the CCCL and to place said sand "fill" on the beach adjacent to the proposed development; and

**WHEREAS**, the deposit of such fill ensures that the City's beaches, a portion of which is owned by the State, do not erode over time and allows for sand to be replenished, provided, however, the fill "sand" is "clean", as defined by the State; and

**WHEREAS**, prior to any such fill being placed on any beach, the adjacent municipality is provided the opportunity to object or not object to the fill being placed on the adjacent beach; and

**WHEREAS**, the state may not provide sufficient safeguards to ensure that the fill sand is of the quality that the City demands; and

**WHEREAS**, the Town of Surfside, has worked with the FDEP, in order to draft an ordinance that provides the municipality the safeguards to ensure that only clean fill sand is placed on the beaches within the City's jurisdiction, to ensure that the beaches within the City's jurisdiction remain nourished, and to ensure the protection of our coastline; and

**WHEREAS**, the City of Miami Beach desires to adopt a similar ordinance to that of the Town of Surfside to ensure that the quality of fill sand provided for reuse along the beach within the City meets applicable criteria, as provided by the county regulatory agency, Miami-Dade County Division of Environmental Resources Management (DERM); and

**WHEREAS**, the proposed regulations address the physical and chemical characteristics of sand placed on the beach as part of coastal development projects; and

**WHEREAS**, it is important to note that prior to implementation of the Surfside Ordinance, Surfside vetted the draft ordinance with its Sand Project Community Monitoring Committee, conducted a meeting with members of the public on January 21, 2015 to discuss the ordinance, and also received input from the Town's experts, representatives from state, county and federal agencies; and

**WHEREAS**, it is the State's responsibility to properly manage Florida's beaches, and to provide for beach restoration and nourishment projects to restore critically eroded beaches. Beachfront developers must submit a CCCL permit application to FDEP for review prior to excavation or construction. This ordinance would assist the City in ensuring the quality of the sand for said development projects; and

**WHEREAS**, the City of Miami Beach has the authority to promulgate setbacks, building codes and land development regulations that are stricter than the State's requirements; and

**WHEREAS**, the proposed Beach Sand Quality Ordinance sets forth requirements that exceed the current FDEP requirements for the physical characteristics and chemical composition of sand excavated east of the CCCL; and

**WHEREAS**, consistent with the proposed Beach Sand Quality Ordinance the Developer is responsible for the cost of testing the sand and as well as any fees associated with obtaining soil classification letter and a letter of no objection from Miami-Dade County DERM for the proposed reuse of the sand as well the costs associated with the City in conducting appropriate oversight over the sand transfer-related activities; and

**WHEREAS**, the City Commission desires to approve the ordinance to require the applicant to provide to the City a DERM soil classification letter and a DERM letter of no objection with respect to the quality of the sand fill, prior to the placement of any excavated sand in any area seaward of the CCCL above the mean high water line; and

**WHEREAS**, as DERM already has a soil classification letter and No objection letter process, DERM would be utilizing its existing procedures to ensure that the quality of the sand fill, prior to placement of sand in any area seaward of the CCCL is consistent with State law and the requirements of Chapter 24, of the Miami-Dade County Code; and

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

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

**SECTION 1.** Chapter 82, "Public Property," Article V, "Beaches", creating Division 3, "Beach and sand quality," at Section 82-472 through 82-478 is hereby amended as follows:

**CHAPTER 82  
PUBLIC PROPERTY**

\* \* \*

**DIVISION 2**

~~**SECTION 82-472-750 RESERVED.**~~

**DIVISION 3  
BEACH AND SAND QUALITY**

**Sec. 82-472. Beach sand quality. Added**

It is hereby declared and determined that preserving and enhancing the quality of the City of Miami Beach's beaches is essential to serve and benefit the City's residents and visitors. The chemical and physical composition of beach sand must not interfere with the health, safety or welfare of the public or the environment.

**Sec. 82-473. Definitions. Added**

*Applicant:* An individual, corporation or other authorized legal entity filing an application with the Florida Department of Environmental Protection (FDEP) for a permit that requires excavation or placement of sand seaward of the Coastal Construction Control Line.

*Beach:* City definition is consistent with Section 161.54(3), Florida Statutes, which defines "Beach" as meaning "the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore."

*Beach nourishment:* The maintenance of a restored beach by the replacement of sand to mitigate erosion, often referred to as "beach renourishment."

*Beach restoration:* The placement of sand on an eroded beach for the purposes of restoring it as a recreational beach and providing storm protection for upland properties.

*Coastal Construction Control Line: (CCCL)* A line established by the FDEP that defines that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions, as established pursuant to the provisions of Section 161.053, Florida Statutes.

*Construction debris:* The material resulting from the demolition of a structure. Construction debris shall not include such material which has been sorted, cleaned and otherwise processed such that it meets the suitability criteria for armoring materials set forth under FDEP rules.

Dune: A mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

Erosion Control Line: (ECL) The line 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, and the bays, lagoons and other tidal reaches thereof on the date of the recording of the survey as authorized by Florida law.

Excavated sand: Naturally occurring material that is to be removed and placed pursuant to the Coastal Construction Control Line permit through the mechanical or manual removal or alteration of consolidated or unconsolidated soil or rock material from or within the beach and dune system, pursuant to Section 161.053, Florida Statutes and Rule 62B-33, Florida Administrative Code.

Hardpack: The sand road west of the Erosion Control Line used by public safety and other authorized vehicles.

Mean high water: The average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value. The mean high water line is the intersection of the tidal plane of mean high water with the shore.

Miami-Dade County Division of Environmental Resource Management (DERM)

Renourishment sand: Replacement sand used for beach nourishment or beach restoration.

Sand: Material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system.

Seasonal high-water line: The line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.

Shore: See "Beach."

**Sec. 82-474 Testing protocols for the chemical composition of excavated sand seaward of the Coastal Construction Control Line.**

Prior to placing excavated sand seaward of the Coastal Construction Control Line (CCCL), the Applicant must comply with the City's "Testing Protocols for the chemical composition of excavated sand seaward of the Coastal Construction Control Line," as listed in Appendix A, and made a part of this Ordinance and obtain approval from the City. These tests may be reassessed for periodic updates and review at the discretion of the City. Miami-Dade County Division of Environmental Resource Management (DERM) already has a soil classification letter and the "Letter of No Objection" ("LONO") process, as delineated in Exhibit A. Based upon the foregoing, DERM has existing procedures which would assist the City in ensuring that Applicants, when placing sand anywhere seaward of the CCCL, do so in a manner consistent with State law and the requirements of Chapter 24, of the Miami-Dade County Code.

## APPENDIX A

### Testing Protocols for the Chemical Composition of Excavated Sand Seaward of the Coastal Construction Control Line (CCCL)

Pursuant to Section 82-474 of the City Code of Ordinances, prior to placing excavated sand seaward of the Coastal Construction Control Line, the Applicant must comply with the following protocols relating to the chemical composition of the excavated sand:

- A. Obtain a soil classification letter and a letter of no objection (LONO) from DERM with respect to the excavated sand and the proposed reuse. To allow for DERM's evaluation for the purposes of soil classification and a LONO the following is required:
- (i) A copy of a Phase 1 Environmental Site Assessment conducted for the property at which the sand fill is being generated and if applicable (based on the results of the Phase I) a copy of a Phase 2 Environmental Site Assessment. The Phase I and Phase 2 (if applicable) shall comply with ASTM standard E-1527-13 and ASTM Standard E1903-11 as may be modified from time to time, respectively and must have been completed within one year prior to the application being filed.
  - (ii) The material shall be sampled and characterized in accordance with the DERM Soil Reuse Guidelines available at [http://www.miamidade.gov/environment/library/reports/rbca\\_soil\\_reuse.pdf](http://www.miamidade.gov/environment/library/reports/rbca_soil_reuse.pdf). At a minimum (unless specifically instructed otherwise by DERM) the material shall be sampled and analyzed for the potential contaminants of concern listed below:
    - 1. Resource Conservation and Recovery Act ("RCRA") eight (8) metals with extraction by United States Environmental Protection Agency ("USEPA") Method 3050 and analysis by USEPA Method 6010 or 200.7 (i.e., Arsenic, aluminum barium, cadmium, chromium, lead, mercury, selenium, and silver).
    - 2. Total Recoverable Petroleum Hydrocarbons (TRPH) by Florida Department of Environmental Protection (FDEP) FL-PRO method.
    - 3. Organochlorine pesticides by USEPA Method 8081.
    - 4. Polychlorinated biphenyls (PCBs) by USEPA Method 8082.
    - 5. Polycyclic Aromatic Hydrocarbons (PAH's) by USEPA Method 8270 (Short List).
    - 6. The Applicant shall also evaluate the leachability of the material via the Synthetic Precipitation Leaching Procedure (SPLP; USEPA Method 1312) (as applicable).
    - 7. Any other applicable contaminant of concern.
  - (iii) The sample results along with the appropriate chain of custody documentation, quality Assurance/quality Control (QA/QC) procedures as well as a written evaluation of the results with respect to the applicable criteria (soil clean up target levels, background concentrations, clean fill criteria, etc) shall be submitted to DERM for review.

- B. Applicant must conduct a lead and asbestos survey with follow up testing as applicable through a firm or an individual that is certified for lead and asbestos inspection and/or abatement in the State of Florida. Any testing must be in compliance with applicable American Society of Testing and Materials standards.
  
- C. A copy of the DERM soil classification letter and LONO along with the results of the lead and asbestos survey and any testing shall be submitted to the City for final approval.

**Sec. 82-475. Testing protocols for the physical composition of excavated sand seaward of the Coastal Construction Control Line.**

Prior to placing excavated sand seaward of the Coastal Construction Control Line (CCCL), the Applicant must satisfy the requirements of "Criteria for Physical Composition of Sand excavated sand seaward of the Coastal Construction Control Line" as listed in Appendix B, and made a part of this division. These requirements may be reassessed for periodic updates and review. All testing required herein shall be reviewed to confirm compliance.

## APPENDIX B

### Criteria for Physical Composition of Sand excavated sand seaward of the Coastal Construction Control Line (CCCL).

- A. The following physical sand characteristic standards are required for excavated sand landward of the Seasonal High Water Line and seaward of the Erosion Control Line (ECL).
1. Munsell value of seven (7) or greater with a chroma of three (3) or lower when wet.
  2. Mean grain size between 0.30 mm and 0.55 mm.
  3. Silt content less than two percent (2%) (passing a #230 sieve).
  4. No material greater than five percent (5%) retained on #10 sieve.
  5. Sand shall be free of construction debris, toxic material as determined by tests in Section 82-474, and other foreign matter.
- B. The following protocols for sampling and analysis shall be employed:
1. One core boring shall be analyzed for every 3,000 cubic yards of sand to be excavated, as reasonably available to implement on site.
  2. Sediment samples will be extracted from the core borings at irregular intervals based on distinct stratigraphic layers in the sediment sequence. Samples that are representative of the material defined within the area will be extracted and analyzed.
  3. Composite data will represent the average physical characteristics of the material to be placed.
  4. An average of the representative layer, weighted by effective length, will be calculated for each core, producing the core composite. The composites will then be averaged and weighted by effective length to calculate the composite of the entire sand source.
- C. The composite of the source as a whole shall satisfy the aforementioned criteria for material to be deemed eligible for placement along the City's beach.
- D. Prior to any deposit of sand on the beach or seaward of the CCCL, a City Public Works Right of Way (ROW) permit shall be required. Additionally, in conjunction with the City's ROW permit, and installation of the sand seaward of the CCCL, the applicant shall notify the City of the date and time of the installation. The City's consultant or designee shall coordinate attendance at the installation to inspect and conduct sampling during the installation, and the results of the testing shall be submitted to DERM for review at the applicant's expense. Applicant shall be responsible for the City's costs relating to the consultant or designee assigned to inspect the sand installation seaward of the CCCL.

All testing required herein shall be reviewed to confirm compliance.

**Sec.82-476. Charges for consulting services for beach sand quality testing.**

The cost for compliance with the City's beach sand quality requirements shall be incurred by the Applicant. Applicant shall pay the cost of the collection of the sand from the Applicant's site and the submission of the samples for tests to a qualified, licensed, and regulated lab that meets industry standards to test the sand; as well as pay money through cost recovery to pay for the City's independent consultants, professionals, or designees as it relates to inspections for installation of sand seaward of the CCCL; any costs associated with plan review and the evaluation of the sand quality testing; and the costs associated with the City's enforcement of this chapter. Charges for consulting services for applicants are established by the City through a purchase order, and shall apply to the beach sand quality testing and plan review required by sections 82-474 and 82-475.

**Sec. 82-477. Lack of compliance.**

In the event that sand to be excavated seaward of the Coastal Construction Control Line (CCCL) does not meet the City's standards as described herein, then the Applicant may request from FDEP removal and relocation of the non-compliant sand to an approved upland area. This sand must be replaced with an equal or greater volume of sand from an FDEP approved sand source, which will be subject to the same testing protocols as set forth herein.

**Sec. 82-478. Exclusions.**

Sections 82-474 to 82-477 shall not apply to sand for beach nourishment or beach restoration projects authorized, undertaken and paid for by Miami-Dade County, the State of Florida, or federal authorities. In no event shall the exclusions authorized by this Section apply to activities of the Applicant.

**Secs. 82-479—82-500. – Reserved.**

**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 Philip Levine

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

Raul Aguilera      4-27-16  
Raul Aguilera, City Attorney      Date

First Reading:      May 11, 2016  
Second Reading:      June 8, 2016

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

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

[Sponsor: Commissioner Michael Grieco]

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# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

**To:** Mayor Philip Levine  
Members of the City Commission

**Date:** May 11, 2016

**From:** Raul J. Aguila  
City Attorney 

**Subject:** **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," BY CREATING SECTION 2-14, ENTITLED "CODE OF CIVILITY," TO ESTABLISH STANDARDS OF CIVILITY AND DECORUM FOR PUBLIC MEETINGS OF THE CITY COMMISSION AND COMMISSION COMMITTEES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

Pursuant to the request of Commissioner Michael Grieco, the attached Ordinance is submitted for consideration by the Mayor and City Commission.

The Ordinance amends Chapter 2 of the City Code, to create Section 2-14, entitled "Code of Civility." The Ordinance creates a Code of Civility that establishes standards of civility and decorum for public meetings of the City Commission and Commission Committees. Substantively, the Code of Civility requires the Mayor and members of the City Commission ("members") to abide by the following standards:

- Members shall maintain civility and decorum during public meetings.
- Members shall not unnecessarily cause delay or interrupt the proceedings, nor disturb any other member while speaking. Members shall obey the orders of the Mayor or presiding officer, City Commission, or Commission Committee, with regard to this section or as authorized by parliamentary procedure, as referenced in section 2-12 of this Code.
- Members shall not make abusive, disparaging, impertinent, offensive, personally insulting, slanderous, or threatening comments.
- The Mayor or presiding officer shall at all times maintain order during a public meeting, moderate discussion and debate, direct members to focus their comments on the subject of pending business, and limit non-productive grandstanding.

The Mayor or a member of the City Commission may allege a violation of the Code of Civility by raising a point of personal privilege to the Mayor or presiding officer to challenge the offending member to justify, retract, or apologize for the offending statement or action. If the offending member fails to justify, retract, or apologize for the offending statement or action, the City Commission or Commission Committee may, by 5/7ths vote (or, in the case of a Commission Committee, by a majority vote plus one vote), publicly reprimand the offending member. For second and subsequent violations by an individual member, the City Commission or City Commission Committee may, by 5/7ths vote (or, in the case of a Commission Committee, by a majority vote plus one vote), impose a fine. Such fines shall be allocated to children's programs administered by the City's Parks and Recreation Department.

RA/NK/sc

F:\ATTO\KALN\COMMISSION MEMOS\Code of Civility.docx

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," BY CREATING SECTION 2-14, ENTITLED "CODE OF CIVILITY," TO ESTABLISH STANDARDS OF CIVILITY AND DECORUM FOR PUBLIC MEETINGS OF THE CITY COMMISSION AND COMMISSION COMMITTEES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the exercise of civility and decorum in City Commission and Commission Committee meetings promotes efficiency and transparency in government; and

**WHEREAS**, Section 2-12 of the City Code establishes City Commission meeting and agenda procedures; and

**WHEREAS**, Section 2-12(f) provides that Robert's Rules of Order shall be the recognized authority for general parliamentary procedure applicable to meetings of the City Commission in those instances when the City's Charter, Related Special Acts, and Code do not expressly dictate parliamentary procedure; and

**WHEREAS**, this Ordinance supplements other procedures set forth in Chapter 2 of the City Code to create a Code of Civility that establishes standards of civility and decorum for public meetings of the City Commission and Commission Committees; and

**WHEREAS**, the Mayor and City Commission desire to adopt the following Code amendments.

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

**SECTION 1.** Article II of Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE II. City Commission**

\* \* \*

## **Section 2-14. Code of civility.**

The following code of civility shall apply to public meetings of the city commission and city commission committees:

### (a) Definitions

- (1) Civility means politely circumspect behavior in personal interaction; propriety and courtesy in conduct; the absence of rudeness.
- (2) Decorum means the customs of formality and courtesy observed by the members and presiding officer of a board in conducting business.
- (3) Grandstanding means conducting oneself or performing showily or ostentatiously in an attempt to impress onlookers.
- (4) Member means mayor or member of the city commission.

### (b) Members shall maintain civility and decorum during public meetings.

### (c) Members shall not unnecessarily cause delay or interrupt the proceedings, nor disturb any other member while speaking. Members shall obey the orders of the mayor or presiding officer, city commission, or city commission committee, with regard to this section or as authorized by parliamentary procedure, as referenced in section 2-12 of this Code.

### (d) Members shall not make abusive, disparaging, impertinent, offensive, personally insulting, slanderous, or threatening comments.

### (e) The mayor or presiding officer shall at all times maintain order during a public meeting, moderate discussion and debate, direct members to focus their comments on the subject of pending business, and limit non-productive grandstanding.

### (f) Violations.

- (1) In order to allege a violation of this section, the alleging member shall raise a point of personal privilege to the mayor or presiding officer to challenge the offending member to justify, retract, or apologize for the offending statement or action.
- (2) If the offending member fails to justify, retract, or apologize for the offending statement or action, the city commission or city commission committee may, by 5/7ths vote (or, in the case of a city commission committee, by a majority vote plus one vote), publicly reprimand the offending member.
- (3) Following a vote to publicly reprimand a member, the alleging member shall request that the city clerk record the offending remark or action in the minutes of the meeting.
- (4) For second and subsequent violations by an individual member, the city commission or city commission committee may, by 5/7ths vote (or, in the case of a city commission committee, by a majority vote plus one vote), impose a fine as follows:

- a. For a second offense: \$ 50.00
- b. For a third offense: \$100.00
- c. For a fourth or subsequent offense: \$150.00

Fines paid pursuant to this section shall be allocated to children's programs administered by the parks and recreation department.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith 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.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

\_\_\_\_\_  
Philip Levine  
Mayor

(Sponsored by Commissioner Michael Grieco)

Underline denotes additions  
~~Strike through~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Paul C. H. 5/13/16  
City Attorney Date

NK

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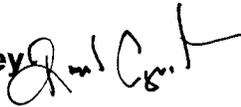
# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

**TO: Members of the City Commission  
City Manager Jimmy Morales**

**FROM: Raul J. Aguila, City Attorney**



**DATE: May 11, 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 16, ENTITLED "RESERVED," TO CREATE A MIAMI BEACH YOUTH COMMITTEE, AND AMENDING SECTIONS 2-186 – 2-189 THEREOF, ENTITLED "RESERVED," TO ESTABLISH AND SET FORTH THE PURPOSE, POWERS, DUTIES, COMPOSITION, AND SUPPORTING DEPARTMENT FOR THE COMMITTEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

---

Pursuant to the request of Commissioner Kristen Rosen Gonzalez, the above-referenced Ordinance was drafted to create a Youth Committee in the City of Miami Beach. This Ordinance is submitted for consideration by the Mayor and City Commission on First Reading. Pursuant to Section 2-27 of the Miami Beach City Code, a 5/7<sup>ths</sup> affirmative vote is required for the creation of this new Committee.

RJA/DT/r  
F:\ATTO\TURNICOMMEMO\Creating a Youth Committee.docx

ORDINANCE NO. \_\_\_\_\_

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 16, ENTITLED "RESERVED," TO CREATE A MIAMI BEACH YOUTH COMMITTEE, AND AMENDING SECTIONS 2-186 - 2-189 THEREOF, ENTITLED "RESERVED," TO ESTABLISH AND SET FORTH THE PURPOSE, POWERS, DUTIES, COMPOSITION, AND SUPPORTING DEPARTMENT FOR THE COMMITTEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the youth in the City of Miami Beach ("City") have unique perspectives and insights relative to issues and programs relating to the City's teenage population; and

**WHEREAS**, the establishment of a Youth Committee in the City will provide a helpful compliment to the decision-making process of the Mayor and City Commissioners.

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

**SECTION 1.** That Sections 2-186 - 2-189 of Article III of Chapter 2 of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE III. AGENCIES, BOARDS AND COMMITTEES**

\* \* \*

**Division 16. Reserved-Miami Beach Youth Committee**

**Sec. 2-186. ~~Reserved.~~ Established; purpose.**

There is hereby created the Miami Beach Youth Committee (the "Youth Committee") which is an advisory board of the City. The purpose of the Youth Committee is to provide the youth of Miami Beach with a vehicle to learn about government, participate in the process of City government, represent and articulate the needs of youth in the City, and provide recommendations to the Mayor and City Commissioners on issues and programs affecting the youth and teen population in the City.

**Sec. 2-187. Powers and Duties.**

The Youth Committee shall have the following powers and duties:

- (a) Serve in an advisory capacity to the Mayor and City Commission with regard to issues and programs affecting the City's youth and teen population;
- (b) Foster increased City youth involvement in the affairs of City government;
- (c) Research, discuss, and formulate recommendations on issues, activities, and concerns of youth in the City;
- (d) Comment upon existing or proposed legislation, ordinances, resolutions, and policies that impact the youth in the City;
- (e) Work with other youth organizations in the City and other cities, counties, states, and countries to collaborate on shared issues and interests and to develop new ideas for programs;
- (f) Submit to the Mayor and City Commissioners an annual report of the activities of the Youth Committee in the month of May prior to the end of the regular school year;
- (g) Utilize social networking sites and/or technology to engage and inform youth in the City of important City activities.
- (h) Each member of the Youth Committee should meet with the official who appointed him or her on a quarterly basis, or at the discretion of the appointing official, as is mutually convenient for the Youth Committee member and the appointing official, to discuss youth and community issues of concern.

**Sec. 2-188. Composition.**

- (a) The Youth Committee shall be composed of seven (7) voting members.
- (b) The Mayor and each City Commissioner shall appoint one member to the Youth Committee as a direct appointment. Members must be enrolled in a Miami-Dade County public school or a private school in the City. Members shall be fifteen (15) through eighteen (18) years old at the time of appointment and be enrolled in the 10th, 11th, or 12th grade. To be qualified for appointment, a student must have a minimum 2.0 grade point average and demonstrate a sincere interest in municipal government, be motivated to contribute to the betterment of the City, and have a background in community-based activity.

- (c) The term of office for each member shall be one (1) year. Members may be appointed for up to three subsequent one-year terms; provided, however, that no member shall serve on or after his/her nineteenth (19<sup>th</sup>) birthday. In addition, board member terms shall automatically expire upon the latter of December 31 of the year the appointing City Commission member leaves office or upon the appointment/election of the successor City Commission member.
- (d) Youth Committee members shall annually elect a member as chairperson, and other officers it deems necessary. A vote of a majority of the members shall be required to constitute action taken by the Youth Committee.

**Sec. 2-189. Supporting Department**

The supporting department for the Youth Committee shall be Department of Parks and Recreation.

**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 Miami Beach City Code. 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.

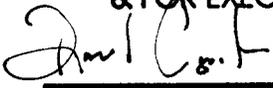
\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

Underline denotes new language  
~~Strikethrough~~ denotes removed language

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

  
\_\_\_\_\_  
City Attorney *DT*

5/3/16  
Date

(Sponsored by Commissioner Kristen Rosen Gonzalez)

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**Condensed Title:**

An ordinance amending the Land Development Regulations of the City Code as it pertains to demolition procedures for single family homes by extending the current demolition approval procedures for pre-1942 homes to all single family homes.

**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**  
 This ordinance would extend the current demolition approval procedures for pre-1942 homes to all single family homes. The proposal would not mandate a different level of review for new construction, but would require that the issuance of a demolition permit be predicated upon meeting the same benchmarks as currently required for pre-1942, architecturally significant single family homes.

On February 10, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee and to the Planning Board (Item C4J). On March 30, 2016, the Land Use and Development Committee recommended approval of the proposed ordinance, including a modification that it apply to improvements to a single family lot proposing demolition, in addition to new homes.

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 June 8, 2016.

**Advisory Board Recommendation:**

On April 19, 2016, the Planning Board transmitted the proposed ordinance to the City Commission with an unfavorable recommendation (vote 5 to 2).

**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
	<i>MAJ/SMT</i>	<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: May 11, 2016

SUBJECT: **SINGLE FAMILY HOME DEMOLITION PROCEDURES**

  
FIRST READING

**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 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-108, "PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS;" BY AMENDING THE REQUIREMENTS AND PROCEDURES FOR THE ISSUANCE OF A DEMOLITION PERMIT FOR SINGLE FAMILY HOMES; 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 June 8, 2016.

### **BACKGROUND**

On February 10, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee and to the Planning Board (Item C4J). On February 17, 2016, the Land Use and Development Committee discussed procedures for the issuance of demolition permits for single family homes, and the feasibility of requiring that all new single family construction be reviewed and approved by the Design Review Board. The Committee continued the matter to March 30, 2016.

On March 30, 2016, the Land Use and Development Committee recommended approval of the proposed ordinance, including a modification that would also allow plans for proposed site improvements to satisfy the demolition review criteria for construction plans, when such improvements are part of an aggregated lot with an existing single family home. This ordinance does not require the review of a new replacement home by the Design Review Board when a post-1942 home is demolished.

## **ANALYSIS**

Currently, the Land Development Regulations (LDRs) in the City Code do not provide a process for the review of a demolition permit for a single family home, with the exception of the following:

- Homes located within the boundaries of a Local Historic District;
- Homes individually designated as a Historic Site or Historic Structure;
- Homes constructed prior to 1942 and determined to be 'Architecturally Significant'.

Section 142-108(f) of the City Code requires that the following benchmarks be met, prior to the issuance of a demolition permit for a pre-1942, Architecturally Significant home:

1. The issuance of a building permit process number for new construction;
2. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
3. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
4. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Urban Forestry in the Environment & Sustainability Department;

The attached draft ordinance would modify Sec. 142-108(f) of the City Code by extending the current demolition approval procedures for pre-1942 homes to all single family homes. The proposal would not mandate a different level of review for new construction, but would require that the issuance of a demolition permit be predicated upon meeting the same benchmarks as currently required for pre-1942, architecturally significant single family homes.

The ordinance, if adopted, would help prevent the speculative demolition of homes and the resulting vacant lots throughout the City's single family neighborhoods.

An additional modification to Sec 142-108(f)(2)d is also proposed, to clarify the regulatory responsibility for required tree surveys and mitigation. In this regard, Urban Forestry in the Environment & Sustainability Department has replaced the Green Space Management as the regulatory authority.

## **PLANNING BOARD REVIEW**

On April 19, 2016, the Planning Board (by a 5-2 vote) transmitted the proposed Ordinance to the City Commission with an unfavorable recommendation. Additionally, the Planning Board recommended that the City Commission study expanding the definition and year of eligibility for architecturally significant homes, to include review and eligibility criteria beyond the current date of 1942.

## **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.

**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 June 8, 2016.

JLM/SMT/TRM/MAB

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**SINGLE FAMILY HOME DEMOLITION PROCEDURES**

**ORDINANCE NO. \_\_\_\_\_**

**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 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-108, "PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS;" BY AMENDING THE REQUIREMENTS AND PROCEDURES FOR THE ISSUANCE OF A DEMOLITION PERMIT FOR SINGLE FAMILY HOMES; 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's LDRs do not currently provide for any formal demolition rules or procedures when a total demolition permit is requested for a single family structure that is not located within the boundaries of a Local Historic District, not individually designated as an Historic Site or Historic Structure or has not been determined to be an Architecturally Significant Pre-1942 Single Family Home; and

**WHEREAS**, it is appropriate for the City to adopt criteria in the LDRs by which formal demolition rules and procedures are codified for all single family structures located within the City; 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.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "Single Family Residential Districts," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**DIVISION 2. RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

**Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.**

\* \* \*

(f) *Issuance of demolition permits for ~~architecturally significant~~ single family homes.*

- (1) Emergency demolition orders. This section shall not supersede the requirements of the applicable building code with regard to unsafe structures and the issuance of emergency demolition orders, as determined by the building official.
- (2) A demolition permit for the total demolition of any ~~an architecturally significant~~ single-family home ~~constructed prior to 1942~~, shall not be issued unless all of the following criteria are satisfied:
  - a. the issuance of a building permit process number for new construction;
  - b. the building permit application and all required plans for the new construction or proposed improvements to a lot that is abutting an aggregated lot with an existing single family home, shall be reviewed and approved by the Planning Department;
  - c. all applicable fees for the new construction or proposed improvements to a lot that is abutting an aggregated lot with an existing single family home, shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
  - d. a tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by ~~the Greenspace Management Division~~ Urban Forestry in the Environment & Sustainability Department.

**SECTION 2. REPEALER**

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

**SECTION 3. CODIFICATION**

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

**SECTION 4. SEVERABILITY**

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

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect ten days following adoption.

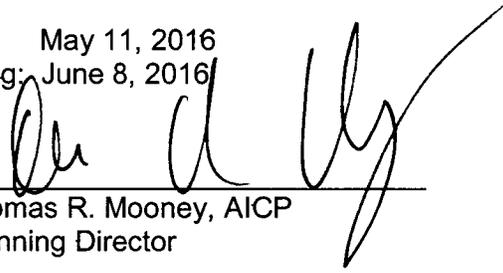
**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine  
Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

First Reading: May 11, 2016  
Second Reading: June 8, 2016

Verified by:   
\_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

4-28-16  
\_\_\_\_\_  
Date



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~~Strikethrough~~ denotes deleted language

[Sponsored by Commissioner Malakoff]

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 25, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***The first reading of an ordinance regarding conversion therapy practices.***

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

**MIAMI BEACH**

***Commissioner John Elizabeth Alemán***

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MISCELLANEOUS OFFENSES," BY CREATING ARTICLE VII, TO BE ENTITLED "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS," TO PROHIBIT LICENSED PROFESSIONALS FROM ENGAGING IN COUNSELING EFFORTS, PRACTICES, OR TREATMENTS WITH THE GOAL TO CHANGE A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the American Psychiatric Association published a position statement in December 1998 opposing any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality *per se* is a mental disorder or that a patient should change his or her homosexual orientation; and

**WHEREAS**, the American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including, among other things, confusion, depression, social withdrawal, suicidality, substance abuse, self-hatred, high-risk sexual behavior, and a feeling of being dehumanized; and

**WHEREAS**, following the report issued by the APA Task Force, the American Psychological Association issued a resolution in 2009 on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts, advising parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and encouraging psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increased family and school support, and reduced rejection of sexual minority youth; and

**WHEREAS**, the American Academy of Child and Adolescent Psychiatry published a statement in 2012 in its journal that, "[g]iven that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated"; and

**WHEREAS**, the American Academy of Pediatrics, the American Medical Association Council of Scientific Affairs, the National Association of Social Workers, the American Counseling Association Governing Council, the American School Counselor Association, and the American Psychoanalytic Association have each asserted in

reports or position statements that sexual orientation change efforts, including reparative therapy or conversion therapy, are not recommended and may be harmful; and

**WHEREAS**, the Pan American Health Organization issued a statement in 2012 that “[t]hese supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements”; and

**WHEREAS**, the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services issued a report in 2015 examining the scientific literature on conversion therapy and concluded that “conversion therapy—efforts to change an individual’s sexual orientation, gender identity or gender expression—is a practice that is not supported by credible evidence” and that “may put young people at risk of serious harm”; and

**WHEREAS**, the City of Miami Beach (“City”) has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, transgender and questioning youth, and in protecting its minors against exposure to serious harms caused by sexual orientation and gender identity change efforts; and

**WHEREAS**, the City Commission hereby finds that being lesbian, gay, bisexual, or transgender is not a disease, disorder, illness, deficiency, or shortcoming, and that research has demonstrated sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, or transgender persons; and

**WHEREAS**, it is the desire of the Miami Beach City Commission to prohibit, within the geographic boundaries of the City, the use of sexual orientation or gender identity change efforts with minors, including reparative and conversion therapy, which have been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual, and transgender persons.

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

Section 1. That Chapter 70 of the Miami Beach Code is hereby amended to create Article VII as follows:

**CHAPTER 70**  
**MISCELLANEOUS OFFENSES**

\* \* \*

## **ARTICLE VII. Sexual Orientation or Gender Identity Change Efforts**

### **Sec. 70-405. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except when the context clearly indicates a different meaning:

Conversion therapy means any counseling, practice, or treatment performed with the goal of changing a person's sexual orientation or gender identity including, but not limited to, efforts to change behaviors, gender expression, or to reduce or eliminate sexual or romantic attraction or feelings toward a person of the same gender. Conversion therapy does not include counseling that:

- a) Provides support to a person undergoing gender transition; or
- b) Provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling is not conducted with the goal of changing the person's sexual orientation or gender identity.

Minor means a person less than eighteen (18) years of age.

Reparative therapy has the same meaning as conversion therapy defined in this section.

### **Sec. 70-406. Conversion therapy prohibited.**

A person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 458, 459, 490, or 491 of the Florida Statutes, as such chapters may be amended, including, but not limited to, medical practitioners, osteopathic practitioners, psychologist, psychotherapists, social workers, marriage and family therapists, and licensed counselors, may not engage in conversion or reparative therapy with a minor.

Sec. 70-407. Enforcement; penalties.

A violation of Section 70-406 shall be enforced pursuant to the procedures set forth in Chapter 30 of this Code. The penalty for a violation shall be \$200.00. Each day that a violation occurs constitutes a separate offense.

**SECTION 1. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 2. SEVERABILITY.**

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

**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 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 4. EFFECTIVE DATE.**

This Ordinance shall take effect the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

\_\_\_\_\_  
Philip Levine  
Mayor

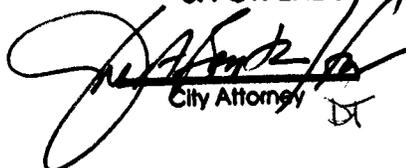
\_\_\_\_\_  
Rafael E. Granado  
City Clerk

(Sponsored by Commissioner John Elizabeth Aleman)

Underline denotes addition  
~~Strikethrough~~ denotes deletions

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney  
Date 5/4/16

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**Condensed Title:**

An Ordinance amending the Land Development Regulations of the City Code as it pertains to the landscaping standards.  
 An Ordinance amending Chapter 46 of the City Code to be consistent with the proposed landscaping standards.

**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 ordinances would amend Chapter 126 of the Land Development Regulations (LDRs) of the City Code in order to expand the applicability and submittal requirements for landscape plans, expand minimum landscape standards, detail maintenance requirements, and establish a tree trust fund for the deposit of funds generated from not complying with requirements. Chapter 130 of the LDRs would be amended to incorporate landscape standards for parking lots into the landscape ordinance, and Chapter 46 of the City Code would be amended to be consistent with the proposed amendments to Chapter 126.

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. On March 9, 2016, the City Commission referred the subject ordinance amendment (Item C4B) to the Planning Board.

The Administration recommends that the City Commission open and continue the item to a date certain of July 13, 2016.

**Advisory Board Recommendation:**

On April 19, 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; 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
	<i>NJP for SMT</i>	<i>JM</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: May 11, 2016

SUBJECT: **Revisions to Chapter 126 and 46 Pertaining to Landscaping**



FIRST READING

**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.**

**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.**

### **ADMINISTRATION RECOMMENDATION**

The Administration recommends that the City Commission open and continue the item to a date certain of July 13, 2016.

## **BACKGROUND**

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. On March 9, 2016, the City Commission referred the subject ordinance amendment (Item C4B) to the Planning Board.

## **ANALYSIS**

According to the U.S. Department of Agriculture (USDA) Forest Service trees are a valuable resource 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.

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 Forester.

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.

#### **PLANNING BOARD REVIEW**

On April 19, 2016, the Planning Board (by a 7-0 vote) transmitted the proposed Ordinance with modifications to the City Commission with a favorable recommendation. The modifications are described below:

- Section 126-2: Provide a definition for “Net Lot Area”.
- Section 126-6 (c)(1): Add “roofs” to the list of upper level areas.
- Section 126-10: Clarify that buffers are to be provided “by the non-residential property if applying for new construction”.
- Section 126-11: Remove requirements (a) and (b); clarify the requirements for bulb outs in parallel parking rows; and incorporate standards (a), (a)(4) and (a)(6) from Temporary Parking Lot standards.
- Section 126-12 (b): Incorporate standard (a)(4) from Temporary Parking Lot Standards.
- Section 126-17: Allow for a 30-day cure period.
- Incorporate an applicability clause for projects that have applied for a Land Use Board hearing or have a building permit process number as of the date of second reading of the ordinance.

### **FISCAL IMPACT**

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

### **UPDATE**

The administration is currently seeking a review of the proposed Landscape Ordinance by Miami-Dade County to ensure consistency with the County’s minimum landscape requirements that apply to municipalities. The administration expects that this review will be complete prior to the July 13, 2016 City Commission hearing.

### **CONCLUSION**

The Administration recommends that the City Commission open and continue the item to a date certain of July 13, 2016.

  
JLM/SMT/TRM/RAM

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## CHAPTER 126 - 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

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.

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.

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.

Net lot area: the total horizontal area within the lot lines of the lot.

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”.
- (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;
- (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);
- (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.

Table A				
Zoning District	Number Of Trees Required			Maximum Lawn Area Percent Of Required Open Space
	Per Lot ( Front Yard)	Per Lot ( Back Yard )	Per Acre of Net Lot Area	
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, roofs, 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 air conditioning 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.

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**

(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

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 by the non-residential property if applying for new construction 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.

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) 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.
- (b) 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.
- (c) For each row of parallel parking there shall be a minimum of two (2) landscape areas, such as in a curbed bulb out, 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.
- (d) All required trees shall be of an approved shade tree variety which shall attain a minimum mature crown spread greater than 20 feet.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) These requirements are in addition to any applicable required open space as provided in these regulations.
- (j) 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. 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 (6) 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) 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) 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.
  - (4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
  - (5) No more than one third (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. The code compliance department shall provide a 30 days cure period for violations which can be cured, such as maintenance issues, prior to issuing a citation.
  - 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 final 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 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.~~

~~\* \* \*~~

~~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:
  - ~~(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.~~

### **SECTION 3. APPLICABILITY.**

This Ordinance shall not apply to projects that have an approved Order from the Board of Adjustment, Design Review Board, Historic Preservation Board, or Planning Board issued prior to the effective date of this Ordinance. Developments that have submitted a complete application for hearing before the Board of Adjustment, Design Reivew Board, Historic Preservation Board, or Planning Board, or that have been issued a building permit process number prior to the date of second reading of this Ordinance.

### **SECTION 4. 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 5. 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 6. 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.

\_\_\_\_\_  
Philip Levine  
Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

David Cyril 4-28-16  
City Attorney Date

Verified by: \_\_\_\_\_

Thomas R. Mooney, AICP  
Planning Director

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

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**CHAPTER 46 - 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

conducted by the urban forester or his/her designee. All new, relocated or mitigation trees within the project area shall be replaced, if they are not alive and viable one year after the final inspection. The final inspection requirements for replacement or relocated trees installed at off-site locations pursuant to section 46-61(5) shall require written approval from the public works department.

**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 reentered 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 (10) 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

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: Jimmy L. Morales, City Manager

DATE: May 11, 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 I, ENTITLED "IN GENERAL"; BY AMENDING SECTION 82-1, ENTITLED "CONDUCTING BUSINESS ON STREETS, PARKS OR OTHER PUBLIC PROPERTY; ENFORCEMENT; PENALTIES; UNPAID FINES TO CONSTITUTE LIENS," BY CREATING SUBSECTION (b) WHICH EXPRESSLY PROHIBITS COMMERCIAL TRANSACTIONS, ACTIVITIES OR OPERATIONS AT THE MAURICE GIBB MEMORIAL PARK BOAT RAMP AND MAURICE GIBB MEMORIAL PARK; BY PROHIBITING ANY PORTION OF THE COMMERCIAL TRANSACTION, ACTIVITY OR OPERATION TO DIRECTLY OR INDIRECTLY OCCUR AT THE MAURICE GIBB MEMORIAL PARK BOAT RAMP AND MAURICE GIBB MEMORIAL PARK; BY CREATING SUBSECTION (d), WHICH IS A NEW ENFORCEMENT AND PENALTY PROVISION FOR VIOLATIONS, LIMITING THE AUTHORITY OF THE SPECIAL MASTER, AND INCREASING THE MONETARY FINES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

### BACKGROUND

The double lane boat ramp at Maurice Gibb Memorial Park is a no-fee marine vessel launch facility, with 11 trailer parking spaces, to which access is currently unrestricted. Historically, the City has received numerous complaints concerning both the commercial use of the boat ramp and conflicts between operators of motorized and non-motorized vessels, such as:

- Commercial operations, like tour vehicles/vessels, often fail to observe the no-wake zone.
- Safety issues occur between operators of small non-motorized vessels and larger motorized vessels.

At the October 31, 2014 Neighborhoods and Community Affairs Committee (NCAC) meeting, the Committee directed Administration to research and assess options for regulating the use of the boat ramp.

On January 30, 2015, Administration and members of the NCAC discussed potential options to manage and improve marine activities on the boat ramp at Maurice Gibb Park. Following the discussion, the committee recommended the Mayor and City Commission to direct Administration to proceed with construction of a floating dock for non-motorized marine vessels at Maurice Gibb Park, from which non-motorized vessels including, without limitation, kayaks, canoes, and paddleboards, may be launched, and to develop and implement a plan to control access to the boat ramp at Maurice Gibb Park by limiting its use to City of Miami Beach residents for non-commercial purposes only.

On March 30, 2015, Commission accepted the recommendation from NCAC and adopt resolution No. 2015-28957, which authorizes the administration to proceed with the construction of a floating dock for non-motorized marine vessels at Maurice Gibb Park, located at 18<sup>th</sup> street and Purdy Avenue, Miami Beach FL; establish a policy for commercial use of the boat ramp at Maurice Gibb Park, and in consultation with the City Attorney's Office, to develop and implement a plan to limit access to the boat ramp.

Following the direction provided by resolution, starting Monday, May 23, 2016, boat ramp parking will be for Miami Beach residents only. The first step in this transition will require residents to register their tow vehicle through the Parking Department. Only residential vehicles with boat trailers will be allowed to park in the boat ramp parking lot. The metered parking at Maurice Gibb Park will remain available to residents and non-residents (as illustrated in Exhibit A). The enforcement and regulation of these changes at the Maurice Gibb Memorial Park Boat Ramp will be made through the proposed ordinance.

Administration is currently working on the non-motorized vessel dock. Before the dock may be constructed, repairs to the seawall must be made.

## **CONCLUSION**

The Administration recommends the City Commission to adopt the ordinance on first reading.

### **Attachments**

*Exhibit A – Maurice Gibb Memorial Park Access Regulation*

JLM/EC/JF 



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 I, ENTITLED "IN GENERAL"; BY AMENDING SECTION 82-1, ENTITLED "CONDUCTING BUSINESS ON STREETS, PARKS OR OTHER PUBLIC PROPERTY; ENFORCEMENT; PENALTIES; UNPAID FINES TO CONSTITUTE LIENS," BY CREATING SUBSECTION (b) WHICH EXPRESSLY PROHIBITS COMMERCIAL TRANSACTIONS, ACTIVITIES OR OPERATIONS AT THE MAURICE GIBB MEMORIAL PARK BOAT RAMP AND MAURICE GIBB MEMORIAL PARK; BY PROHIBITING ANY PORTION OF THE COMMERCIAL TRANSACTION, ACTIVITY OR OPERATION TO DIRECTLY OR INDIRECTLY OCCUR AT THE MAURICE GIBB MEMORIAL PARK BOAT RAMP AND MAURICE GIBB MEMORIAL PARK; BY CREATING SUBSECTION (d), WHICH IS A NEW ENFORCEMENT AND PENALTY PROVISION FOR VIOLATIONS, LIMITING THE AUTHORITY OF THE SPECIAL MASTER, AND INCREASING THE MONETARY FINES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Commission recognize the importance of Maurice Gibb Memorial Park Boat Ramp and Maurice Gibb Memorial Park to the residents and visitors of the City of Miami Beach; and

**WHEREAS**, the Maurice Gibb Memorial Park Boat Ramp is the only public boat ramp in the City, and commercial transactions, activities or operations are not authorized by the City upon its public property without the express permission of the Mayor and City Commission; and

**WHEREAS**, illegal and unauthorized commercial transactions, activities and operations at the Maurice Gibb Memorial Park and Maurice Gibb Memorial Park Boat Ramp creates a dangerous hazard and a direct threat to the residents and visitors of the City; and

**WHEREAS**, the City is legally obligated to ensure the health, safety and welfare of its residents and visitors who utilize its public facilities, and illegal commercial transactions, activities and operations at the Maurice Gibb Memorial Park Boat Ramp and Maurice Gibb Memorial Park unnecessarily exposes the City to potential unwarranted liability; and

**WHEREAS**, the Mayor and City Commission affirmatively acknowledge that commercial transactions, activities or operations must be prohibited at the Maurice Gibb Memorial Park Boat Ramp and Maurice Gibb Memorial Park, unless expressly authorized by the City.

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

**SECTION 1.** That Section 82-381 of Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 82**  
**PUBLIC PROPERTY**

\* \* \*

**ARTICLE I. In General.**

\* \* \*

**Sec. 82-1. Conducting business on streets, parks or other public property; enforcement; penalties; unpaid fines to constitute liens.**

(a) ~~Prohibitions.~~ It shall be unlawful for any person, while in or on any public street, avenue or alley, or any park, beach, structure, building or other property or place owned, maintained or operated by the city for public use, to sell, rent or offer for sale or rent to the public any article, commodity or service of any nature whatsoever, other than newspapers of general circulation duly entered in the United States Postal Service.

(b) It shall be unlawful for any commercial business establishment, entity, organization or company that rents merchandise, products, goods or services, or engages in any service that sells or rents merchandise, products or goods, including those commercial operators that transport passengers, are prohibited from conducting any portion of the commercial transaction, activity or operation at the Maurice Gibb Memorial Boat Ramp or Memorial Park. A commercial transaction, activity or operation will be deemed to have occurred at the Maurice Gibb Memorial Park Boat Ramp or the Maurice Gibb Memorial Park, if any direct or indirect portion of the commercial transaction, activity or operation takes place at the Maurice Gibb Memorial Boat Ramp or Memorial Park (including any use of the Maurice Gibb Memorial Park Boat Ramp or the Maurice Gibb Memorial Park).

~~(b)~~(c) Exemptions. This section shall not apply to:

- (1) Employees of the city acting for and on behalf of the city, or to persons specifically authorized to render service to the public in any place above-described by the city manager; or
- (2) Persons participating in any art show or exhibit held on all city properties under the specific authorization of the city commission and who are exhibiting paintings or objects of art produced or created by such persons.

~~(c)~~(d) ~~Enforcement; penalties; appeals; unpaid fines to constitute liens. Enforcement of this section shall be in accordance with the following procedures:~~

Penalties and enforcement.

(1) A violation of this Section shall be subject to the following fines:

- a. If the violation is the first offense, a person or business shall receive a civil fine of \$250.00;
- b. If the violation is the second violation within the preceding six months, a person or business shall receive a civil fine of \$500.00;

- c. If the violation is the third violation within the preceding six months, a person or business shall receive a civil fine of \$1,000.00; and
    - d. If the violation is the fourth or subsequent violation within the preceding six months, a person or business shall receive a civil fine of \$2,000.00.
  - (2) Enforcement. The Miami Beach police department or the Code Compliance Department shall enforce this section. This shall not preclude other law enforcement agencies from any action to assure compliance with this section and all applicable laws. If a violation of this section is observed, the enforcement officer will be authorized to issue a notice of violation. The notice 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. 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 police officer. The failure of the named violator to appeal the decision of the police officer within the prescribed time period 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. On or after the sixty-first (61st) day following the recording of any such lien that remains unpaid, the City may foreclose or otherwise execute upon the lien.

- 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 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.
- g. The special master shall not have discretion to alter the penalties prescribed in subsection (d)(1).

- ~~(1) If a code compliance officer finds a violation of this chapter, the compliance officer shall issue a notice of violation to the violator as provided in chapter 30. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to do so shall constitute an admission of the violation and waiver of the right to a hearing.~~
- ~~(2) A violator who has been served with a notice of violation shall elect either to:
  - ~~a. Pay the civil fine as follows:
    - ~~(i) First offense: \$50.00;~~
    - ~~(ii) Second offense: \$100.00;~~
    - ~~(iii) Third and subsequent offenses: \$250.00; or~~~~
  - ~~b. Request an administrative hearing within 20 days before a special master appointed as provided in article II of chapter 30 to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation;~~
  - ~~c. The special master shall not have discretion to alter the penalties prescribed in subsection (c)(2)a.~~~~
- ~~(3) If the named violator, after notice, fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.~~
- ~~(4) Any party aggrieved by the decision of the special master may appeal the decision in accordance with law.~~

- ~~(5) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.~~
- ~~(6) A certified copy of an order imposing a civil fine may 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. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.~~
- ~~(d) [Procedures for appeals.] The procedures for appeal of the notice of violation by administrative hearing shall be as set forth in sections 102-384 and 102-385.~~

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith 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 ten (10) days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

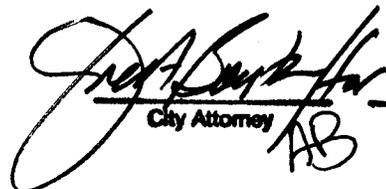
**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Mayor Philip Levine

(Sponsored by Commissioner Michael Greico)

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

  
\_\_\_\_\_  
City Attorney AB

5-4-16  
\_\_\_\_\_  
Date

R50 An Ordinance Amending The City Code Regarding High Impact Beach Events. **First Reading**

(Sponsored by Commissioner Michael Grieco)  
(Legislative Tracking: Office of the City Attorney)  
**(Item to be Submitted in Supplemental)**

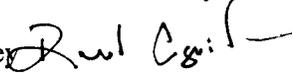
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# MIAMI BEACH

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: Raul J. Aguila, City Attorney 

CC: Jimmy L. Morales, City Manager

DATE: May 4, 2016

**FIRST READING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE CITY CODE, ENTITLED "BUSINESSES[,]” BY ADDING ARTICLE XVII, ENTITLED “CITY MINIMUM LIVING WAGE[,]” TO PROVIDE FOR IMPLEMENTATION OF A CITY-WIDE MINIMUM HOURLY WAGE; AND AMENDING CHAPTER 102 OF THE CITY CODE, ENTITLED “TAXATION[,]” BY AMENDING SECTION 102-371, ENTITLED “APPLICATION PROCEDURES[,]” BY ADDING A SUBSECTION ENTITLED “(J) COMPLIANCE WITH CITY MINIMUM LIVING WAGE” AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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### SUMMARY OF THE PROPOSED ORDINANCE

This Ordinance, raising the minimum living wage in the City of Miami Beach, has been proposed and sponsored by Mayor Philip Levine. The proposed legislation would gradually raise, over a period of four years, the minimum living wage for all workers employed in the City and covered by the federal minimum wage.

The current minimum wage is currently \$8.05 per hour, as mandated by the State of Florida’s Minimum Wage Act. The Ordinance would raise this rate to \$13.31 per hour by 2020, the rate currently mandated for employees of City contractors pursuant to the City’s Living Wage Ordinance (as codified in Miami Beach City Code §2-408). The City’s minimum living wage would be set at \$10.31 per hour beginning in 2017, with one dollar an hour increases every year until the rate of \$13.31 was reached on June 30, 2020. Thereafter, the City Commission could annually, at its discretion and by Resolution, consider whether an increase in an amount equal to the Consumer Price Index for the

year should be required. Enforcement would be provided by private right of action to a court of competent jurisdiction and of the Ordinance administrative penalties by the City Manager.

### **ANALYSIS**

The United States Congress enacted the Federal Fair Labor Standards Act, 29 U.S.C. §201 (“FLSA”), in 1938. Under the FLSA, the federal minimum wage was set at \$0.25 an hour, and has since then increased steadily over time. Since 2009, the federal minimum wage has been \$7.25.<sup>1</sup>

While the U.S. economy saw steady growth and an improvement in the jobless rate since 2009, wages have been flat or falling for much of the labor force. Currently across the country, there exists an ongoing campaign to raise the federal minimum wage above the current \$7.25 level. A January 2015 poll by Hart Research Associates found that 75% of Americans (including 92% of Democrats, 73% of Independents, and 53% of Republicans) supported a federal minimum wage increase to \$12.50 by 2020. Considering that a February 2013 poll by the Pew Research Center found that 71% of Americans supported a minimum wage increase, popularity is only surging for such changes.

The federal and state government has not, however, acted. The U.S. Conference of Mayors’ “Cities of Opportunity Task Force,” in August 2014, endorsed higher city minimum wages as key tools for fighting income inequality at the local level. Over the past year, an unprecedented number of cities and counties have moved to adopt higher local minimum wages. In addition, cities are proposing substantially higher wage levels than the federal or state minimum wages (see Table 1).

### **The Cost of Living in the City of Miami Beach**

A recent study based off the 50-30-20 budgeting rule (50% of income for necessities; 30% discretionary; 20% saved) calculated a cost-of-living comparison on a national scale across the 75 most populous U.S. cities, including Miami. In researching living expenses that include rent, groceries, utilities, transportation, and healthcare, they found the yearly salary needed to “live comfortably” in Miami to be about \$77,000, the sixth most in the country.

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<sup>1</sup> Generally, the FLSA covers employers engaged in “interstate commerce” and have annual revenues of over \$500,000.

The results also showed Miami's median income of just under \$31,000 is about \$46,000 short of that number, representing “the biggest gap between actual and ideal incomes of any major city in this study.”<sup>2</sup>

Massachusetts Institute of Technology (“MIT”) recently released research estimating the cost of living and hourly wage necessary to support a minimal lifestyle in Miami-Dade County. That study sets a minimum of \$11.45 per hour in order for a single person to survive here in 2016. If family and children are added, the hourly wage necessary jumps to between \$18 and \$25 per hour. The Florida minimum wage is currently \$8.05 per hour, \$16,744 per year, if working 40 hours a week for 52 weeks (2,080 total hours). The graph below summarizes the MIT findings. The Research Institute on Social and Economic Policy at Florida International University recently theorized based upon available data that the cost of living in the City of Miami Beach is likely much higher.

**Miami-Dade County Annual and Hourly Cost of Living Estimates by Household Composition: 2016 (in 2014 dollars)**

Adults	No Children		1 Child		2 Children		3 Children	
	Annual	Living Wage	Annual	Living Wage	Annual	Living Wage	Annual	Living Wage
<b>1 Adult</b>	\$23,820	\$11.45	\$50,114	\$24.09	\$58,584	\$28.17	\$74,117	\$35.63
<b>2 Adults</b>	\$38,426	\$18.47	\$47,224	\$22.70	\$52,417	\$25.20	\$59,388	\$28.55

Source: Massachusetts Institute of Technology (MIT) Living Wage Calculator. 2016.  
 Living Wage Calculation for Miami-Dade County, FL  
<http://livingwage.mit.edu/counties/12086>

### **The Distinct Role of Local Minimum Wages**

Local minimum wages offer several distinct advantages that differentiate these policies from state or federal minimum wage laws:

- They allow higher-cost cities to set minimum wage rates that better correspond to higher local living costs;
- They allow localities in states where the legislature is slow to raise the minimum wage to address the problem on their own;
- They provide venues for demonstrating the feasibility of substantially higher minimum wages, and pursuing key reforms such as annual inflation indexing and higher tipped- minimum wages, which are less commonly adopted at the state level.

<sup>2</sup> <http://miami.curbed.com/2016/4/20/11463074/miami-salary-live-comfortably>

## **The Economic Evidence Shows that City Minimum Wages Boost Earnings Without Reducing Employment**

Economic evidence indicates that the higher city minimum wages enacted in U.S. cities to date have boosted earnings without slowing job growth or causing business relocations. These findings are consistent with the bulk of modern research on higher state minimum wages, which has generally found no statistically significant evidence of job losses resulting from minimum wage increases passed over the last 20 years in the United States.

This is partly because the bulk of the low-wage positions affected by city minimum wages are in fields such as restaurants, retail, building services, home health care, and child care jobs that serve city-based customers such as residents, office workers, and tourists at city locations. As a result, most cannot practically be moved by their employers to locations outside of the city while still retaining their customer bases.

Table 2 summarizes the most rigorous research examining the employment impact of minimum wage increases at the local level. The studies below pay particular attention to the experience of minimum wage increases in Santa Fe and San Francisco, which have had local minimum wages in place for over a decade now and offer the most complete picture of how businesses in low-wage sectors have adjusted to higher wage floors.

In both San Jose and San Francisco, for example, jobs in the restaurant industry grew faster after the minimum wage was increased than they did in surrounding cities and counties that did not raise wages. In SeaTac, Washington—the first city in the United States to fully transition to a \$15 minimum wage for workers in the hospitality and travel industries—predicted layoffs and expansion-plan cancellations did not materialize, and in fact some business owners, who were previously opposed to the wage increase, have expanded operations. And in Seattle, which began phasing-in its \$15 minimum wage in April 2015, initial signs are positive. The Seattle region’s unemployment rate hit an eight-year low of 3.6 percent in August 2015, significantly lower than the state unemployment rate of 5.3 percent. And King County, where Seattle is located, is well on its way to breaking last year’s record for the number of business permits issued to food service establishments.

This is how the media has reported on city minimum wage increases in San Jose,

SeaTac, and Seattle:

“Interviews with San Jose workers, businesses, and industry officials show it has improved the lives of affected employees while imposing minimal costs on employers.”

- USA Today, “In San Jose, Higher Minimum Wage Pays Benefits” (June 14, 2014)

“Fast-food hiring in the region accelerated once the higher wage was in place. By early this year, the pace of employment gains in the San Jose area beat the improvement in the entire state of California.”

- Wall Street Journal, “What Happened to Fast-Food Workers When San Jose Raised the Minimum Wage? Hold the Layoffs” (April 9, 2014)

“Those who opposed the \$15 wage in SeaTac and Seattle admit there has been no calamity so far.”

- Washington Post, “No Calamity Yet as SeaTac, WA, Adjusts to \$15 Minimum Wage” (September 5, 2014)

“For all the political uproar it caused, SeaTac’s closely watched experiment with a \$15 minimum wage has not created a large chain reaction of lost jobs and higher prices...”

- Seattle Times, “\$15 Wage Floor Slowly Takes Hold in SeaTac” (June 13, 2014)

“When Seattle’s pioneering \$15 minimum wage law was the subject of fierce debate last year, Tom Douglas predicted it would inflict a \$5 million hit on his empire of more than a dozen restaurants ... Yet six months after the first wage increase to \$11 per hour took effect, the fear of soaring payrolls shows no signs of killing the appetite of Douglas — or the rest of the Seattle restaurant world — for rapid expansion. Dozens of new restaurants have opened in the city since April 1, including many new eateries run by the law’s fiercest critics, such as Douglas.” -

- Puget Sound Business Journal, "Apocalypse Not: \$15 and the Cuts that Never Came" (October 23, 2015)

### **III. FLORIDA INCOME REGULATIONS**

Prior to the establishment of the Florida Minimum Wage Act (see below), local municipalities in Florida enacted “Living Wage Ordinances.” These laws set a local minimum wage for certain categories of employment at a rate higher than the one required under FLSA. Miami-Dade County unanimously passed its Living Wage

Ordinance in 1999. The City of Miami Beach followed in 2001, becoming the first city in the State of Florida to have its own Living Wage Ordinance.<sup>3</sup> It applies to City contractors. The City of Miami Beach's statutory living wage is currently set at \$11.62 per hour for jobs with health benefits, and \$13.31 for those without health benefits. Miami Beach City Code §2-408(a)

In 2003, the Florida legislature passed, and Governor Jeb Bush signed, the "Minimum wage requirements by political subdivisions; restrictions" law, Fla. Stat. § 218.077. That Statute prohibited municipalities from adopting local ordinances establishing a local minimum wage higher than the federal minimum wage, which was at that time (\$5.15). Specifically, it read, in pertinent part:

(2) ... a political subdivision may not establish, mandate, or otherwise require an employer to pay a minimum wage, other than a federal minimum wage, to apply a federal minimum wage to wages exempt from a federal minimum wage.

The Statute did leave municipalities with the power to maintain Living Wage Ordinances, but only those that applied to city vendors and contractors.

In immediate response, in 2004, 71.25% of Florida voters approved a Constitutional Amendment (now codified as Article X, Section 24 of the Florida Constitution), establishing a higher statewide minimum wage of \$6.15 and indexed it to the Consumer Price Index. Florida's Amendment has a policy statement, which explicitly provides:

(a) PUBLIC POLICY All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.<sup>4</sup>

The constitutional amendment specifically provides that municipalities may establish local minimum wages higher than those set by the state. Specifically, the amendment read:

(f) . . . This amendment provides for payment of a minimum wage and shall not be construed to preempt or otherwise limit the authority of the state legislature or any other public body to adopt or enforce any other

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<sup>3</sup> Other counties in Florida with Living Wage Ordinances include: Broward County (October 8, 2002) and Palm Beach County (February 25, 2003); cities include Orlando (August 25, 2003).

<sup>4</sup> Article X, Section 24, Fla. Constitution, subsection (a).

law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this amendment.<sup>5</sup>

In 2005, the Florida state legislature passed, and Governor Rick Scott signed, an amendment to Fla. Stat. § 218.077, which ignores the constitutional amendment language and broadened the State's preemption of minimum wage law to include preemption of local regulation of benefits as well as wages. The statute currently reads:

(2) ... a political subdivision may not establish, mandate, or otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.

**It is our opinion that the 2004 Minimum Wage Constitutional Amendment reserved the authority of local governments to establish higher minimum wages than that set by federal or state law. Thus, Florida's statutory preemption of a local minimum wage, as set forth in both the 2003 and 2005 versions of Fla. Stat. §218.077, is unconstitutional because it violates that Amendment by taking power reserved to the municipalities and preempts it to the state. Therefore, we believe that an ordinance by the Mayor and Commission of the City of Miami Beach, which sets a minimum wage higher than that set by the state or federal government, would be valid and would be upheld in court.**

#### **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 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 measureable impact on the City's budget.

#### **CONCLUSION**

The proposed Ordinance comes at the right time. Miami Beach's cost of living is expensive and getting worse. Hotel room rates have risen to some of the highest in the country, leading to record profits. But wages have not reflected these realities.

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<sup>5</sup> *Id.* at subsection (f).

Cities around the country are setting fair wages for workers in their cities that allow employees to meet their basic human needs. Studies have shown that these higher living minimum wages have benefited everyone: employment rates remained steady, turnover was reduced, and employees were happier.

The slow and gradual increase over four years in the wages paid to the City's lowest paid workers proposed here is prudent, fair, and lawful.

RJA/rfr

**Table 1. Local Minimum Wage Ordinances in the U.S.**

<b>Passed in 2003</b>	<b>Minimum Wage</b>
Santa Fe, NM	\$10.84
San Francisco, CA	\$12.25
<b>Passed in 2012</b>	<b>Minimum Wage</b>
Albuquerque, NM	\$8.75
San Jose, CA	\$10.30
<b>Passed in 2013</b>	<b>Minimum Wage</b>
Bernalillo County, NM	\$8.65
Washington, DC	\$11.50 (by 2016)
Montgomery County, MD	\$11.50 (by 2017)
Prince George's County, MD	\$11.50 (by 2017)
SeaTac, WA	\$15.24
<b>Passed in 2014</b>	<b>Minimum Wage</b>
Las Cruces, NM	\$10.10 (by 2019)
Santa Fe County, NM	\$10.84
Mountain View, CA	\$10.30
Sunnyvale, CA	\$10.30
San Diego, CA	\$11.50 (by 2017)*
Oakland, CA	\$12.25
Berkeley, CA	\$12.53 (by 2016)
Richmond, CA	\$13.00 (by 2018)
Louisville, KY	\$9.00 (by 2017)
Chicago, IL	\$13.00 (by 2019)
San Francisco, CA	\$15.00 (by 2018)
Seattle, WA	\$15.00 (by 2018-21)

**Table 1. Local Minimum Wage Ordinances in the U.S.**

<b>Passed in 2015</b>	<b>Minimum Wage</b>
Emeryville, CA	\$15.00 (by 2018)
Los Angeles, CA	\$15.00 (by 2020)
Portland, ME	\$10.68 (by 2017)
Kansas City, MO	\$13.00 (by 2020)**
Birmingham, AL	\$10.10 (by 2017)
St. Louis, MO	\$11.00 (by 2018)**
Palo Alto, CA	\$11.00 (by 2016)
Johnson County, IA	\$10.10 (by 2017)
Los Angeles County, CA	\$15.00 (by 2020-21)
Mountain View, CA	\$15.00 (by 2018)
Sacramento, CA	\$12.50 (by 2020)
Lexington, KY	\$10.10 (by 2018)**
Tacoma, WA	\$12.00 (by 2018)
Bangor, ME	\$9.75 (by 2019)
<b>Current Proposals</b>	<b>Proposed Rate</b>
Olympia, WA	\$15.00
Davis, CA	\$15.00
Sacramento, CA	\$15.00
Washington, DC	\$15.00 (by 2020)
Pasadena, CA	\$15.00
Palo Alto, CA	\$15.00 (by 2018)
Long Beach, CA	\$16.00
Sunnyvale, CA	\$15.00 (by 2018)

\*San Diego increase awaits review by voters in 2016

\*\*Preemption lawsuits currently ongoing in Kansas City, MO, Louisville, MO, and Lexington, KY

**Table 2. Summary of Economic Research on Citywide Minimum Wages**

Study	Year Published	Cities Studied	Summary of Findings
<p>“The Wage and Employment Impact of Minimum-Wage Laws in Three Cities”<sup>8</sup></p> <p>Center for Economic and Policy Research</p>	<p>2011</p>	<p>San Francisco, CA Santa Fe, NM Washington, DC<sup>9</sup></p>	<p>“The results for fast food, food services, retail, and low-wage establishments... support the view that citywide minimum wages can raise the earnings of low-wage workers, without a discernible impact on their employment...”</p>
<p>“When Mandates Work: Raising Labor Standards at the Local Level”<sup>10</sup></p> <p>University of California-Berkeley</p>	<p>2014</p>	<p>San Francisco, CA</p>	<p>This book-length study of San Francisco’s minimum wage, living wage, health care, and paid sick leave laws, which collectively raised the compensation of low-wage workers 80 percent higher than the federal minimum wage, found that these laws raised pay without costing jobs. Researchers found that from 2004 to 2011, private sector employment grew by 5.6 percent in San Francisco but fell by 4.4 percent in other Bay Area counties that did not have a higher local wage. Among food-service workers, who are more likely to be affected by minimum wage laws, employment grew 17.7 percent in San Francisco, faster than in the other Bay Area counties. San Francisco employers absorbed the higher costs through a combination of reduced employee turnover and improved customer service and worker productivity.</p>

**Table 2. Summary of Economic Research on Citywide Minimum Wages**

<p>“The Economic Effects of a Citywide Minimum Wage”<sup>11</sup></p> <p>University of California-Berkeley</p>	2007	San Francisco, CA	<p>“We find that the San Francisco wage floor policy increased pay significantly at affected restaurants.... We do not detect any increased rate of business closure or employment loss among treated restaurants; this finding is robust across a variety of alternative specifications and control subsamples.”</p>
<p>“Measuring the Employment Impacts of the Living Wage Ordinance in Santa Fe, New Mexico”<sup>12</sup></p> <p>University of New Mexico, Bureau of Business and Economic Research</p>	2006	Santa Fe, NM	<p>“Overall, this analysis found that the living wage had no discernible impact on employment per firm, and that Santa Fe actually did better than Albuquerque in terms of employment changes.”</p>
<p>“Minimum Wage Effects Across State Borders: Estimates Using Contiguous Counties”</p> <p>University of California-Berkeley, University of Massachusetts- Amherst, and University of North Carolina-Chapel Hill<sup>13</sup></p>	2010	288 pairs of contiguous U.S. counties with differing minimum wage rates at any point between 1990 and 2006	<p>Taking advantage of the fact that a record number of states raised their minimum wages in the 1990s and 2000s, this widely cited study compares employment levels among every pair of neighboring U.S. counties that had differing minimum wage rates at any point between 1990 and 2006 and finds that higher minimum wages did not reduce employment. This is a particularly important finding regarding the impact of higher minimum wages at the local level, as the county-level analysis found no evidence of businesses crossing borders or reducing employment in response to higher minimum wages.</p>

## Endnotes

1. “Cities of Opportunity Task Force Commitment to Action,” U.S. Conference of Mayors, August 2014, available at: <http://www1.nyc.gov/office-of-the-mayor/news/397-14/cities-opportunity-task-force-commitment-action#/0>
2. “In San Jose, Higher Minimum Wage Pays Benefits,” Paul Davidson, USA Today, June 14, 2014, available at: <http://www.usatoday.com/story/money/business/2014/06/14/minimum-wage-san-jose/9968679/>
3. “What Happened to Fast-Food Workers When San Jose Raised the Minimum Wage? Hold the Layoffs” Eric Morath, Wall Street Journal, April 9, 2014, available at: <http://blogs.wsj.com/economics/2014/04/09/whathappened-tofast-food-workers-when-san-jose-raised-the-minimum-wage/>
4. “No Calamity Yet as SeaTac, WA, Adjusts to \$15 Minimum Wage,” Dana Milbank, Washington Post, September 5, 2014, available at: [http://www.washingtonpost.com/opinions/dana-milbank-no-calamity-yet-as-seatacwashadjusts-to-15-minimum-wage/2014/09/05/d12ba922-3503-11e4-9e92-0899b306bbee\\_story.html](http://www.washingtonpost.com/opinions/dana-milbank-no-calamity-yet-as-seatacwashadjusts-to-15-minimum-wage/2014/09/05/d12ba922-3503-11e4-9e92-0899b306bbee_story.html)
5. “\$15 Wage Slowly Takes Hold in SeaTac,” Amy Martinez, Seattle Times, June 3, 2014, available at: [http://seattletimes.com/html/localnews/2022905775\\_seatacprop1xml.html](http://seattletimes.com/html/localnews/2022905775_seatacprop1xml.html)
6. “Apocalypse Not: \$15 and the Cuts that Never Came,” Jeanine Stewart, Puget Sound Business Journal, October 23, 2015. Available at: <http://www.bizjournals.com/seattle/print-edition/2015/10/23/apocalypse-not-15-and-the-cuts-that-never-came.html>
7. “New York Small Businesses Support Higher Minimum Wages for Cities and Counties,” Small Business Majority, Opinion Poll, April 2014, available at: <http://www.smallbusinessmajority.org/small-business-research/downloads/042114-New-York-Minimum-Wage-Poll.pdf>

8. John Schmitt and David Rosnick, The Wage and Employment Impact of Minimum Wage Laws in Three Cities (March 2011), available at <http://www.cepr.net/documents/publications/min-wage-2011-03.pdf>.articles/abc-123-xyz.html
9. Study finds that the minimum wage increase implemented in Washington, DC, in 1993 was too small to raise wages in fast-food, food services, retail, and other low-wage establishments. The citywide increase therefore does not allow the authors to draw conclusions about the employment effects of citywide minimum wages for DC.
10. 9. Michael Reich, Ken Jacobs and Miranda Dietz (eds.), When Mandates Work: Raising Labor Standards at the Local Level, University of California Press (2014), available at <http://irle.berkeley.edu/publications/whenmandateswork/>; "San Francisco's Higher Minimum Wage Hasn't Hurt the Economy," Business Week (January 22, 2014), available at <http://www.businessweek.com/articles/2014-01-22/san-franciscos-higher-minimum-wagehasnthurt-the-economy>; "S.F. praised as model for U.S. on increasing minimum wage," SF Gate (January 28, 2014), available at <http://www.sfgate.com/politics/article/S-F-praised-as-model-for-U-S-on-increasing-5183378.php>
11. 10. Michael Reich, Arindrajit Dube, and Suresh Naidu, "The Economic Effects of a Citywide Minimum Wage," University of California-Berkeley, (2007), available at: [http://www.irle.berkeley.edu/cwed/wp/economicimpacts\\_07.pdf](http://www.irle.berkeley.edu/cwed/wp/economicimpacts_07.pdf)
12. University of New Mexico, Bureau of Business and Economic Research, "Measuring the Employment Impacts of the Living Wage Ordinance in Santa Fe, New Mexico," (June 30, 2006), available at: <http://bber.unm.edu/pubs/EmploymentLivingWageAnalysis.pdf>
13. Michael Reich, Arindrajit Dube, and T. William Lester, "Minimum Wage Effects Across State Borders," Review of Economics and Statistics (2010): 945-964, available at: <http://www.irle.berkeley.edu/workingpapers/157-07.pdf>

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE CITY CODE, ENTITLED "BUSINESSES," BY ADDING ARTICLE XVII, ENTITLED "CITY MINIMUM LIVING WAGE," TO PROVIDE FOR IMPLEMENTATION OF A CITY-WIDE MINIMUM HOURLY WAGE; AND AMENDING CHAPTER 102 OF THE CITY CODE, ENTITLED "TAXATION," BY AMENDING SECTION 102-371, ENTITLED "APPLICATION PROCEDURES[.]" BY ADDING A SUBSECTION ENTITLED "(J) COMPLIANCE WITH CITY MINIMUM LIVING WAGE" AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, promoting the welfare of those who work within the City of Miami Beach is one of the principle objectives of its municipal government; and

**WHEREAS**, the federal minimum wage is \$7.25 per hour, effective at that level since July 24, 2009 and, after years of inaction by the United States Congress, it is time for cities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

**WHEREAS**, a January 2015 poll by Hart Research Associates found that 75% of Americans (including 92% of Democrats, 73% of Independents, and 53% of Republicans) supported a federal minimum wage increase to \$12.50 by 2020, which surpassed a February 2013 poll by the Pew Research Center finding that 71% of Americans supported a minimum wage increase; and

**WHEREAS**, the Florida Constitution was amended in 2004, with the support of 71.25% of the popular vote, to establish a minimum wage in Florida higher than that required by federal law; and

**WHEREAS**, that Amendment to the Florida Constitution explicitly stated as its public policy that "[a]ll working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and does not force them to rely on taxpayer-funded public services in order to avoid economic hardship"; and

**WHEREAS**, that Amendment to the Florida Constitution explicitly stated that it "shall not be construed to preempt or otherwise limit the authority of the state legislature or any other public body to adopt or enforce any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits"; and

**WHEREAS**, the poverty wage threshold for single adults providing only for themselves is \$5.00 per hour (or \$10,400 per annum assuming 2,080 hours worked per year); and

**WHEREAS**, poverty thresholds do not account for living costs beyond a very basic food budget; the federal poverty measure does not take into consideration costs like child care and health care that not only draw from one's income, but also are determining factors in one's ability to work and to endure the potential hardships associated with balancing employment and other aspects of everyday life; and, further, poverty thresholds do not account for geographic variation in the cost of essential household expenses; and

**WHEREAS**, the newer "Living Wage" model, an alternative measure of basic needs to the poverty threshold, is a market-based approach that draws upon geographically specific expenditure data related to a family's likely minimum food, child care, health insurance, housing, transportation, and other basic necessities (e.g. clothing, personal care items, etc.) costs; and

**WHEREAS**, the model draws on these cost elements and the rough effects of income and payroll taxes to determine the minimum employment earnings necessary to meet a family's basic needs while also maintaining self-sufficiency; and

**WHEREAS**, the living wage in the State of Florida for single adults providing only for themselves is \$10.94 per hour (or \$22,755 per annum before taxes assuming 2,080 hours worked); and

**WHEREAS**, the living wage in Miami-Dade County for single adults providing only for themselves is \$11.45 per hour (or \$23,816 per annum before taxes assuming 2,080 hours worked); and

**WHEREAS**, the living wage for the cities of Miami-Fort Lauderdale-Pompano Beach, Florida for single adults providing only for themselves is \$11.49 per hour (or \$23,899 per annum before taxes assuming 2,080 hours worked); and

**WHEREAS**, the minimum hourly wage in the State of Florida is \$8.05, which is modified annually based upon inflation and a cost of living formula; and

**WHEREAS**, the living wage for contractors in the City of Miami Beach is \$13.31 for employment without health benefits, and \$11.62 for employment with minimum required health benefits of \$1.69 per hour; and

**WHEREAS**, considering and including living expenses such as rent, groceries, utilities, transportation, and healthcare, the annual salary required to live "comfortably" in the City of Miami is approximately \$77,000, or \$33.65 per hour; and

**WHEREAS**, the median annual income in the City of Miami is approximately \$31,000; and the difference between this amount and the \$77,000 to live comfortably is the largest amount in the country; and

**WHEREAS**, the minimum hourly wage in the State of Florida was last increased on January 1, 2015, but was not increased on January 1, 2016; and

**WHEREAS**, the City of Miami Beach is a longstanding municipal leader in ensuring the utmost protection of the civil rights of its diverse and cosmopolitan population; and

**WHEREAS**, other culturally and economically diverse destination cities and counties with large tourism industries — including San Francisco, Seattle, Chicago, Los Angeles, New York, and the District of Columbia — have seen it fit to significantly increase their own minimum wages to better serve their working class residents; and

**WHEREAS**, the weight of research on previous minimum wage increases shows that raising the minimum wage has little or no adverse impact on employment and prices; to the contrary, according to the Economic Policy Institute, raising the minimum wage will help the economy at large, because workers' increased spending power will increase our nation's gross domestic product by about \$33 billion and create approximately 140,000 jobs; and

**WHEREAS**, the City of Miami Beach is a vibrant multicultural community with significant tourism, service, and hospitality industries that must be founded upon the fair and equal treatment of the workforce; and

**WHEREAS**, the Mayor and Commission of the City of Miami Beach wish to ensure that each person working within the City limits is paid a minimum living hourly wage.

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

**SECTION 1. ENACTMENT**

That the Code of the City of Miami Beach be amended to add Sections 18-920, 18-921, 18-922, 18-923, and 18-924, and that section 102-371 be amended as follows:

**CODE OF THE CITY OF MIAMI BEACH, FLORIDA**

**CHAPTER 18 – BUSINESSES**

...

**ARTICLE XVII. CITY MINIMUM LIVING WAGE**

**Sec. 18-920. Definitions.**

For purposes of this Article, the following definitions apply:

The terms “Employer,” “Employee,” “Wage” shall have the meanings established under the federal Fair Labor Standards Act (“FLSA”), including its implementing regulations.

“Fair Labor Standards Act” or “FLSA” means the United States Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., in force on the effective date of this chapter and as thereafter amended.

“State Minimum Wage Laws” means the Florida Minimum Wage Act, Fla. Stat. 448.01 et seq., in force on the effective date of this chapter and as thereafter amended, together with applicable provisions of the Florida Constitution, Fla. Const. art. X, § 24.

### **Sec. 18-921. Minimum Hourly Living Wage.**

Every Employer shall pay no less than the following Wages to each Employee entitled to receive the federal minimum wage for each hour of work performed for that Employer while physically present within the geographic boundaries of the City:

- (a) Beginning on June 30, 2017, the greater of: (1) the minimum hourly Wage set by the State Minimum Wage Laws; (2) the minimum hourly Wage set by Fair Labor Standards Act; or (3) \$10.31 per hour.
- (b) Beginning on June 30, 2018, the greater of: (1) the minimum hourly Wage set by the State Minimum Wage Laws; (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$11.31 per hour.
- (c) Beginning on June 30, 2019, the greater of: (1) the minimum hourly Wage set by the State Minimum Wage Laws, (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$12.31 per hour.
- (d) Beginning on June 30, 2020, the greater of: (1) the minimum hourly Wage set by the State Minimum Wage Laws, (2) the minimum hourly Wage set by the Fair Labor Standards Act; or (3) \$13.31 per hour.

Beginning on June 30, 2021, and every year thereafter, the minimum wage rate may, by resolution of the city commission, be indexed annually for inflation using the Miami PMSA 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. The city commission may also, by resolution, elect not to index the minimum wage rate in any particular year, if it determines it would not be fiscally sound to implement same (in a particular year). The determination to index (or not index) the minimum living wage rate shall be considered annually during the city commission's review and approval of the city's annual operating budget.

For Tipped Employees meeting eligibility requirements for the tip credit under the FLSA, Employers may credit towards satisfaction of the Minimum Wage in Subsections (a)–(d) tips up to the amount of the allowable FLSA tip credit.

### **Sec. 18-922 Retaliation Prohibited.**

It shall be unlawful for an Employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected

under this ordinance. Rights protected under this Article include, but are not limited to, the right to file a complaint or inform any person about any party's alleged noncompliance with this Article, and the right to inform any person of his or her potential rights under this Article and to assist him or her in asserting such rights.

**Sec. 18-923 Private Enforcement.**

Employees aggrieved by a violation of this Article may bring a civil action in a court of competent jurisdiction against an Employer or person violating this Article and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus, in the case of willful violations the same amount as liquidated damages, and shall be awarded reasonable attorney's fees and costs. In addition, they shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and/or injunctive relief. Actions to enforce this Article shall be subject to a statute of limitations of two (2) years or, in the case of willful violations, three (3) years.

**Sec.18-924. Construction.**

It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this Article.

**Sec. 18-925. Required Affidavit of Compliance.**

In order to apply for, renew, or receive a business tax receipt (including, but not limited to a transferred business tax receipt) pursuant to City Code Sec. 102, each business shall submit with their initial or renewal application an affidavit attesting to compliance by that business with the provisions promulgated under Section 18-921 of this Article. No business shall receive a business tax receipt unless the City receives such an affidavit.

...

**CHAPTER 102 - TAXATION**

...

**ARTICLE V - LOCAL BUSINESS TAX**

...

**Sec. 102-371. - Application procedures.**

...

(j) *Compliance with City Minimum Living Wage.* No license shall be issued or granted to any person to engage in any business named, identified, or encompassed by this article unless that person or business' application includes an affidavit, legally binding upon the person or business, attesting to that person

or business' compliance with the City Minimum Living Wage Ordinance, Chapter 18, Article XVII.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, sentence, 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 Chapter, Article, or Division of the Miami Beach City Code.

**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 be added to the Code of the City of Miami Beach, Florida. If applicable, the sections of this ordinance may be renumbered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriated word.

**SECTION 5. EFFECTIVE DATE.**

This ordinance shall take effect the 1st day of June, 2017

**PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Philip Levine, Mayor

(Sponsored by Mayor Philip Levine)

Underline denotes additions.  
~~Strike through~~ denotes deletions.

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

*Philip Levine*      5-3-16  
**City Attorney**                      **Date**

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**R7**  
**RESOLUTIONS**

**Condensed Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, ADOPTING THE FOURTH 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. The Third Amendment was approved on March 9, 2016, by resolution 2016-29315. 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 Fourth Amendment would appropriate \$190,000 of funding for the '2066 Miami Beach Rising Above and Time Capsule' project.

**Financial Information:**

Source of Funds	Amount	Account
	\$190,000	General Fund

**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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FOURTH 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. The Third Amendment was approved on March 9, 2016, by resolution 2016-29315. 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 Fourth Amendment would appropriate \$190,000 of funding for the production of the 2066 Miami Beach Time Capsule & Rising Above Project.

### **Appropriate \$190,000 of funding for 2066 Miami Beach Time Capsule & Rising Above Project – General Fund**

The Office of the Mayor and Commission have designed a '2066 Miami Beach Rising Above and Time Capsule' project that would focus on bringing world-wide awareness and highlight Miami Beach's efforts in dealing with climate change and sea level rise. The proposed

project was presented at the December 23, 2015 City Commission, for discussion and further direction. The City Commission made a recommendation to create a budget, identify the resources and bring it back as a budget amendment. The item was presented at the March 18, 2016 Finance & Citywide Projects Committee meeting where the Committee recommended moving forward with the project. The \$190,000 cost of the project would be appropriated from available funds in the General Fund and appropriated in the Mayor & Commission Department Budget.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Fourth Amendment to the General Fund, Enterprise Fund, Internal Service Fund, and Special Revenue Fund Budgets for Fiscal Year (FY) 2015/16.

  
JLM/RS



## Exhibit "A"

GENERAL FUND	FY 2015/16 Amended Budget	4th Budget Amendment	FY 2015/16 Revised Budget
<b>REVENUES</b>			
<b>Operating Revenues</b>			
Ad Valorem Taxes	\$ 140,446,000		\$ 140,446,000
Ad Valorem Taxes- S Pte Costs	-		\$ -
Ad Valorem Cap. Renewal & Replacement	2,716,000		\$ 2,716,000
Ad Valorem Taxes- Normandy Shores	147,000		\$ 147,000
Other Taxes	23,940,000		\$ 23,940,000
Licenses and Permits	29,558,000		\$ 29,558,000
Intergovernmental	11,037,000		\$ 11,037,000
Charges for Services	12,046,000		\$ 12,046,000
Fines & Forfeits	2,157,000		\$ 2,157,000
Rents and Leases	6,384,000		\$ 6,384,000
Miscellaneous	12,588,000		\$ 12,588,000
Resort Tax Contribution	36,609,000		\$ 36,609,000
Other	22,926,000		\$ 22,926,000
Fund Balance/ Retained Earnings	5,667,000	190,000	\$ 5,857,000
<b>Total General Fund</b>	<b>\$ 306,221,000</b>	<b>\$ 190,000</b>	<b>\$ 306,411,000</b>
	FY 2015/16 Amended Budget	4th Budget Amendment	FY 2015/16 Amended Budget
<b>APPROPRIATIONS</b>			
<b>Department</b>			
Mayor and Commission	\$ 2,009,000	190,000	\$ 2,199,000
City Manager	3,809,000		\$ 3,809,000
Communications	1,748,000		\$ 1,748,000
Budget & Performance Improvement	2,435,000		\$ 2,435,000
Org Dev & Performance Initiative	603,000		\$ 603,000
Finance	5,435,000		\$ 5,435,000
Procurement	2,114,000		\$ 2,114,000
Human Resources/Labor Relations	2,721,000		\$ 2,721,000
City Clerk	1,455,000		\$ 1,455,000
City Attorney	5,282,000		\$ 5,282,000
Housing & Comm. Development	2,674,000		\$ 2,674,000
Building	14,643,000		\$ 14,643,000
Code Compliance	6,118,000		\$ 6,118,000
Planning	4,274,000		\$ 4,274,000
Tourism, Culture, and Econ. Development	3,936,000		\$ 3,936,000
Parks & Recreation	30,812,000		\$ 30,812,000
Public Works	14,143,000		\$ 14,143,000
Capital Improvement Projects	4,945,000		\$ 4,945,000
Police	99,989,000		\$ 99,989,000
Fire	62,844,000		\$ 62,844,000
Emergency Management	9,218,000		\$ 9,218,000
Citywide Accounts-Other	12,261,000		\$ 12,261,000
Citywide Accounts-Operating Contingency	2,093,000		\$ 2,093,000
Citywide Accounts-Normandy Shores	226,000		\$ 226,000
<b>Subtotal General Fund</b>	<b>\$ 295,787,000</b>	<b>\$ 190,000</b>	<b>\$ 295,977,000</b>
<b>TRANSFERS</b>			
Capital Renewal & Replacement	\$ 2,716,000		\$ 2,716,000
Capital Investment Upkeep Account	315,000		\$ 315,000
Info & Comm Technology Fund	395,000		\$ 395,000
Pay-As-You-Go Capital Fund	2,400,000		\$ 2,400,000
Capital Reserve Fund	2,000,000		\$ 2,000,000
Building Reserve	2,608,000		\$ 2,608,000
<b>Subtotal Transfers</b>	<b>\$ 10,434,000</b>	<b>\$ -</b>	<b>\$ 10,434,000</b>
<b>Total General Fund</b>	<b>\$ 306,221,000</b>	<b>\$ 190,000</b>	<b>\$ 306,411,000</b>

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:00 a.m.**  
A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 FS. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:01 a.m.**  
A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 FS. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:05 a.m.**  
An Ordinance Amending Subpart A - General Ordinances, Of The City Code, By Amending Chapter 54 "Floods" At Section 54-35, "Definitions," By Amending The Definitions For Base Flood Elevation, Crown Of Road, And Freeboard, And By Creating Definitions For Centerline Of Roadway, Critical Facility, Future Crown Of Road, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Low Impact Development (LID), And Surface Stormwater Shallow Conveyance; By Amending Section 54-45, "Permit Procedures," To Require A Stormwater Management Plan; By Amending Section 54-47, "General Standards," To Prohibit Septic Sewage Systems, And Include Requirements For Storage Of Hazardous Materials; By Amending Section 54-48, "Specific Standards," To Clarify The Minimum Elevation Of The Lowest Finished Floor For Residential And Non-Residential Construction, And Requiring A Minimum Elevation For Garage Entrances; By Amending Section 54-51, "Standards For Coastal High Hazard Areas (V-Zones)," To Clarify The Minimum Elevation Of The Lowest Floor Of All New Construction And Substantial Improvements; Providing Codification; Repealer; Severability; And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:06 a.m.**  
An Ordinance Amending The City's Land Development Regulations, By Amending Chapter 114, "General Provisions," At Section 114-1, "Definitions," By Amending The Definitions For Grade, Future Adjusted Grade, And Building Height, And To Establish By Reference To Chapter 54-35 Definitions For Base Flood Elevation, Crown Of Road, Future Crown Of Road, Freeboard, Minimum Freeboard, Maximum Freeboard, Green Infrastructure, Future Adjusted Grade, And Surface Stormwater Shallow Conveyance; By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending And Clarifying The Maximum Elevation Within A Required Yard And Providing A Minimum Elevation Requirement For New Construction, And Amending How Maximum Building Height Is Calculated; Providing Codification; Repealer; Severability; And An Effective Date. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:10 a.m.**  
An Ordinance Amending Chapter 118, Entitled "Administration And Review Procedures," Article I Entitled "In General" At Section 118-5, Entitled "Unity Of Title; Covenant In Lieu Thereof;" Chapter 114, Entitled "General Provisions," At Section 114-4, Entitled "Compliance With Regulations Required;" And Chapter 142, Entitled "Zoning Districts And Regulations," Article II Entitled "District Regulations," Division 1, Entitled "Generally," At Section 142-73, Entitled "Interpretation Of District Boundaries;" In Order To Clarify Procedures For The Movement Of FAR Within Unified Development Sites With Differing Zoning Districts; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. Inquiries may be directed to the Planning Department at 305.673.7550.*

**10:15 a.m.**  
An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," Article VI, "Procurement," Division 3, "Contract Procedures," By Creating Section 2-376, Entitled "Fair Chance Requirement For City Contractors," And Amending Chapter 62, "Human Relations," By Creating Article V, To Be Entitled The "Fair Chance Ordinance," To Provide Regulations Regarding The Consideration By The City And By City Contractors Of The Criminal History Of Applicants For Employment, And To Provide Limiting Provisions; And Providing For Repealer, Severability, Codification, And An Effective Date. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. Inquiries may be directed to the Office of the City Attorney at 305.673.7470; the Human Resources Department at 305.673.7524; and/or the Procurement Department at 305.673.7490.*

**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, 1<sup>st</sup> 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, 1<sup>st</sup> 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.

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Rafael E. Granado, City Clerk  
City of Miami Beach

COMMISSION ITEM SUMMARY

**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting the Fifth Amendment to the Capital Budget for Fiscal Year 2015/16.

**Key Intended Outcome Supported:**

Ensure Value and Timely Delivery of Quality Capital Projects, Improve Storm Drainage Citywide, and Maintain City's Infrastructure

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

**Item Summary/Recommendation:**

Planning for capital improvements is an ongoing process; as needs change within the City, capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City capital development, improvements and associated needs.

The City's capital improvement plan process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

The CIP is updated annually and submitted to the City Commission for adoption. The 2015/16 – 2019/20 Capital Improvement Plan and FY 2015/16 Capital Budget was adopted on September 30, 2015 by resolution 2015-29144

The first amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on December 9, 2015 via Resolution No. 2015-29144. The second amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on January 13, 2016 via Resolution No. 2016-29262. The Third Amendment to the FY 2015/16 Capital Budget was approved on February 10, 2016 by resolution 2016-29292. The Fourth Amendment to the FY 2015/16 Capital Budget was approved on April 13, 2016 by resolution 2016-29361.

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 Fourth Amendment to the FY 2015/16 Capital Budget totals an increase of \$1,852,266 and re-appropriation of \$1,270,349, in order to provide funding to the following capital projects:

1. West Avenue Bridge
2. Police Station Men's Locker Room
3. Reallocation of CDBG Funds
4. Green Bike Lanes - Byron Avenue
5. Green Bike Lanes - Dickens Avenue

**Advisory Board Recommendation:**

**Financial Information:**

Source of Funds:	Amount	Account
<del> </del>	\$1,443,266	Capital Reserve Fund 304
<del> </del>	\$ 409,000	Half Cent Transit Surtax Fund 187
<b>OBPI Total</b>	<b>\$1,852,266</b>	

**City Clerk's Office Legislative Tracking:**

Sign-Offs: Department Director	Assistant City Manager	City Manager
		

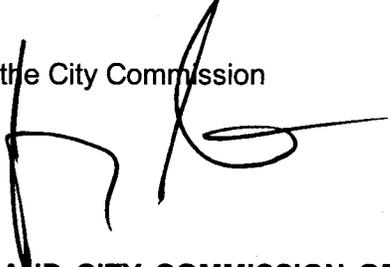


# MIAMI BEACH

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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FIFTH AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2015/16.**

### **ADMINISTRATION RECOMMENDATION**

Adopt the Resolution.

### **BACKGROUND**

Planning for capital improvements is an ongoing process; as needs change within the City, capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City capital development, improvements and associated needs.

The City's capital improvement plan process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

The CIP is updated annually and submitted to the City Commission for adoption. The 2015/16 – 2019/20 Capital Improvement Plan and FY 2015/16 Capital Budget was adopted on September 30, 2015 by resolution 2015-29144.

The First Amendment to the FY 2015/16 Capital Budget was approved on December 9, 2015 by resolution 2015-29220.

The Second Amendment to the FY 2015/16 Capital Budget was approved on January 13, 2016 by resolution 2016-29262.

The Third Amendment to the FY 2015/16 Capital Budget was approved on February 10, 2016 by resolution 2016-29292.

The Fourth Amendment to the FY 2015/16 Capital Budget was approved on April 13, 2016 by resolution 2016-29361.

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. Administration recommends adopting the resolution for the Fifth Amendment to the FY 2015/16 Capital Budget.

**FIFTH AMENDMENT TO THE FY 2015/16 CAPITAL BUDGET**

The Fifth Amendment to the FY 2015/16 Capital Budget totals an increase of \$1,852,266, and \$1,270,349 in re-appropriations, in order to provide additional funding to the following capital projects.

**1. West Avenue Bridge:**

This amendment is pursuant to an item approved by Commission on April 27, 2016 to award the design build contract for West Avenue Bridge Over Collins Canal. This amendment provides the project with the additional funding needed including a new allocation of \$1,443,266 from Capital Reserve Fund and transfers from other projects in the amount \$1,225,493.

Prior Years' Appropriations	\$9,712,688
May 11, 2016 Budget Amendment	\$2,668,759
<b>Proposed Total Appropriations</b>	<b>\$12,381,447</b>

**2. Police Station Men's Locker Room:**

This amendment is requested in order to renovate the showers at the Men's Locker Room of the MBPD Headquarters building located at 1100 Washington Avenue. MBPD Staff has advised that said shower area has serious ponding issues due to inadequate floor drainage as well as some mold on the shower walls. The ponding is of particular concern as this presents a slip hazard for staff. Furthermore, upon visual inspection, the wall and floor finishes appear deteriorated and in need of replacement. Although this project had not been previously contemplated in the Police Department's CRR budget, it has been stated that there is urgent need for this project in the months ahead. The estimated cost of this new project is \$25,000 and will come as a transfer from savings in an existing project.

Prior Years' Appropriations	\$0
May 11, 2016 Budget Amendment	25,000
<b>Proposed Total Appropriations</b>	<b>\$25,000</b>

**3. Reallocation of CDBG Funds:**

This amendment is a companion item to Item#R7D authorizing the City Manager to recapture \$111,313.24 of FY 11/12 and \$46,422.76 of FY 14/15 Community Development Block Grant (CDBG) Funds and reallocate said CDBG Funds to the Lottie Apartments - Rehabilitation and Relocation Project. This Capital Amendment would add a new project to the FY 15/16 Capital Improvement Plan entitled Lottie Apartments - Rehabilitation and Relocation Project with an allocation of \$157,736.00

Prior Years' Appropriations	\$0
May 11, 2016 Budget Amendment	\$157,736
<b>Proposed Total Appropriations</b>	<b>\$157,736</b>

**4. Green Bike Lanes:**

This amendment creates two new projects and appropriates a total of \$409,000 for painting existing bike lanes green.

- Byron Avenue, from 82nd Street to North City Limits, with a preliminary cost of \$136,000.
- Dickens Avenue, 69th Street to 79th Street, with a preliminary cost of \$273,000.

Funding for these projects would come as a new appropriation from available fund balance in Fund 187 - Half Cent Transit Surtax – County.

Prior Years' Appropriations	\$0
May 11, 2016 Budget Amendment	\$409,000
<b>Proposed Total Appropriations</b>	<b>\$409,000</b>

  
JLM/RS

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FIFTH AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2015/16.**

**WHEREAS**, the final Capital Improvement Plan for FY 2015/16 – 2019/20 and the final Capital Budget for FY 2015/16 was adopted via Resolution 2015-29144 on September 30, 2015; and

**WHEREAS**, the first amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on December 9, 2015 via Resolution No. 2015-29144; and

**WHEREAS**, the second amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on January 13, 2016 via Resolution No. 2016-29262; and

**WHEREAS**, the third amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on February 10, 2016 via Resolution No. 2016-29292; and

**WHEREAS**, the fourth amendment to the Miami Beach Capital Budget for FY 2015/16 was adopted on April 13, 2016 via Resolution No. 2016-29361; and

**WHEREAS**, 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; and

**WHEREAS**, the proposed amendment to the FY 2015/16 Capital Budget is included in "Attachment A – Source of Funds" and "Attachment B – Programs"; and

**WHEREAS**, the City Administration recommends that FY 2015/16 Capital Budget be amended to add appropriations totaling \$1,852,266, and \$1,270,349 in re-appropriations from existing projects, as highlighted in "Attachment C – Projects"; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH**, that the Mayor and City Commission hereby adopt the Fifth Amendment to the Capital Budget for Fiscal Year 2015/16 as set forth in Attachment A (Source of Funds), Attachment B (Programs), and Attachment C (Projects).

**PASSED AND ADOPTED this 11<sup>th</sup> day of May, 2016.**

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Raphael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]* 5-4-16  
\_\_\_\_\_  
City Attorney *[Signature]* Date

**ATTACHMENT A  
FY 2015/16 CAPITAL BUDGET  
SOURCE OF FUNDS  
Amended 5/11/16**

<b>Funding Source</b>	<b>Amended Capital Budget</b>	<b>Amended 5/11/16</b>	<b>Revised</b>
Transportation Fund	3,300,000		3,300,000
Renewal & Replacement Fund	2,839,185		2,839,185
Art in Public Places	352,000		352,000
Parking Impact Fees	8,927,000		8,927,000
Concurrency Mitigation	5,377,934		5,377,934
Non TIF RDA	(12,312,000)		(12,312,000)
Local Option Gas Tax	995,000		995,000
Half Cent Transit Surtax - County	(7,934)	409,000	401,066
Capital Projects Financed by Other	650,000		650,000
Pay-As-You-Go	1,667,644		1,667,644
SB Quality of Life Resort Tax Fund - 1%	2,678,000		2,678,000
MB Quality of Life Resort Tax Fund - 1%	1,235,000		1,235,000
NB Quality of Life Resort Tax Fund - 1%	3,108,080		3,108,080
Parks & Recreation Beautification	1,714,383		1,714,383
RCP - 1996 15M GO Bond	104,175		104,175
2003 GO Bonds - Fire Safety	43,610		43,610
2003 GO Bonds - Parks & Beaches	278,026		278,026
2003 GO Bonds - Neighborhood Improvement	300,000		300,000
MDC CDT Interlocal-CDT/Resort Tax Eligib	(240,000)		(240,000)
South Pointe Capital	12,677,300		12,677,300
Future Water & Sewer	14,819,795		14,819,795
Water & Sewer Impact Fees	97,000		97,000
Water and Sewer Bonds 200S	75,000		75,000
Future Stormwater	8,130,296		8,130,296
Stormwater Bonds	60,266,296		60,266,296
Convention Center	2,500,000		2,500,000
RDA Anchor Shops Fund	46,000		46,000
Parking Operations Fund	4,255,416		4,255,416
Equipment Loan/Lease	5,110,000		5,110,000
Building Tech Capital Project	356,550		356,550
Capital Reserve	(914,206)	1,443,266	529,060
Miami-Dade County Bond	42,400,000		42,400,000
Proposed Parking Bonds	64,800,000		64,800,000
Proposed Future RDA Bonds	310,050,000		310,050,000
Proposed Future Resort Tax 1 Bonds	204,500,000		204,500,000
Proposed Future Water & Sewer Bonds	50,000,000		50,000,000
<b>Total Appropriation as of 5/11/16</b>	<b>\$ 800,179,550</b>	<b>\$ 1,852,266</b>	<b>\$ 802,031,816</b>

**ATTACHMENT B  
FY 2015/16 CAPITAL BUDGET  
PROGRAMS  
Amended 5/11/16**

<b>Program Area</b>	<b>Amended Capital Budget</b>	<b>Amended 5/11/16</b>	<b>Revised</b>
Art in Public Places	\$ 352,000		\$ 352,000
Bridges	\$ 3,030,000	-	\$ 3,030,000
Community Centers	\$ 50,000		\$ 50,000
Convention Center	\$ 511,388,000		\$ 511,388,000
Environmental	\$ 110,000		\$ 110,000
Equipment	\$ 5,479,000		\$ 5,479,000
General Public Buildings	\$ 5,698,000	-	\$ 5,698,000
Golf Courses	\$ -		\$ -
Information Technology	\$ 206,550		\$ 206,550
Lighting	\$ 1,677,000		\$ 1,677,000
Monuments	\$ 350,000		\$ 350,000
Parking	\$ -		\$ -
Parking Garages	\$ 67,067,000		\$ 67,067,000
Parking Lots	\$ 5,365,416		\$ 5,365,416
Parks	\$ 7,576,414		\$ 7,576,414
Renewal & Replacement	\$ 1,316,795		\$ 1,316,795
Seawalls	\$ 10,026,894		\$ 10,026,894
Streets/ Sidewalk Imps	\$ 30,343,241	1,443,266	\$ 31,786,507
Transit/ Transportation	\$ 14,524,000	409,000	\$ 14,933,000
Utilities	\$ 135,619,240	-	\$ 135,619,240
<b>Total Appropriation as of 5/11/16</b>	<b>\$ 800,179,550</b>	<b>\$ 1,852,266</b>	<b>\$ 802,031,816</b>

**ATTACHMENT C  
CAPITAL BUDGET  
PROJECTS  
Amended 5/11/16**

<b>Capital Project Name</b>	<b>Amended Capital Budget</b>	<b>Amended 5/11/16</b>	<b>Revised Capital Budget</b>
West Ave Bridge Over Collins Canal	\$ 9,712,688	2,530,879	\$ 12,243,567
Surface Lot 1A- Penrods @ 1 Ocean Drive	\$ 2,850,650		\$ 2,850,650
Police Station Men's Locker Room	\$ -	25,000	\$ 25,000
Reallocation of CDBG Funds To Lottie	\$ -	157,736	\$ 157,736
CDBG Recaptured Funds	\$ -	(157,736)	\$ (157,736)
Collins Canal Enhancement Project	\$ 10,138,908	(73,237)	\$ 10,065,671
Police Station Floor Covering Phase 2	\$ 199,000	(25,000)	\$ 174,000
ROW Improvement Project FY 14	\$ 230,000	(230,000)	\$ -
ROW Improvement Project FY 15	\$ -	(450,376)	\$ (450,376)
Street Light Improvements	\$ 3,966,000	(334,000)	\$ 3,632,000
Green Bike Lanes - Byron Avenue	\$ -	136,000	\$ 136,000
Green Bike Lanes - Dickens Avenue	\$ -	273,000	\$ 273,000
<b>Total Appropriation as of 5/11/16</b>	<b>\$ 27,097,246</b>	<b>\$ 1,852,266</b>	<b>\$ 28,949,512</b>

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:00 a.m.**

A Resolution Adopting The Fourth Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 F.S. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:01 a.m.**

A Resolution Adopting The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2015/16. *This Resolution is being heard pursuant to §166.041 F.S. Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

**10:05 a.m.**

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**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, 1<sup>st</sup> 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, 1<sup>st</sup> 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

**RESOLUTION TO BE SUBMITTED**

**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Requesting, Pursuant To Section 142-425 Of The City's Code, For Muss Park Located At 4400 Chase Avenue, Miami Beach, Florida; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District Pertaining To The Regulations Of Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements For Off-Street Parking In Order To Allow For The Construction Of A Multi-Use Activity Building.

**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:**

Muss Park will be undergoing a planned renovation that will include the construction of a new multi-use activity building at the location of the existing park pavilion. The building is proposed to be approximately 4,000 square feet. The building would include a 2,857 SF multipurpose room, a 155 SF office, bathrooms, serving areas, and equipment storage. Pursuant to the Land Development Regulations, the following requirements exist for off-street parking for such uses:

*Sec. 130-32. - Off-street parking requirements for parking district no. 1.*

*Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:*

- (7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: 1 space per 4 seats or 1 space per 60 square feet of floor area available for seats.
- (34) Office or office building: 1 space per 400 square feet of floor area; however, medical offices and clinics or offices located on the ground floor shall provide 1 space per 300 square feet.

As a result of the off-street parking requirement, the multi-use building would require approximately 49 parking spaces to be provided on the site. Currently 20 parking spaces are provided in the park. As the facility is intended to serve nearby residents, and many of the users will be children, additional parking should not be necessary. Additionally, providing more parking would consume much of the park's green space.

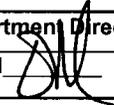
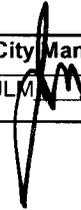
The location is zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive by five sevenths vote (5/7ths), following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes."

**THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.**

Source of Funds:	Amount	Account
OBPI	Total	
<b>Financial Impact Summary:</b>		

**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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING, PURSUANT TO SECTION 142-425 OF THE CITY'S CODE, FOR MUSS PARK LOCATED AT 4400 CHASE AVENUE, MIAMI BEACH, FLORIDA; TO WAIVE BY 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A GU (GOVERNMENT USE) DISTRICT PERTAINING TO THE REGULATIONS OF SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," IN ORDER TO WAIVE THE REQUIREMENTS FOR OFF-STREET PARKING IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A MULTI-USE ACTIVITY BUILDING.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends approval of the Waiver of Development Regulations.

### HISTORY/BACKGROUND

Muss Park will be undergoing a planned renovation that will include the construction of a new multi-use activity building at the location of the existing park pavilion. The building is proposed to be approximately 4,000 square feet. The building would include a 2,857 SF multipurpose room, a 155 SF office, bathrooms, serving areas, and equipment storage. Pursuant to the Land Development Regulations, the following requirements exist for off-street parking for such uses:

*Sec. 130-32. - Off-street parking requirements for parking district no. 1.*

*Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:*

- (7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: 1 space per 4 seats or 1 space per 60 square feet of floor area available for seats.*

- (34) Office or office building: 1 space per 400 square feet of floor area; however, medical offices and clinics or offices located on the ground floor shall provide 1 space per 300 square feet.

As a result of the off-street parking requirement, the multi-use building would require approximately 49 parking spaces to be provided on the site. Currently 20 parking spaces are provided in the park. As the facility is intended to serve nearby residents, and many of the users will be children, additional parking should not be necessary. Additionally, providing more parking would consume much of the park's green space.

The location is zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive by five sevenths (5/7ths) vote, following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes."

**CONCLUSION**

The Administration recommends that the Waiver of Development Regulations be approved.

  
JM/ETC/DM

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING PURSUANT TO SECTION 142-425 OF THE CITY'S CODE, AUTHORIZE THE WAIVER OF CERTAIN REGULATIONS APPLICABLE TO MUSS PARK, LOCATED AT 4400 CHASE AVENUE, MIAMI BEACH, FLORIDA; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A GU (GOVERNMENT USE) DISTRICT, WHICH REGULATIONS ARE FOUND AT SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," IN ORDER TO WAIVE THE REQUIREMENTS RELATING TO PROVIDING ALL REQUIRED OFF-STREET PARKING IN CONJUNCTION WITH THE CONSTRUCTION OF A MULTI-PURPOSE ACTIVITY BUILDING IN MUSS PARK.**

**WHEREAS**, Muss Park will be undergoing a planned renovation that will include the construction of a new multi-use activity building at the location of the existing park pavilion and the building is proposed to be approximately 4,000 square feet; and

**WHEREAS**, the building would include a 2,857 SF multipurpose room, a 155 SF office, bathrooms, serving areas, and equipment storage; and

**WHEREAS**, Muss Park is located within City Parking District No. 1, and any project by the City within the park is required to comply with the off street parking requirements of Sec. 130-32, of the City's Land Development Regulations; and

**WHEREAS**, unless an exception is provided elsewhere in the Land development regulations, Section 130-32 requires accessory off-street parking spaces to be provided for any building, structure or additional floor area for the following uses:

"(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: 1 space per 4 seats or 1 space per 60 square feet of floor area available for seats;"

\* \* \*

"(34) Office or office building: 1 space per 400 square feet of floor area; however, medical offices and clinics or offices located on the ground floor shall provide 1 space per 300 square feet;"

and

**WHEREAS**, as a result of the off-street parking requirement, the proposed new multi-purpose building to be installed in Muss Park would require approximately 49 parking spaces to be provided on the site; and

**WHEREAS**, the City currently provides only 20 parking spaces for the park; and

**WHEREAS**, as the facility is intended to serve nearby residents and many of the users will be children, the Administration believes that additional parking should not be necessary and providing more parking would consume an excessive amount of the park's existing green space; and

**WHEREAS**, Muss Park is zoned Government Use (GU), which zoning district provides for a waiver of land development regulations under certain conditions; and

**WHEREAS**, pursuant to Section 142-425(d) of the Land Development Regulations, the City Commission may waive, by five sevenths (5/7ths) vote, following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, ... or city utilized parking lots, provided they are continually used for such purposes;" and

**WHEREAS**, the City Administration is seeking a waiver of the parking requirements of Section 130-32 of the Land Development Code, relating to the parking requirements for Parking District No. 1 in order to complete construction of the multi-purpose building within Muss Park, while solely maintaining 20 parking spaces for the park, when 49 spaces would ordinarily be required under the land development regulations.

**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, pursuant to Section 142-425 of the City's Code, authorize the waiver of certain regulations applicable to Muss Park, located at 4400 Chase Avenue, Miami Beach, Florida; waiving by a 5/7th vote of the City Commission, after public hearing, the development regulations in a GU (Government Use) District, which regulations are found at section 130-32, entitled "Off-Street Parking Requirements For Parking District No. 1," in order to waive the requirements relating to providing all required off-street parking in conjunction with the construction of a multi-purpose activity building in Muss Park.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**PHILIP LEVINE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**RAFAEL E. GRANADO, CITY CLERK**

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
*Raul Cortez* 4-28-16  
\_\_\_\_\_  
City Attorney, *dmB* Date

## MIAMI BEACH

**CITY OF MIAMI BEACH  
NOTICE OF PUBLIC HEARING  
WAIVER OF DEVELOPMENT  
REGULATIONS IN A GOVERNMENT USE  
(GU) DISTRICT**

**MAY 11, 2016**

NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016, at 10:40 a.m.**, or as soon thereafter as the matter can be heard, to consider:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING, PURSUANT TO SECTION 142-425 OF THE CITY'S CODE, FOR MUSS PARK LOCATED AT 4400 CHASE AVENUE, MIAMI BEACH, FLORIDA; TO WAIVE BY 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A GU (GOVERNMENT USE) DISTRICT PERTAINING TO THE REGULATIONS OF SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," IN ORDER TO WAIVE THE REQUIREMENTS FOR OFF-STREET PARKING IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A MULTI-USE ACTIVITY ROOM.

*Inquiries may be directed to the Capital Improvement Projects Department at 305.673.7071 and the Planning Department at 305.673.7550. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code.*

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, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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

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

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad No. 1150

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:40 a.m.**

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For Muss Park Located At 4400 Chase Avenue, Miami Beach, Florida; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District Pertaining To The Regulations Of Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements For Off-Street Parking In Order To Allow For The Construction Of A Multi-Use Activity Room. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071.

**10:45 a.m.**

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P59, Located At 4001 Prairie Avenue; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(K), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

**10:46 a.m.**

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P91, Located At 501 72 Street; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(K), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

**10:55 a.m.**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay," To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repeal; Severability; Codification; And An Effective Date. This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.

**5:01 p.m.**

An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," (1) At Division 4, "CD-1 Commercial Medium Intensity District," Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-274, "Accessory Uses;" (4) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (5) At Division 5, "CD-2 Commercial Medium Intensity District," Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District," Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" And (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6<sup>th</sup> Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17<sup>th</sup> Street, And (C) Properties Within 100 Feet To The South Of 17<sup>th</sup> Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repeal; Severability; And An Effective Date. This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. 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, 1<sup>st</sup> 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, 1<sup>st</sup> 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

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**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot NO.: P59, Located At 4001 Prairie Avenue; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(K), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet As Identified In The Attached Site Plans.

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot NO.: P91, Located At 501 72 Street; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(K), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet As Identified In The Attached Site Plans.

**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:**

Parking Lot P59 is located at 4001 Prairie Avenue and P91 is located at 501 72 Street. The existing lots are in poor condition and in critical need of reconstruction and renovation.

On July 29, 2015, the City engaged the services of Biscayne Engineering Company Inc., for Design and Construction Administration services. The design includes storm drainage, paving, grading, landscaping, irrigation, and lighting in accordance with current City code as well as compliance with ADA requirements (Exhibit A).

In order to meet the Crime Prevention Through Environmental Design (CPTED) photometric (light measurement) requirements of the City, the design engineer has found that light poles of a minimum of 15 feet tall are necessary. However Section 142-1132(k) of the City Code prohibits the use of lightpoles higher than 10 feet.

*Sec. 142-1132. - Allowable encroachments within required yards.*  
*(k) Lightpoles. In all districts: Lightpoles shall have a maximum height of ten feet.*

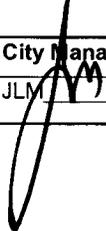
These locations are zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive by five sevenths (5/7ths) vote, following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes."

The Administration recommends approval of the Waiver of Development Regulations.

Source of Funds:	Amount	Account
OBPI	Total	
<b>Financial Impact Summary:</b>		

**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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING, PURSUANT TO SECTION 142-425 OF THE CITY'S CODE, FOR A CITY SURFACE LOT, LOT NO.: P59, LOCATED AT 4001 PRAIRIE AVENUE; TO WAIVE BY 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A GU (GOVERNMENT USE) DISTRICT TO WAIVE THE HEIGHT REQUIREMENTS UNDER SECTION 142-1132(K), OF THE CITY CODE, IN ORDER TO ENSURE THE CITY'S ADOPTED "CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN" (CPTED) SAFETY REQUIREMENTS ARE COMPLIED WITH, BY INCREASING THE PROPOSED LIGHT POLE HEIGHT FROM 10 FEET TO 15 FEET AS IDENTIFIED IN THE ATTACHED SITE PLANS.**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING, PURSUANT TO SECTION 142-425 OF THE CITY'S CODE, FOR A CITY SURFACE LOT, LOT NO.: P91, LOCATED AT 501 72 STREET; TO WAIVE BY 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A GU (GOVERNMENT USE) DISTRICT TO WAIVE THE HEIGHT REQUIREMENTS UNDER SECTION 142-1132(K), OF THE CITY CODE, IN ORDER TO ENSURE THE CITY'S ADOPTED "CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN" (CPTED) SAFETY REQUIREMENTS ARE COMPLIED WITH, BY INCREASING THE PROPOSED LIGHT POLE HEIGHT FROM 10 FEET TO 15 FEET AS IDENTIFIED IN THE ATTACHED SITE PLANS.**

### FUNDING

No funding is required in order to grant the Development Waiver.

### ADMINISTRATION RECOMMENDATION

The Administration recommends approval of the Waiver of Development Regulations.

## **BACKGROUND / ANALYSIS**

Parking Lot P59 is located at 4001 Prairie Avenue and P91 is located at 501 72 Street. The existing lots are in poor condition and in critical need of reconstruction and renovation.

On July 29, 2015, the City engaged the services of Biscayne Engineering Company Inc., for Design and Construction Administration services. The design includes storm drainage, paving, grading, landscaping, irrigation, and lighting in accordance with current City code as well as compliance with ADA requirements (Exhibit A).

In order to meet the Crime Prevention Through Environmental Design (CPTED) photometric (light measurement) requirements of the City, the design engineer has found that light poles of a minimum of 15 feet tall are necessary. However Section 142-1132(k) of the City Code prohibits the use of lightpoles higher than 10 feet:

*Sec. 142-1132. - Allowable encroachments within required yards.  
(k) Lightpoles. In all districts: Lightpoles shall have a maximum height of ten feet.*

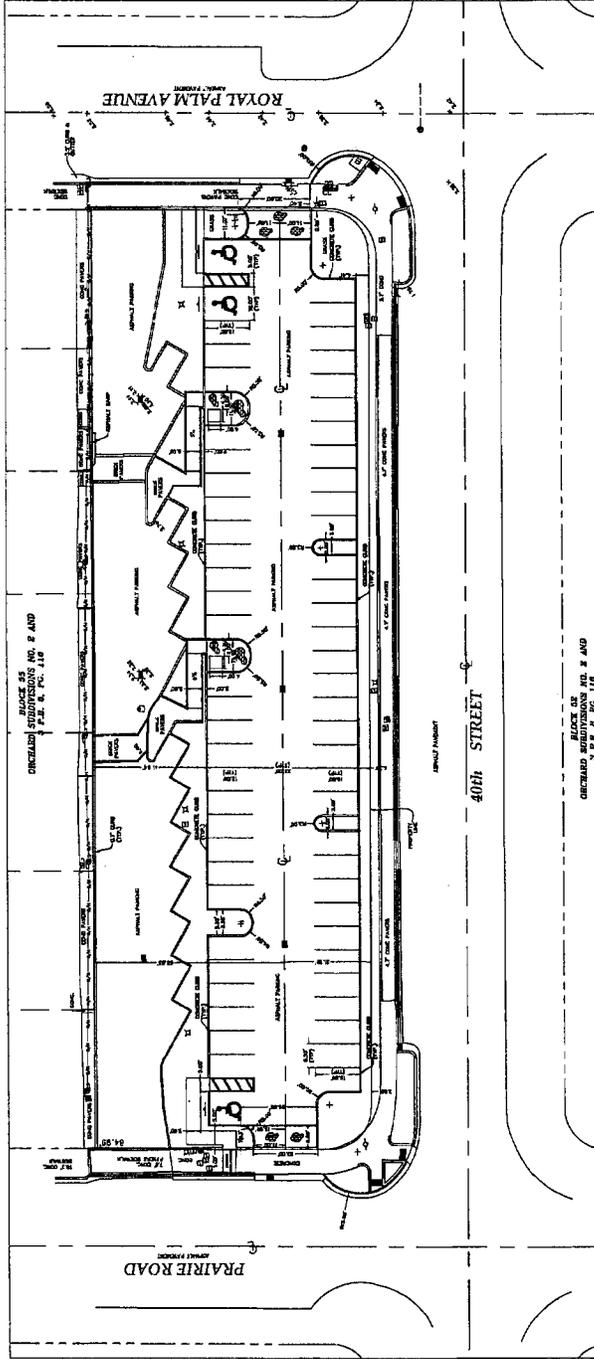
These locations are zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive by five sevenths (5/7ths) vote, following a public hearing, development regulations “pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes.”

## **CONCLUSION**

The Administration recommends approval of the Waiver of Development Regulations.

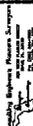
Attachments  
Exhibit A - Site Plans

  
JM/ETC/DM



NOTE:  
WORK SHALL INCLUDE THE INSTALLATION  
OF TWO BICYCLE RACKS AT LOCATION TO  
BE SELECTED BY THE CITY.

100% SUBMITTAL

<b>MIAMI BEACH</b> PUBLIC WORKS DEPARTMENT <small>1000 BAYVIEW DRIVE, MIAMI BEACH, FL 33139</small>	NEIGHBORHOOD: CITY OF MIAMI BEACH P-58	SPECIALLY EMPLOYED PERSON'S SIGNATURE:  <small>DATE: 11/11/11</small>	CITY MANAGER: JAMES L. JOHNSON DIRECTOR: BRUCE A. MONTY, P.E. <small>CITY ENGINEER, BRUCE A. MONTY, P.E. &amp; ASSOCIATES, INC.</small>	DEGREE OF RECORD: <input checked="" type="checkbox"/> FULL <input type="checkbox"/> PARTIAL (S.D.B.) DRAWN BY: CHECKER A.R.D. SCALE: 1"=20'	NUMBER OF RECORD: 2 NUMBER OF SHEETS: 2 SHEET NO.: 1	FILE NAME: DRAWING NUMBER: FILE BOOK: M/A DATE: 01/18/11 APP'D BY:	PROJ. NO.: PROJ. NAME: SHEET: 1 OF 18 DRAWING: C-12
	TITLE: GEOMETRIC PLAN	REVISION:	NO. DATE:	REVISION:	PROJ. NO.: PROJ. NAME: SHEET: 1 OF 18 DRAWING: C-12		



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING BY A 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, PURSUANT TO SECTION 142-425, OF THE CITY'S CODE, A WAIVER OF DEVELOPMENT REGULATIONS IN ORDER TO REPAVE AND LIGHT A CITY SURFACE LOT, LOT NO.: P59, LOCATED AT 4001 PRAIRIE AVENUE; AS LOT NO. P59 IS LOCATED WITHIN A GU (GOVERNMENT USE) DISTRICT AND MAY OBTAIN A WAIVER IS IN ORDER TO INCREASE THE ALLOWABLE LIGHT POLE HEIGHT IN THE LOT FROM 10 FEET TO 15 FEET, AND WHICH INCREASE REQUIRES A WAIVER OF SECTION 142-1132(K), OF THE CITY CODE; AND WHICH WAIVER WOULD ENSURE THE CITY'S ADOPTED "CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN" (CPTED) SAFETY REQUIREMENTS ARE COMPLIED WITH IN DESIGNING AND CONSTRUCTING THE PARKING LOT.**

**WHEREAS**, City Parking Lot P59 is located at 4001 Prairie Avenue and is in poor condition and in critical need of reconstruction and renovation; and

**WHEREAS**, on July 29, 2015, the City engaged the services of Biscayne Engineering Company Inc., for Design and Construction Administration services and the design includes storm drainage, paving, grading, landscaping, irrigation, and lighting in accordance with current City Code, as well as compliance with federal ADA requirements; and

**WHEREAS**, in order to comply with the City's adopted "Crime Prevention Through Environmental Design" (CPTED) photometric (light measurement) requirements, the design engineer has found that light poles of a minimum of 15 feet tall should be installed on the lot; and

**WHEREAS**, Section 142-1132(k), of the City Code prohibits the use of light poles higher than 10 feet; and

**WHEREAS**, Parking Lot P59, is zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive, by five sevenths (5/7ths) vote, following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes; and

**WHEREAS**, the Administration supports the waiver of Section 142-1132(k), of the Code, for Parking Lot P59, to ensure compliance with CPTED.

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, authorizing by a 5/7th vote of the City Commission, after public hearing, pursuant to Section 142-425, of the City's Code, a waiver of development regulations in order to repave and light a City surface lot, Lot No.: P59, located at 4001 Prairie Avenue; as Lot No. P59 is located within a GU (Government Use) District and may obtain a waiver in order to increase the allowable light pole height in the lot from 10 feet to 15 feet, and which increase requires a waiver of Section 142-1132(k), of the City Code; and which waiver would ensure the City's adopted "Crime Prevention Through Environmental Design" (CPTED) safety requirements are complied with in designing and constructing the parking lot.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PHILIP LEVINE, MAYOR

ATTEST:

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rafael*  
\_\_\_\_\_  
City Attorney

*4-28-16*  
\_\_\_\_\_  
Date

*fms*

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING BY A 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, PURSUANT TO SECTION 142-425, OF THE CITY'S CODE, A WAIVER OF DEVELOPMENT REGULATIONS IN ORDER TO REPAVE AND LIGHT A CITY SURFACE LOT, LOT NO.: P91, LOCATED AT 501 72 STREET; AS LOT NO. P91 IS LOCATED WITHIN A GU (GOVERNMENT USE) DISTRICT AND MAY OBTAIN A WAIVER IS IN ORDER TO INCREASE THE ALLOWABLE LIGHT POLE HEIGHT IN THE LOT FROM 10 FEET TO 15 FEET, WHICH INCREASE REQUIRES A WAIVER OF SECTION 142-1132(K), OF THE CITY CODE; AND WHICH WAIVER WOULD ENSURE THE CITY'S ADOPTED "CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN" (CPTED) SAFETY REQUIREMENTS ARE COMPLIED WITH IN DESIGNING AND CONSTRUCTING THE PARKING LOT.**

**WHEREAS**, Parking Lot No.: P91 is located at 501 72 Street, and is in poor condition and in critical need of reconstruction and renovation; and

**WHEREAS**, on July 29, 2015, the City engaged the services of Biscayne Engineering Company Inc., for Design and Construction Administration services and the design includes storm drainage, paving, grading, landscaping, irrigation, and lighting in accordance with current City Code, as well as compliance with federal ADA requirements; and

**WHEREAS**, in order to comply with the City's adopted "Crime Prevention Through Environmental Design" (CPTED) photometric (light measurement) requirements, the design engineer has found that light poles of a minimum of 15 feet tall should be installed on the lot; and

**WHEREAS**, Section 142-1132(k), of the City Code prohibits the use of light poles higher than 10 feet and CPTED design requires a light pole installation at 15 feet in height; and

**WHEREAS**, Parking Lot P91, is zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive, by five sevenths (5/7ths) vote, following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or city utilized parking lots, provided they are continually used for such purposes; and

**WHEREAS**, the Administration supports the waiver of Section 142-1132(k), of the Code, for Parking Lot P91, to ensure compliance with CPTED.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission authorize by a 5/7th vote of the City Commission, after public hearing, pursuant to Section 142-425, of the City's Code, a waiver of development regulations in order to repave and light a City surface lot, Lot No.: P91, located at 501 72 Street; as Lot No. P91 is located within a GU (Government Use) District and may obtain a waiver in order to increase the allowable light pole height in the lot from 10 feet to 15 feet, which increase requires a waiver of Section 142-1132(k), of the City Code; and which waiver would ensure the City's adopted "Crime Prevention Through Environmental Design" (CPTED) safety requirements are complied with in designing and constructing the parking lot.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PHILIP LEVINE, MAYOR

ATTEST:

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Paul Perini - 4-28-16  
City Attorney Date  
fms

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS WAIVER OF DEVELOPMENT REGULATIONS IN A GOVERNMENT USE (GU) DISTRICT

MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016, at 10:45 a.m.**, or as soon thereafter as the matter can be heard, to consider:

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P59, Located At 4001 Prairie Avenue; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(K), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15.

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P91, Located At 501 72 Street; To Waive By 5/7th Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(K), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet.

*Inquiries may be directed to the Capital Improvement Projects Department at 305.673.7071 and 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, 1<sup>st</sup> 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, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

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

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

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad No. 1147

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

MAY 11, 2016

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 11, 2016**, at the times listed, or as soon thereafter as the matter can be heard, to consider:

**10:40 a.m.**

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For Muss Park Located At 4400 Chase Avenue, Miami Beach, Florida; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District Pertaining To The Regulations Of Section 130-32, Entitled "Off-Street Parking Requirements For Parking District No. 1," In Order To Waive The Requirements For Off-Street Parking In Order To Allow For The Construction Of A Multi-Use Activity Room. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071.

**10:45 a.m.**

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P59, Located At 4001 Prairie Avenue; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(k), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

**10:46 a.m.**

A Resolution Requesting, Pursuant To Section 142-425 Of The City's Code, For A City Surface Lot, Lot No.: P91, Located At 501 72 Street; To Waive By 57<sup>th</sup> Vote Of The City Commission, After Public Hearing, The Development Regulations In A GU (Government Use) District To Waive The Height Requirements Under Section 142-1132(k), Of The City Code, In Order To Ensure The City's Adopted "Crime Prevention Through Environmental Design" (CPTED) Safety Requirements Are Complied With, By Increasing The Proposed Light Pole Height From 10 Feet To 15 Feet. This Resolution is being heard pursuant to Section 142-425 of the City's Land Development Code. Inquiries may be directed to the Capital Improvements Projects Department at 305.673.7071 and the Planning Department at 305.673.7550.

**10:55 a.m.**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article III "Overlay Districts," Creating Division 10 "Ocean Terrace Overlay," To Modify The Applicable Setbacks And Allowable Encroachments, Increase The Allowable Height To 235 Feet For Residential Uses And 125 Feet For Hotel Uses, To Limit The Maximum Floorplate Of The Tower Portion Of New Buildings, To Provide A Minimum Building Separation For The Tower Portion Of New Buildings, To Modify The Allowable Main, Conditional, Accessory And Prohibited Uses; Providing For Repealer; Severability; Codification; And An Effective Date. This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.

**5:01 p.m.**

An Ordinance Amending Chapter 142, "Zoning Districts And Regulations;" Article II, "District Regulations;" (1) At Division 4, "CD-1 Commercial Medium Intensity District;" Section 142-272, "Main Permitted Uses;" (2) Section 142-273, "Conditional Uses;" (3) Section 142-274, "Accessory Uses;" (4) Section 142-279, "Additional Regulations For Alcoholic Beverage Establishments;" (5) At Division 5, "CD-2 Commercial Medium Intensity District;" Section 142-302, "Main Permitted Uses;" (6) Section 142-303, "Conditional Uses;" (7) Section 142-304, "Accessory Uses;" (8) Section 142-310, "Additional Regulations For Alcoholic Beverage Establishments;" And (9) At Division 6, "CD-3 Commercial Medium Intensity District;" Section 142-332, "Main Permitted Uses;" (10) Section 142-333, "Conditional Uses;" And (11) Section 142-334, "Accessory Uses;" And (12) Section 142-340, "Additional Regulations For Alcoholic Beverage Establishments;" To Amend The Hours Of Operation, Location And Use Restrictions For (A) Properties On The West Side Of Alton Road And East Of Alton Court, From 6<sup>th</sup> Street To Collins Canal, (B) Properties On The East Side Of West Avenue From Lincoln Road To 17<sup>th</sup> Street, And (C) Properties Within 100 Feet To The South Of 17<sup>th</sup> Street, Between Lenox Avenue And Meridian Avenue; Providing For Codification; Repealer; Severability; And An Effective Date. This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 FS. 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, 1<sup>st</sup> 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, 1<sup>st</sup> 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.

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Rafael E. Granado, City Clerk  
City of Miami Beach

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**Condensed Title:**

A Resolution Of The Mayor And City Commission, Accepting The Recommendation Of The Neighborhood / Community Affairs Committee, And Approving The Third Amended And Restated Rules And Regulations For Beachfront Concession Operations.

**Key Intended Outcome Supported:**

N/A

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

N/A

**Item Summary/Recommendation:**

The City of Miami Beach issues a beachfront concession letter agreement to the upland owner of a beachfront property, subject to receipt of the appropriate application, documentation and fees, if applicable. The permit authorizes the upland owner to operate a beachfront concession ("Beachfront Concession") on the section of beach east of the upland property.

The upland owner is typically a hotel or condominium. The Beachfront Concession may be operated directly by the upland owner and/or by a third party contractor hired by the upland owner. There are up to three uses which are authorized in conjunction with a Beachfront Concession. These uses are: 1) beach equipment rentals (chairs, umbrellas, etc.), 2) sale of food and non-alcoholic beverages, and 3) water sports rentals (jet skis, etc.).

The City established policies and procedures concerning the management and operation of Beachfront Concessions, which were amended on September 5, 2001, January 30, 2002 and March 17, 2003, known as the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations. Since this time, due to changing conditions on the beach, the Rules and Regulations need to be revised to more adequately address current operating procedures. The proposed revisions to the Rules and Regulations also affect the City's public concession agreements to the extent they don't conflict with the terms contained in said agreements.

The Administration has solicited input from the upland owners, beachfront concessionaires, members of the public and representatives from Miami Dade County. Additionally, the Marine and Waterfront Protection Authority (formerly the Waterfront Protection Committee / Marine Authority Board) discussed this matter at numerous meetings and submitted a list to the City Manager containing eight (8) Resolutions regarding changes to the Rules and Regulations.

This information has been compiled and reviewed by the Administration and the proposed changes have been incorporated as the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations.

The Administration recommends that the Mayor and City Commission adopt the Resolution approving the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations.

**Advisory Board Recommendation:**

The Administration submitted the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations to the Neighborhood / Community Affairs Committee (NCAC) at its December 18, 2015 and January 15, 2016 meeting. At the April 15, 2016 meeting, the NCAC again discussed this matter and recommended that the beachfront behind public properties, such as City-owned parks, City-owned parking lots and street ends, as well as the beachfront area immediately west of the shoreline (and east of concession operations, if existing) shall act as buffer zones beachwide. The NCAC also recommended the existing food trailers shall be eliminated two (2) years following the adoption of the revised Rules and Regulations and shall be replaced with a beachwide food trailer program which shall be procured with a Request for Proposals (RFP).

**Financial Information:**

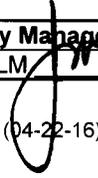
Source of Funds:	Amount	Account
1	N/A	

Financial Impact Summary: N/A

**City Clerk's Office Legislative Tracking:**

Max Sklar, ext. 6116

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
MAS 	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: May 11, 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 AND APPROVING THE THIRD AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, SUBSTANTIALLY IN THE FORM ATTACHED TO THIS RESOLUTION.**

### **ADMINISTRATION RECOMMENDATION**

Adopt the Resolution.

### **BACKGROUND**

The City of Miami Beach (the "City") issues a beachfront concession letter agreement (the "Permit") to the upland owner of a beachfront property, subject to receipt of the appropriate application, documentation and fees (if applicable). The Permit authorizes the upland owner to operate a beachfront concession (the "Beachfront Concession") on the section of beach east of the upland property.

The upland owner is typically a hotel or condominium. The Beachfront Concession may be operated directly by the upland owner and/or by a third party contractor hired by the upland owner (collectively, the "Concessionaire"). There are up to three uses which are authorized in conjunction with a Beachfront Concession. These uses are: 1) beach equipment rentals (chairs, umbrellas, etc.), 2) sale of food and non-alcoholic beverages, and 3) water sports rentals (jet skis, etc.).

The City established policies and procedures concerning the management and operation of Beachfront Concessions, which were amended on September 5, 2001, January 30, 2002 and March 17, 2003, known as the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations (hereafter referred to as the "Current Rules and Regulations"). The Current Rules and Regulations are attached hereto as Exhibit "A". Since this time, due to changing conditions on the beach, the Current Rules and Regulations need to be revised to more adequately address current operating procedures. The proposed revisions to the Current Rules and Regulations also affect the City's public concession agreements to the extent they don't conflict with the terms contained in said agreements.

## **ANALYSIS**

The Administration has solicited input from the upland owners, beachfront concessionaires, members of the public and representatives from Miami Dade County. Additionally, the Marine and Waterfront Protection Authority (formerly the Waterfront Protection Committee / Marine Authority Board) discussed this matter at numerous meetings and submitted a list to the City Manager containing eight (8) Resolutions regarding changes to the Rules and Regulations (hereafter referred to as the "MWPA Resolutions"). The City Manager sent a Letter to Commission, dated February 9, 2016, which contained MWPA Resolutions (attached hereto as Exhibit "B" – MWPA Resolutions).

This information has been compiled and reviewed by the Administration and the proposed changes have been incorporated as the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations (hereafter referred to as the "Proposed Rules and Regulations"). The Proposed Rules and Regulations are attached hereto as Exhibit "C".

Following is a summary of the key issues which have been addressed and/or modified as part of the Proposed Rules and Regulations. These issues are listed in the same order as contained in the Proposed Rules and Regulations.

1. **DEFINITIONS.** (Section 1 of the Proposed Rules and Regulations)

**Key Modifications:** The Proposed Rules and Regulations now include the following list of defined terms, which currently do not exist.

- (a) **Beachfront Concession** – beachfront operations authorized by the City of Miami Beach to either 1) the Upland Owner Concessionaire, or 2) a Direct City Concession Operator, subsequent to the submission of all requirements, which grants the right to use the public beach land to rent beach equipment (lounge chairs, umbrellas and the like), sell food and beverages and/or rent watersports equipment, or to furnish, without charge, any of the foregoing.
- (b) **Beachfront Concession Layout** – a schematic plan submitted to, and approved by, the City of Miami Beach which illustrates, in conjunction with the Concessionaire equipment list, the Concession Facilities that the Concessionaire is permitted to have within the Workable Area.
- (c) **Concessionaire** – any Direct City Concession Operator, Upland Owner Concessionaire, or Third Party Concession Operator.
- (d) **Concession Area** - the area to be occupied or otherwise used by the Concessionaire, which shall be east of the dunes, west of the shoreline, and:
  - (l) in the case of an Upland Owner Concessionaire and its Third Party Concession Operator, if any, bounded by the extensions of

the north and south property lines of the Upland Property, all as determined by the City of Miami Beach;

- (II) in the case of a Direct City Concession Operator, all as determined by the City of Miami Beach.
- (e) **Concession Facilities** – Concession Huts and Storage Boxes (as depicted and described in “Exhibit 3”), as well as any other items or equipment including, but not limited to, cooking, heating, and refrigeration equipment or furnishings approved by the City of Miami Beach in connection with the Beachfront Concession.
- (f) **Direct City Concession Operator** – a provider of beach concession management and operation services who has been contracted directly by the City of Miami Beach.
- (g) **Motor Vehicle** - any City-approved automobile, truck, sport utility vehicle, golf cart, all-terrain vehicle (ATV), or and any other means of transportation that is, to the extent required by law, approved and appropriately licensed by the Florida Department of Transportation and/or Florida Department of Motor Vehicles, to travel on paved roadways, including any Trailer or Concession Facility).
- (h) **Third Party Concession Operator** - a provider of beach concession management and operation services who has been subcontracted by the Upland Owner Concessionaire, excluding Direct City Concession Operators.
- (i) **Trailer** – any non-motorized vehicle or other means of transportation (e.g., jet ski trailers), with wheels, or constructed so that it can be fitted with wheels, and which is used or intended to be used for any one of the following purposes:
  - (I) the rental of watersports equipment;
  - (II) the sale of food and/or beverages; or
  - (III) the distribution, delivery, towing and return of anything, including, without limitation, jet skis, towels, chaises, cabanas, umbrellas, and personal property.
- (j) **Upland Owner Concessionaire** – the legal owner of the Upland Property and operator of a Beachfront Concession who is authorized:
  - (I) to conduct its own beachfront operations; and/or
  - (II) to subcontract its beachfront operations to a Third Party Concession Operator.

- (k) **Upland Property** - the folio of land adjacent to, and immediately westward of, the public beach utilized by an authorized Beachfront Concession.
- (l) **Workable Area** – the portion of the Concession Area bounded on the west by the trash receptacle line, and on the east by the lifeguard line of sight (or 10 feet from the mean high water line, whichever is further from the water), and bounded by the extensions of the north and south property lines of the Upland Property in the case of an Upland Owner Concessionaire, all as determined by the City of Miami Beach. The Concessionaire shall not be allowed to place any Concession Facilities outside of the Workable Area.

**2. GENERAL CONDITIONS.** (Section 2 of the Proposed Rules and Regulations)

**Key Modification:**

(g) Concessionaires must submit a written evacuation plan to the City for the prompt removal of all Concession Facilities used in the concession operations from the beachfront. The plan shall be implemented within one (1) hour of notification by appropriate City authorities and within eight (8) hours of the issuance of a Hurricane Warning by the Miami-Dade County Office of Emergency Management. This plan must be submitted to the City for approval (see *Beachfront Concession Application, Page 9 of 11*). An operation plan must also be submitted (see *Beachfront Concession Application, Page 7 of 11*). The Upland Owner Concessionaire shall be required to conduct a drill once per year, at the City's discretion, prior to hurricane season, to remove all of its Concession Facilities from the beach. This will ensure that all equipment on the beach is moveable and in working order.

**3. BUSINESS TAX RECEIPTS AND FEES.** (Section 3 of the Proposed Rules and Regulations)

**Key Modification:**

b) In addition to the Business Tax Receipts required in Paragraph 3(a) above, an Upland Fee, currently in the amount of \$21.00 per Upland Unit for Fiscal Year 2015/16 (increased annually in accordance with the Consumer Price Index), up to a maximum of \$15,000 per Upland Property (increased annually in accordance with the Consumer Price Index), will be required of each concession location.

**Reason for Modification:**

This provision increases the maximum fee per Upland Property from \$10,000 to \$15,000 (increased annually in accordance with the Consumer Price Index). When the \$10,000 maximum fee was adopted in 2002 the Upland Fee was only \$15.00 per Upland Unit. At the time, this resulted in only two properties reaching the maximum (Fontainebleau Hotel – 874 units and Loews Hotel – 790 units). Since the Upland Fee has been increased in accordance with the CPI (currently \$21.00 per Upland Unit) there are currently eight properties (ranging from 509 units to 1,289 units) which have reached

the maximum fee. For FY 2015/16, increasing the maximum fee to \$15,000 would result in only three properties remaining at the maximum (Fontainebleau Hotel – 874 units, Loews Hotel – 790 units and The One Hotel & Condo – 1,289 units) and would generate an additional \$25,585 in Upland Fees as illustrated in the following chart:

<b>Property</b>	<b>Units</b>	<b>\$10,000</b>	<b>\$15,000</b>
		<b>Maximum</b>	<b>Maximum</b>
Continuum Condos	509	\$10,000	\$10,689
Loews Hotel	790	\$10,000	\$15,000
Decoplage Condo	625	\$10,000	\$13,125
One Hotel & Condo	1,289	\$10,000	\$15,000
Fontainebleau Hotel	874	\$10,000	\$15,000
Eden Roc Hotel	631	\$10,000	\$13,251
The Deauville Hotel & Condo	540	\$10,000	\$11,340
The Carillon Hotel & Condo	580	\$10,000	\$12,180
		<b>\$80,000</b>	<b>\$105,585</b>

**Key Modification:**

c) In the event the Concession Area is utilized by any additional property or properties, other than the Upland Property, the Upland Property owner must receive prior written approval from the City and shall pay an Upland Fee, per property, based on the number of units contained in the Upland Property and any additional properties. There shall be no maximum Upland Fee for concession locations utilized by multiple properties. These fees shall be due and payable in advance prior to issuance of a Beachfront Concession Permit, and prior to October 1, of each year thereafter. This Section 3(c) shall not be construed to vest any additional rights upon the Upland Owner Concessionaire that do not otherwise exist, except for the privilege of temporary use of the beachfront in accordance with the conditions and requirements set forth in these Rules and Regulations and in all other applicable Municipal, State, County, and Federal laws. Upland Owner Concessionaires are hereby notified that all of the beaches are public and, as such, concession operations must not restrict, or appear to restrict, access, or in any way limit the public nature or ambiance of the beachfront.

**Reason for Key Modification:**

There are currently beach concession operations which provide beach concession services to “off-beach” properties. The City only collects a beach concession fee from the Upland Property owner and does not collect any upland fees from such “off-beach” properties for the use of the beach. This provision enables the City to collect a beach concession fee from all properties utilizing a beach concession location.

4. **INSURANCE.** (Section 4 of the Proposed Rules and Regulations)

**Key Modification:**

(a) Every Concessionaire must maintain the required Beach Concession Insurance set forth in the attached "Exhibit 1" at all times. In the event the Concession Area is utilized by any additional person or entity which is not a Concessionaire, each such person or entity must maintain the required insurance coverage at all times.

**Reason for Key Modification:**

Currently, only the Upland Property owner provides insurance for the Beach Concession operation. This provision requires insurance from the Upland Property owner, as well as any additional properties which may utilize the Beach Concession operation, and all concession operators. This provides additional liability protection to the City.

5. **BEACHFRONT CONCESSION AREA.** (Section 5 of the Proposed Rules and Regulations)

**Key Modification:**

(a) The Upland Owner Concessionaire agrees to abide by the approved Beachfront Concession Layout (form attached hereto and marked as "Exhibit 2"), which sets forth the Workable Area of the Beachfront Concession, and to stay within the Workable Area. The Upland Owner Concessionaire shall not be allowed to place concession huts, storage boxes, stacked chairs, deployed chairs, umbrellas, or any other items/equipment anywhere outside of the Workable Area. Patrons, and/or the Upland Owner Concessionaire on behalf of patrons, shall not be permitted to place any chairs, umbrellas, or any other items/equipment belonging to the Upland Owner Concessionaire outside of the Workable Area.

**Reason for Modification:**

This provision defines the Workable Area to include the entire property width from the north property line to the south property line. Historically, the City enforced 20% buffer zones on the north and south sides of the Beachfront Concession Area (see Beach Concession Layout – Previous Requirement, attached hereto as Exhibit "D"). At the time, no equipment was allowed to be deployed in the buffer zones so that these areas could be utilized by the public and to maintain view corridors from the dunes towards the water. In 2013, it was brought to the Administration's attention by the concessionaires that the buffer zones were not required by the City and that the Current Rules and Regulations (last adopted by the City Commission in 2003) did not address nor require buffer zones. The Administration researched this matter and was unable to identify any Commission resolutions implementing or requiring buffer zones.

This matter was submitted to the Neighborhoods / Community Affairs Committee ("NCAC") on February 28, 2104. The NCAC accepted the Administration's recommendation as follows:

*“The Administration recommends, until such time as the revisions to the Rules and Regulations are finalized, or unless directed otherwise by the Neighborhood/Community Affairs Committee, allowing the Concessionaires to operate in a manner consistent with current practices. As such, Concessionaires will be allowed to place storage boxes and stacked chairs in the Buffer Zones. The stacked chairs must be in a direct line (east/west) with the storage boxes so as to minimize obstruction of view corridors. Beach equipment (chairs, umbrellas, etc.) will not be allowed to be placed in the Buffer Zones upon initial deployment in the morning. Concessionaires will be permitted to deploy beach equipment in the Buffer Zones throughout the day if the amount of equipment needed to meet demand does not fit within the Concession Area, or if a customer requests that the equipment be moved/placed in the Buffer Zone.”*

The Beachfront Concession Layout has been modified to remove the 20% buffer zones on the north and south sides of the Beachfront Concession Area (see Beach Concession Layout – Proposed Requirement, attached hereto as Exhibit “E”); however, the Administration has proposed several requirements to: 1) minimize the amount of equipment within the Workable Area (Sections 5(c)), 2) determine a method to clearly identify the Workable Area (Section 5(d)), 3) advise the public of its right to use the Beachfront Concession Area (Section 5(f) below) and 4) maintain view corridors from the dunes towards the water (Section 8(a)(1)).

The issue of buffer zones is of primary importance to the members of the MWPA as they have addressed it in the first three (3) MWPA Resolutions.

The Administration has endeavored to propose a policy which will maintain public access to the beach as well as accommodate the needs of the hotels/condos and their guests/residents.

**Key Modification:**

(b) Notwithstanding Paragraph 5(a) above, due to the irregular curve of the beach at 20<sup>th</sup> Street, the Concessionaire immediately south of 20<sup>th</sup> Street shall be permitted to occupy the street end of 20<sup>th</sup> Street. Use of street ends by Concessionaires at all other locations is prohibited.

**Reason for Modification:**

Due to the irregular curve of the beach at 20<sup>th</sup> Street, the property located immediately south of 20<sup>th</sup> Street (1901 Collins Avenue) has a pie shaped Beachfront Concession Area which, when the north and south property lines are extended east, results in virtually no shoreline frontage. By allowing use of the 20<sup>th</sup> Street end they are provided the benefit of shoreline frontage.

**Key Modification:**

(c) Concession Facilities, than trash receptacles and beach chairs/umbrellas, shall not occupy more than forty percent (40%) of the north/south distance of the Workable Area. By way of example, if north/south distance of the Workable Area is 100 feet, and the Concession Huts and Storage Boxes are 10 feet by 10 feet each, there shall be no more than a combination of four (4) Concession Huts and/or Storage Boxes

permitted within the Workable Area. Notwithstanding the foregoing, Concession Huts and/or Storage Boxes shall be permitted to be placed/stacked east and west of each other.

**Reason for Modification:**

This provision provides a formula for limiting the maximum amount of equipment within the Workable Area and for creating view corridors from the dunes towards the water. This issue was addressed in Resolution #4 of the MWPA, who recommended Concession Facilities, other than trash receptacles and beach chairs/umbrellas, shall not occupy more than 30% of the north/south distance of the Workable Area.

**Key Modification:**

(d) Concessionaires shall place, if included as part of the Beachfront Concession Layout, one (1) Storage Box at the southwest corner of the Workable Area and one (1) Storage Box at the northwest corner of the Workable Area, as a means to identify said boundaries of the Workable Area.

**Reason for Modification:**

This provision provides a method to identify the boundaries of the Workable Area. This will aid the City in enforcing said boundaries. This issue was contemplated in Resolution #2 of the MWPA.

**Key Modification:**

(f) The Concessionaire shall post signs which state "BEACH OPEN TO THE PUBLIC" on all Concession Huts and Storage Boxes. Said signs shall include, for commercial Concession Areas, the applicable costs for the rental of watersports equipment and beach equipment, and shall require prior written approval by the City.

**Reason for Modification:**

This provision advises the public of its right to use the Beachfront Concession Area and the associated costs.

**6. FOOD AND BEVERAGE SERVICE.** (Section 6 of the Proposed Rules and Regulations)

**Key Modification:**

(c) Cooking and heating Concession Facilities will only be permitted at those locations (i) where cooking and heating Concession Facilities activities have been continuously engaged in pursuant to a valid Business Tax Receipt from the City issued on or before September 5, 2001, and (ii) the same Concessionaire has continued to possess a valid Business Tax Receipt for each year thereafter. Any cooking and heating Concession Facilities which were authorized and licensed as of September 5, 2001, shall be permitted to remain for a period not to exceed the normal life expectancy (from manufacture date) of a facility located daily on an oceanfront beach, as determined by

the manufacturer, or two (2) years after the adoption of these Third Amended and Restated Rules and Regulations, whichever comes first. During said period, the design standards approved by the City Commission shall be incorporated by reference into these Rules and Regulations.

**Reason for Modification:**

Currently, cooking and heating is only allowed at locations which have approved cooking and heating facilities (i.e. food trailers).

As stated in Paragraph 16 of the Current Rules and Regulations:

*“Any cooking and heating facilities which were authorized and licensed as of September 5, 2001, shall be permitted to remain for a period not to exceed the normal life expectancy (from manufacture date) of a facility located daily on an oceanfront beach, as determined by the manufacturer, following the City Commission’s approval of future design standards for all beachfront concession facilities.”*

While it is difficult to ascertain the “normal life expectancy” of a food trailer, or even the manufacturer’s date, the food trailers continue to operate on the beach as a result of continued repairs, replacement and/or upgrades of various components of the trailers. This practice circumvents the intention of the City Commission when the above stipulation was adopted as part of the Current Rules and Regulations.

This revised provision 6(a) stipulates a specific timeframe at which time the food trailers will no longer be permitted.

**Key Modification:**

(e) Cooking and/or heating Concession Facilities will only be permitted on the beachfront in accordance with applicable City, County, State, and Federal laws, and shall be inspected at least once per year by the City’s Fire Department.

**Reason for Modification:**

For any period of time that cooking and heating facilities are authorized and licenses, this provision requires cooking and/or heating Concession Facilities to be inspected at least once per year by the City’s Fire Department. This issue was addressed in Resolution #7 of the MWPA.

**7. WASTE DISPOSAL. (Section 7 of the Proposed Rules and Regulations)**

**Key Modification:**

(a) The Concessionaire shall provide, at its sole expense, at least two (2) City approved trash receptacles (one (1) for trash and one (1) for recyclable materials) within the confines of the Concession Area, approved for its use and for the use of the public. Additionally, the Concessionaire shall provide, at its sole cost and expense, City approved disposable, individual ashtrays for all patrons smoking within the Concession

Area. Disposal of the contents of said trash receptacles, disposable ashtrays and removal of all other trash or litter from the Concession Area, shall performed in accordance with Section 7(b), and shall be the sole responsibility of the Concessionaire.

**Reason for Modification:**

This provision requires that one (1) of the two (2) trash receptacles be for recyclable materials and provides for individual ashtrays for every patron.

**8. STORAGE.** (Section 8 of the Proposed Rules and Regulations)

**Key Modification:**

(a) There shall be no overnight storage of any kind east of the dune line on the beach, except for the following:

(1) Beach chairs, day beds and cabanas will be permitted to remain within the Workable Area overnight, as long as they are in good condition, neatly stacked, and orderly arranged side by side, running east and west, immediately adjacent to the Storage Boxes/Concession Huts. Stacked equipment shall not interfere with beach cleaning and grooming operations, as determined by the City of Miami Beach. In no event shall the stacked equipment exceed a height of eight (8) feet.

**Reason for Modification:**

This provision requires the chairs to be stored in stacks running east and west, immediately adjacent to the Storage Boxes/Concession Huts. This provides for greater view corridors from the dunes towards the water. Additionally, stacking the chairs running east and west, immediately adjacent to the Storage Boxes/Concession Huts, is less disruptive to sea turtles during nesting season.

**Key Modification:**

(b) Trailers for storage shall not be permitted anywhere on the beach at any time, or on any adjacent dune area or spoil area (west of the dune area). Notwithstanding the foregoing, storage trailers shall be allowed during holidays and/or peak periods, immediately east of the dune, during operating hours only (must be removed nightly). Subject to the prior written approval of the City, storage trailers shall be allowed during special events, immediately east of the dune, during operating hours only (must be removed nightly).

**Reason for Modification:**

Currently, at any given time, there are approximately five (5) storage trailers, at various locations, used to store Beach Concession equipment for the Upland Property. These storage trailers are parked adjacent to the dune and contribute to the volume of equipment (i.e. Storage Boxes, Concession Huts, chairs, etc.) on the beach. This provision minimizes the amount of equipment on the beach and only allows storage

trailers during holidays and special events in order to store the additional equipment necessary to meet the increased demand.

**9. STAFFING.** *(Section 9 of the Proposed Rules and Regulations)*

**Key Modification:**

(b) All employees of the Concessionaire working within the Concession Area shall wear uniforms which include the name of the Concessionaire, and must comport themselves in a professional and courteous manner, at all times during hours of operation. In the event the uniforms do not include the name of the employee then there must be an employee roster contained at the Concession Hut. The Concessionaire is responsible for the actions, behavior, and work permits for each of its employees and its subcontractor's employees.

**Reason for Modification:**

This provision requires employees of the Upland Owner Concessionaire to wear uniforms in order to create a more professional environment and provides a way for patrons to identify concession staff.

**10. SPECIAL EVENTS.** *(Section 10 of the Proposed Rules and Regulations)*

**No Modifications.**

**11. ENVIRONMENTAL.** *(Section 11 of the Proposed Rules and Regulations)*

**Key Modification:**

The sale of beverages from cans or glass containers is prohibited. Beverages must only be dispensed in paper cups, or other biodegradable containers, in accordance with applicable City, State, and County requirements. Utensils, plates, to-go, and any other food and/or beverage or food service items must only be made from paper or other biodegradable materials. The use of plastic straws (including biodegradable plastic straws) and expanded polystyrene is also prohibited. Notwithstanding the foregoing, plastic bottles and plastic cups shall be permitted.

Furthermore, Section 46-92(c) of the Code of the City of Miami Beach shall apply to all Concessionaires and their employees / subcontractors.

**Reason for Modification:**

This provision prohibits the use of plastic straws and polystyrene (Styrofoam) products on the beach and requires that all food service items must be biodegradable. Furthermore, Section 46-92(c) of the City of Miami Beach Municipal Code prohibits the use of glass and metal on the beach and prohibits littering in public places.

**12. WATERSPORTS.** (Section 12 of the Proposed Rules and Regulations)

**Key Modification:**

The following regulations specifically apply to Upland Owner Concessionaires offering Watersport concessions:

(h) Each Concessionaire must comply with the following Florida Statutes, and as such Statutes may be amended - F.S. 327.39, F.S. 327.395, and F.S. 327.54, which includes, in part, the following:

- (1) All persons under the age of 14 cannot operate or rent a personal water craft ("PWC.");
- (2) All persons 14 or over, but under 18, can operate a PWC with a boater ID card but cannot rent a PWC;
- (3) All persons 18, but born on or after January 1, 1988, can rent and operate a PWC with a boater ID card;
- (4) All persons born before January 1, 1998 must meet the age requirement to rent and operate a PWC;
- (5) Valid identification shall be required by the Concessionaire.

**Reason for Modification:**

This provision requires that all watersports concessions comply with Florida statutes regarding the operation of motorized personal watercraft.

**Key Modification:**

(m) The equipment permitted to be used in a watersport Beachfront Concession operation consists of a maximum of five (5) waverunners for rent, and a combined total of six (6) kayaks and/or paddleboards for rent. Notwithstanding the foregoing, the Beachfront Concessions located at 1601 Collins Avenue (Loews Hotel) and 4441 Collins Avenue (Fontainebleau Hotel) have additional grandfathered equipment, including additional waverunners, banana boats and parasail operations.

**Reason for Modification:**

This provision provides a standard allowance for the types and amount of equipment permitted to be used in conjunction with a watersport concession operation.

**Key Modification:**

(n) Any change to, or addition of, a watersport Beachfront Concession, or the implementation of a new water channel to accommodate a new watersport Beachfront Concession operation, shall require review by, and a recommendation from, the Marine

and Waterfront Protection Authority, as well as written approval by the City Manager or his designee.

**Reason for Modification:**

Currently there are ten (10) watersport concession operations. Watersport concessions can only be operated from locations where there is a water channel to provide access from the shoreline to the area outside (east of) of the vessel exclusion buoys (300' offshore). Several Concessionaires have requested authorization to obtain watersport concessions in locations which currently do not have a water channel. Water channels are required to be located a minimum distance of four hundred feet (400') from the closest lifeguard tower (both to the north and to the south). There are locations where this minimum distance is achievable and would meet this requirement. The Administration recommends allowing additional watersport concessions at locations where the water channel will meet the minimum distance of four hundred feet (400') from the closest lifeguard tower.

**13. MOTOR VEHICLES.** (Section 13 of the Proposed Rules and Regulations)

**Key Modification:**

(d) All Motor Vehicles, Trailers and/or Concession Facilities must each display two (2) "Beach Vehicle Pass" decals containing a unique Identification Number issued by the City, said Identification Number on the decals to be sufficiently large and clear as well make said Identification Number reasonably visible and readable. No other identification or signage of any kind shall be displayed, except that the name of the Concessionaire which owns and operates the Motor Vehicle, Trailer, and/or Concession Facility may also be displayed in which case the Upland Owner Concessionaire (if any) may also add its name. The two (2) decals must be placed on opposing sides (either front/back or left/right). The Identification Number will correspond to the number on the City file which contains originals or copies of all applications, permits, correspondence, and other materials which concern or relate to the Beachfront Concession and/or the Beach Vehicle Pass decals which have been issued. Locations with multiple Motor Vehicles, Trailers and/or Concession Facilities will receive a unique Identification Number for each such Motor Vehicles, Trailers and/or Concession Facility. As to each Motor Vehicle, Trailer, or Concession Facility for which the City issues a Beach Vehicle Pass decal, the City shall advise the Concessionaire in writing of the limits applicable to each such Motor Vehicle, Trailer, or Concession Facility, including the limited area, the limited range and the limited points of entry to and exits from the beach. Such limits shall be reflected in a document which must be displayed in or on the Motor Vehicle, Trailer, or Concession Facility, at all times.

**Reason for Modification:**

This provision provides a method for approving and regulating Motor Vehicles, Small Off-Road Vehicles, Trailers and Concession Facilities used in conjunction with a Beach Concession. The Concessionaire shall be required to submit all applicable information (VIN, make, model, year, color, etc.) and insurance. The unique Identification Number will be issued for the specific vehicle, Trailer or Concession Facility and will be specific to the Beach Concession. The unique Identification Number will aid

the City in identifying approved Motor Vehicles, Small Off-Road Vehicles, Trailers and Concession Facilities on the beach.

**Key Modification:**

(e) Each Beachfront Concession shall be limited to the use of one (1) motor vehicle servicing the Concession Area at a time and one (1) Trailer, to supply and/or service a the Beachfront Concession. Notwithstanding the foregoing, Beachfront Concessions with a watersports permit shall be allowed one (1) additional vehicle to service the watersports operation.

**Reason for Modification:**

This provision limits the amount of vehicles to one (1) per Concession Area at a time, except concession operations with a watersports permit shall be allowed one (1) additional vehicle to service the watersports operation.

**Key Modification:**

(m) No Motor Vehicle, or any Trailer may be parked or left unattended on the beach, at any time or for any reason other than golf carts/ATVs, which shall be permitted to park immediately east of the dune, for no more than thirty (30) minutes, during normal business hours, so long as the emergency vehicle path remains unobstructed.

**Reason for Modification:**

This provision minimizes the amount of vehicles on the beach which are not actively servicing a Concession Area.

**14. ENFORCEMENT AND PENALTIES.** (Section 14 of the Proposed Rules and Regulations)

**Key Modification:**

The Beachfront Concession Rules and Regulations contained herein shall be enforced by the City, as defined below.

(a) The following monetary penalties shall be imposed for a failure to comply with these Rules and Regulations:

- (1) First offense a penalty of \$250.00;
- (2) Second offense for the same violation within a 12 month period a penalty of \$500.00;
- (3) Third offense for the same violation within a 12 month period a penalty of \$1,000.00;
- (4) Fourth offense and subsequent offenses for the same violation within a 12 month period a penalty of \$1,500.00.

The City may issue a verbal warning or a written warning for first time violations in lieu of a first offense violation. There shall be a three (3) month transition period, from the date these Rules and Regulations are adopted, when only warnings will be issued, prior to the City issuing Notices of Violations which include penalties.

Such penalties are in addition to and separate from any violations issued by the City for noncompliance with other sections of the City Code.

(b) **Enforcement.** The City Manager, or his designee, through its Field Monitor, or other designee, shall enforce the provisions of these Rules and Regulations. As used in these Rules and Regulations, "Field Monitor" shall include, but not be limited to, a Code Compliance Officer, Park Ranger, or a Police Officer. If a Field Monitor finds a violation of this section, the Field Monitor shall issue a Notice of Violation to the violator. The Notice of Violation shall inform the violator of the nature of the violation, amount of penalty for which the violator is liable and instructions and due date for paying the penalty.

(c) If a Concessionaire, or any of its employees or independent contractors, is the named violator, and after issuance of the Notice of Violation, the Concessionaire fails to pay the penalty within ten (10) days, the Beachfront Concession may be revoked by the City Manager.

***Reason for Modification:***

Currently, the City's primary means of enforcement is to either issue a Courtesy Notice to Concessionaires found violating the Rules and Regulations or, in the alternative, the City has the right to revoke the Beachfront Concession Permit. Revocation of the Beachfront Concession Permit is draconian and has significant financial ramifications for the Upland Property owner (i.e. Fontainebleau, Loews, etc.) and is therefore impractical. The Courtesy Notice advises the Concessionaire of the violation and advises them to correct the violation; however, due to a lack of penalty or fines, the Courtesy Notices have proven to be an ineffective tool for enforcement.

Section 14(a) of this provision provides a policy of tiered monetary penalties and Section 14(b) implements the use of a Notice of Violation which can be issued by a Code Compliance Officer, a Police Officer or any other City designee. Section 14(c) allows the City Manager to revoke the Beachfront Concession Permit, if deemed appropriate. This issue was addressed in Resolution #8 of the MWPA.

**NEIGHBORHOOD / COMMUNITY AFFAIRS COMMITTEE**

This matter was discussed at the December 18, 2015 and January 15, 2016 Neighborhood / Community Affairs Committee (NCAC) meetings.

At the April 15, 2016 meeting, the NCAC again discussed this matter and recommended that the beachfront behind public properties, such as City-owned parks, City-owned parking lots and street ends, as well as the beachfront area

immediately west of the shoreline (and east of concession operations, if existing) shall act as buffer zones beachwide.

The NCAC also recommended the existing food trailers shall be eliminated two (2) years following the adoption of the revised Rules and Regulations and shall be replaced with a beachwide food trailer program which shall be procured with a Request for Proposals (RFP).

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Resolution approving the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations.

#### Exhibits:

- "A" Current Rules and Regulations
- "B" MWPA Resolutions
- "C" Proposed Rules and Regulations
- "D" Beach Concession Layout – Previous Requirement
- "E" Beach Concession Layout – Proposed Requirement

JLM/KGB/MAS//MMM

**RESOLUTION TO BE SUBMITTED**

**Condensed Title:**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT FUNDING AGREEMENT (JFA) WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS), FOR THE PURPOSE OF CONDUCTING GEOPHYSICAL AND GROUNDWATER INVESTIGATIONS, AS PART OF THE CITY'S COMPREHENSIVE GROUNDWATER, FLOOD MITIGATION AND SEA LEVEL RISE PROGRAM.**

**Key Intended Outcome Supported:**

Provide sufficient data and information to model and assess flood impact and mitigation from groundwater.  
**Supporting Data (Surveys, Environmental Scan, etc.):** N/A

**Issue:**

Shall the Mayor and City Commission approve the Resolution?

**Item Summary/Recommendation:**

The United States Geological Survey (USGS) will install three monitoring well clusters along a north-south corridor in the City of Miami Beach and borehole geophysical data will be collected from the three cored deep monitoring wells at each cluster. The borehole geophysical data collected by the USGS will be used to aid the City in determining the depths of the monitoring zone intervals to serve as a baseline for an additional 11 monitoring well clusters, of the same characteristics, to be installed throughout the City as part of the comprehensive groundwater monitoring program developed with AECOM for the overall Flood Mitigation and Sea Level Rise Program.

The investigation by USGS will be conducted to provide sufficient information to accurately depict the subsurface hydro-geologic conditions underlying the City for model conceptualization and to provide information for installing a system of monitoring wells which will be used in model calibration and provide long-term water level and water quality data. The City will utilize these data to input into a coupled surface water and a density-dependent groundwater flow model to evaluate potential engineering solutions related to sea level rise, storm water management, and saltwater intrusion.

A Joint Funding Agreement (JFA) with the USGS is requested to be executed to pay for the well installations, the borehole geophysical analysis, and groundwater investigations beneath the City of Miami Beach. This effort will provide data to accurately depict the subsurface hydro-geologic conditions underlying the City for model conceptualization and to assist with the installation of a system of monitoring wells. The goal is to provide long-term water level and water quality data for use in model calibration and predictions.

**THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.**

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds	Amount	Account
1	\$59,000	117-6800-000312
2		
3		
<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Bruce Mowry, City Engineer, x. 6565

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
JJF <i>[Signature]</i>	ETC <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](http://www.miamibeachfl.gov)

MEMO #

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT FUNDING AGREEMENT (JFA) WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS), FOR THE PURPOSE OF CONDUCTING GEOPHYSICAL AND GROUNDWATER INVESTIGATIONS, AS PART OF THE CITY'S COMPREHENSIVE GROUNDWATER, FLOOD MITIGATION, AND SEA LEVEL RISE PROGRAM.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution.

### FUNDING

\$59,000, Account# 117-6800-000312

### BACKGROUND

The United States Geological Survey (USGS) will install three monitoring well clusters along a north-south corridor in the City of Miami Beach and borehole geophysical data will be collected from the three cored deep monitoring wells at each cluster. The borehole geophysical data collected by the USGS will be used to aid the City in determining the depths of the monitoring zone intervals to serve as a baseline for an additional 11 monitoring well clusters, of the same characteristics, to be installed throughout the City as part of the comprehensive groundwater monitoring program developed with AECOM for the overall Flood Mitigation and Sea Level Rise Program.

The investigation by USGS will be conducted to provide sufficient information to accurately depict the subsurface hydro-geologic conditions underlying the City for model conceptualization and to provide information for installing a system of monitoring wells which will be used in model calibration and provide long-term water level and water quality data. The City will utilize these data to input into a coupled surface water and a density-dependent groundwater flow model to evaluate potential engineering solutions related to sea level rise, storm water management, and saltwater intrusion.

### ANALYSIS

A Joint Funding Agreement (JFA) with the USGS is requested to be executed to pay for the well installations, the borehole geophysical analysis, and groundwater investigations beneath the City of Miami Beach. This effort will provide data to accurately depict the subsurface hydro-geologic conditions

underlying the City for model conceptualization and to assist with the installation of a system of monitoring wells. The goal is to provide long-term water level and water quality data for use in model calibration and predictions.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission approve and authorize the City Manager to execute the JFA with USGS.

Attachment:

- A. Joint Funding Agreement

  
JLM/ETC/JF/BAM/WRB/CT



Exhibit 1

Form 9-1366  
(April 2015)

Customer #:  
Agreement #: 16ESFL000109  
Project #: MC00E2J  
TIN #: 59-6000372  
Fixed Cost  
Agreement YES

**U.S. DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY**

**JOINT FUNDING AGREEMENT**

FOR

CARIBBEAN-FLORIDA WATER SCIENCE CENTER

**THIS AGREEMENT is entered into as of the, 1st day of April, 2016 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF MIAMI BEACH, party of the second part.**

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation a project, "Borehole Geophysical Data Collection of Three Monitoring Wells- City of Miami Beach, FL", herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00.

(a) by the party of the first part during the period

Amount	Date	to	Date
\$0.00	April 1, 2016		December 31, 2016

(b) by the party of the second part during the period

Amount	Date	to	Date
\$59,000.00	April 1, 2016		December 31, 2016

(c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of \$0.00

USGS DUNS 137783937

(d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

(e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

- 7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
- 8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
- 9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

**U.S. Geological Survey  
United States Department  
of the Interior  
USGS Point of Contact**

Name: David Sumner  
Address: 4446 Pet Lane, Suite 108  
Lutz, Florida 33559  
Telephone: (813) 498-5025  
Email: dmsumner@usgs.gov

**City of Miami Beach  
Customer Point of Contact**

Name: Carlos Tamayo, Civil Engineer  
Address: Public Works  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
Telephone: (305) 673-7080 ext: 6141  
Email: CarlosTamayo@miamibeachfl.gov

Signatures and Date

Signature: *Rafael W. Rodriguez* Date: 4/4/2016  
 Name: Rafael W. Rodriguez, Director  
 Title: Caribbean-Florida Water Science Center

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

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

*Paul Cent*  
City Attorney

5/3/16  
Date

*JMS*



## United States Department of the Interior

### U.S. GEOLOGICAL SURVEY

Florida Water Science Center  
4446 Pet Lane, Suite 108  
Lutz, Florida 33559  
(813) 498-5000

April 4, 2016

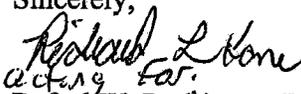
Mr. Carlos Tamayo  
Civil Engineer, Public Works  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Dear Mr. Tamayo:

Enclosed are two signed originals of the Joint Funding Agreement 16ESFL000109, between the USGS and the City of Miami Beach for the program, "Borehole Geophysical Data Collection of Three Monitoring Wells- City of Miami Beach, FL", covering the period April 1, 2016 through December 31, 2016.

Please obtain the proper signatures and return one signed copy to this office in the enclosed self-addressed envelope. The other copy is for your files. Work performed with funds from this agreement will be conducted on a fixed-price basis. The City of Miami Beach will be billed quarterly.

Your continued cooperation is greatly appreciated. If you have any questions concerning the program, please contact David Sumner at (813) 498-5025 or [dmsummer@usgs.gov](mailto:dmsummer@usgs.gov).

Sincerely,  
  
Rafael W. Rodriguez, Director  
Caribbean-Florida Water Science Center

#### Enclosures

Cc: David Sumner  
Richard Marella  
Administration

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# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY  
RAUL J. AGUILA, CITY ATTORNEY

## COMMISSION MEMORANDUM

**TO: Members of the City Commission  
Jimmy Morales, City Manager**

**FROM: Raul J. Aguila, City Attorney**



**DATE: May 11, 2016**

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO TAKE ACTION TO PROTECT THE RESIDENTS OF SOUTHEAST FLORIDA FROM THE HAZARDS OF SALTWATER INTRUSION INTO THE BISCAYNE AQUIFER AND BISCAYNE NATIONAL PARK.**

---

Pursuant to the request and direction of Commissioner Kristen Rosen Gonzalez during the discussion regarding Turkey Point at the April 13, 2016 City Commission meeting (Item R9N), the above-referenced Resolution was drafted to raise awareness of the issue of saltwater intrusion into Biscayne Bay caused by FPL's Turkey Point cooling canal system. This Resolution is submitted for consideration by the Mayor and City Commission.

RJA/DT/lr  
F:\ATTO\TURN\COMMEMO\Turkey Point.docx

Agenda Item R7G  
Date 5-11-16

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO TAKE ACTION TO PROTECT THE RESIDENTS OF SOUTHEAST FLORIDA FROM THE HAZARDS OF SALTWATER INTRUSION INTO THE BISCAYNE AQUIFER AND BISCAYNE NATIONAL PARK.**

**WHEREAS**, Florida Power and Light (“FPL”) operates a nuclear power plant in southwest Miami-Dade County known as the Turkey Point Power Plant; and

**WHEREAS**, the Turkey Point Power Plant was originally constructed in the 1960s and additional nuclear generating units have been added over the decades; and

**WHEREAS**, pursuant to a consent judgment with the U.S. Department of Justice in 1971, FPL constructed a cooling canal system (“CCS”) which provides a heat removal function to replace the prior practice of directly discharging heated water into Biscayne Bay; and

**WHEREAS**, the Biscayne Aquifer is an important natural resource which provides the main source of drinking water in Miami-Dade, Broward, and southeastern portions of Palm Beach Counties, and is vital to irrigation and to Florida’s marsh and wetland communities; and

**WHEREAS**, on October 2, 2015, the Miami-Dade County Department of Environmental Resources Management (“DERM”) issued a Notice of Violation and Order for Corrective Action to FPL due to chloride salt levels in violation of County water quality standards outside of the CCS based on the presence of elevated tritium (a radioactive isotope) marker levels showing that groundwater originating from the CCS had expanded beyond FPL’s property boundaries; and

**WHEREAS**, the prevention of saltwater intrusion into the delicate ecosystems of Biscayne National Park and into the Biscayne Aquifer, that supplies fresh drinking water to millions of Florida residents, requires diligent monitoring and vigilant enforcement by local, State and federal authorities; and

**WHEREAS**, although FPL has entered into an Administrative Consent Agreement with the County to address its violations of the County’s environmental protection laws, other recent Florida administrative proceedings (brought by Atlantic Civil, Inc. and the City of Miami in Florida Division of Administrative Hearings (“DOAH”) Case Nos. 15-1746 and 15-1747 which challenged DEP’s Administrative Order related to the CCS) have raised concerns on the State level; and

**WHEREAS**, in the Final Order issued on April 21, 2016 in the above-referenced DOAH Cases, the State Department of Environmental Protection (“DEP”) ordered that DEP staff “shall consider” the findings of the Administrative Judge in those cases that

[s]altwater intrusion into the area west of the CCS is impairing the reasonable and beneficial use of adjacent G-II groundwater and, therefore, is a violation of the minimum criteria for groundwater in rule 62-520-400. . . In addition, sodium levels detected in monitoring wells west of the CCS and beyond FPL’s zone of discharge are many times greater than the applicable G-II groundwater standard for sodium. The preponderance of the evidence shows that CCS is contributing to a violation of the sodium standard; and

**WHEREAS**, DEP’s Final Order directed DEP staff to “take any further action as is necessary,” and the Mayor and City Commission of the City of Miami Beach also urge DEP to take action to address FPL’s violation of state water quality standards in the areas surrounding Turkey Point in order to protect the citizens of Southeast Florida from the hazards of saltwater intrusion into the Biscayne Aquifer and to protect the important ecosystems of Biscayne National Park.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby urge the Florida Department of Environmental Protection to take action to protect the residents of southeast Florida from the hazards of saltwater intrusion into the Biscayne Aquifer and Biscayne National Park.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of May, 2016.

ATTEST:

\_\_\_\_\_  
Rafael Granado, City Clerk

\_\_\_\_\_  
Phillip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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David Cantor 5/3/16  
City Attorney DT Date

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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 CONDUCT A DESIGN COMPETITION FOR AN ICONIC CROSSWALK/INTERSECTION INCORPORATING THE RAINBOW THEME AT 12<sup>TH</sup> STREET AND OCEAN DRIVE.**

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 Neighborhood/Community Affairs Committee (NCAC) by Commissioner Rick Arriola at the April 13, 2016 City Commission meeting.

At the April 15, 2016 NCAC meeting, the Committee discussed the concept of conducting a design competition for an iconic crosswalk/intersection incorporating the rainbow theme on 12th Street and Ocean Drive. At the meeting the NCAC passes a motion recommending that the Administration move forward with a design competition for an iconic crosswalk/intersection incorporating the rainbow theme at 12th Street and Ocean Drive.

In order to proceed with a design competition, the following options are available:

1. The City's Procurement Department could issue a Request for Proposals to solicit designs from qualified artists.
2. A call for qualified artists could be issued through the City of Miami Beach Art in Public Places (AiPP). Program. The call for artists for the iconic crosswalk/intersection would go through the AiPP process that requires approval from the AiPP Committee, Historic Preservation Board, Neighborhood/Community Affairs Committee and then City Commission.

Coordination with Miami-Dade County will occur in anticipation of the start of this project so that the appropriate design for the permanent crosswalk can be included in the final plans of the Ocean Drive project. This will also include developing an estimated budget for the permanent application of the crosswalk so it can be incorporated as part of the budget for the Ocean Drive project.

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC.

**Advisory Board Recommendation:** At the April 15, 2016 Neighborhood/Community Affairs Committee (NCAC) meeting, the NCAC passed a motion recommending that the Administration move forward with a design competition for an iconic crosswalk/intersection incorporating the rainbow theme at 12<sup>th</sup> Street and Ocean Drive.

Financial Information:

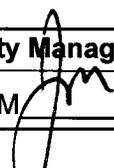
Source of Funds:	Amount	Account
OBPI	Total	

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: May 11, 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 CONDUCT A DESIGN COMPETITION FOR AN ICONIC CROSSWALK/INTERSECTION INCORPORATING THE RAINBOW THEME AT 12<sup>TH</sup> STREET AND OCEAN DRIVE.**

*This item was referred to the Neighborhood/Community Affairs Committee (NCAC) by Commissioner Rick Arriola at the April 13, 2016 City Commission meeting.*

### **BACKGROUND**

At the April 15, 2016 NCAC meeting, the Committee discussed the concept of conducting a design competition for an iconic crosswalk/intersection incorporating the rainbow theme on 12<sup>th</sup> Street and Ocean Drive. At the meeting the NCAC passes a motion recommending that the Administration move forward with a design competition for an iconic crosswalk/intersection incorporating the rainbow theme at 12<sup>th</sup> Street and Ocean Drive.

### **ANALYSIS**

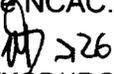
In order to proceed with a design competition, the following options are available:

1. The City's Procurement Department could issue a Request for Proposals to solicit designs from qualified artists.
2. A call for qualified artists could be issued through the City of Miami Beach Art in Public Places (AiPP) Program. The call for artists for the iconic crosswalk/intersection would go through the AiPP process that requires approval from the AiPP Committee, Historic Preservation Board, Neighborhood/Community Affairs Committee and then City Commission.

Coordination with Miami-Dade County will occur in anticipation of the start of this project so that the appropriate design for the permanent crosswalk/intersection can be included in the final plans of the Ocean Drive project. This will also include developing an estimated budget for the permanent crosswalk and intersection design so it can be incorporated as part of the budget for the future Ocean Drive project.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC.

 226  
JLM/KGB/JRG/XRF

T:\AGENDA\2016\May\Transportation\Resolution accepting NCAC recommendation to conduct a design competition for crosswalk- 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 THAT THE CITY ADMINISTRATION CONDUCT A DESIGN COMPETITION FOR AN ICONIC CROSSWALK/INTERSECTION INCORPORATING THE RAINBOW THEME AT 12<sup>TH</sup> STREET AND OCEAN DRIVE.**

**WHEREAS**, at the April 15, 2016 Neighborhood/Community Affairs Committee ("the Committee") meeting, the Committee discussed the potential to conduct a design competition for an iconic crosswalk/intersection incorporating the rainbow theme at 12<sup>th</sup> Street and Ocean Drive; and

**WHEREAS**, the LGBT Committee has indicated the desire to have a permanent rainbow crosswalk installed at Ocean Drive and 12<sup>th</sup> Street; and

**WHEREAS**, the Administration will coordinate with Miami-Dade County on the implementation of a permanent rainbow crosswalk as part of the future Ocean Drive project; and

**WHEREAS**, the Administration will work on establishing the parameters for the design competition for an iconic crosswalk/intersection incorporating the rainbow theme at 12<sup>th</sup> Street and Ocean Drive; and

**WHEREAS**, 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 rainbow crosswalk at the intersection of 12<sup>th</sup> Street and Ocean Drive and that it accepts the recommendation of the Committee that the City Administration conduct a design competition for the crosswalk at this iconic intersection in 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 accept the recommendation of the Neighborhood/Community Affairs Committee that the City Administration conduct a design competition for the iconic crosswalk/intersection incorporating the rainbow theme at 12<sup>th</sup> Street and Ocean Drive.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rafael Granado*  
\_\_\_\_\_  
City Attorney

5/4/16  
\_\_\_\_\_  
Date

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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. 3 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 \$23,466.25, relating to unforeseen site conditions, new FP&L service point, hand-hole and riser for the project; and increasing the Guaranteed Maximum Price (GMP) of the project from \$819,838.88 to \$843,305.13 in connection with said change order; and increasing the City's budgeted costs for the project, from \$466,500.86 to \$479,853.16, to include the cost of the change order; and further authorizing the mayor and city clerk to execute amendment No. 3.

**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 October 14, 2015, pursuant Resolution 2015-29158, the Mayor and City Commission approved modifying 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.

On March 9, 2016, pursuant Resolution 2016-29330, the Mayor and City Commission approved Amendment No.2 to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$819,838.88; due to additional landscape work to comply with City's request to keep existing Copper pod trees at the current location with the Developer paying for any Project costs in excess of the City's cost.

Thereafter, during the construction process the following additional work was required: 1) during the excavation of drainage piping the contractor encountered FPL duct bank in conflict with the work that required adjustments, 2) FPL requested to run a secondary wire run from new electrical room to the FPL hand-hole, 3) FPL work for the installation of the relocated hand-hole for the new service point connection, and 4) removal of unsuitable material and replacement with limerock. The total cost of the additional work is in the amount of \$23,466.25, and the City's proportionate contribution (56.90%) of this cost is \$13,352.30. This change increases the GMP total amount from \$819,838.88 to \$843,305.13.

The Developer has also requested additional changes to the project related to 1) Installation of two additional removable non-luminous bollards and two non-removable non-luminous bollards, and 2) modification of concrete color type to better match existing conditions. The Cost for this work is in the amount of \$16,717.27 and will be 100% covered by the developer.

The Administration recommends amending Resolution Number 2015-29127 as set forth herein.

**Advisory Board Recommendation:**

See above summary.

**Financial Information:**

Source of Funds:	Amount	Account
1	\$13,353	365-2767-069358
2		
3		
<b>Total</b>	<b>\$13,353</b>	

**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, Ph.D., P.E., Ext. 6565

**Sign-Offs:**

<b>Department Director</b> JJF	<b>Assistant City Manager</b> ETC	<b>City Manager</b> J.M.
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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: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AMENDMENT NO. 3 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 \$23,466.25, RELATING TO UNFORSEEN SITE CONDITIONS, NEW FP&L SERVICE POINT, HANDHOLE AND RISER FOR THE PROJECT; AND INCREASING THE GUARANTEED MAXIMUM PRICE (GMP) OF THE PROJECT FROM \$819,838.88 TO \$843,305.13 IN CONNECTION WITH SAID CHANGE ORDER; AND INCREASING THE CITY'S BUDGETED COSTS FOR THE PROJECT, FROM \$466,500.86 TO \$479,853.16, TO INCLUDE THE COST OF THE CHANGE ORDER; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### KEY INTENDED OUTCOME SUPPORTED

Ensure well designed quality capital projects  
Increase Community Satisfaction with City Services

### FUNDING

\$ 13,353 365-2767-069358

\$ 13,353 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 to be 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 modifying 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.

On March 9, 2016, pursuant Resolution 2016-29330, the Mayor and City Commission approved Amendment No.2 to the Development Agreement, increasing the guaranteed maximum price (GMP) of the Project to \$819,838.88; due to additional landscape work to comply with City's request to keep existing Copper pod trees at the current location with the Developer paying for any Project costs in excess of the City's cost.

Thereafter, during the construction process the following additional work was required: 1) during the excavation of drainage piping the contractor encountered FPL duct bank in conflict with the work that required adjustments, 2) FPL requested to run a secondary wire run from new electrical room to the FPL hand-hole, 3) FPL work for the installation of the relocated hand-hole for the new service point connection, and 4) removal of unsuitable material and replacement with limerock. The total cost of the additional work is in the amount of \$23,466.25, and the City's proportionate contribution (56.90%) of this cost is \$13,352.30. This change increases the GMP total amount from \$819,838.88 to \$843,305.13.

The Developer has also requested additional changes to the project related to 1) Installation of two additional removable non-luminous bollards and two non-removable non-luminous bollards, and 2) modification of concrete color type to better match existing conditions. The Cost for this work is in the amount of \$16,717.27 and will be 100% covered by the developer.

Public Work Department staff has reviewed the cost proposals and deemed the cost acceptable based on the expressed scope, site conditions, and the risk associated with performing such work.

## **CONCLUSION**

The Administration recommends amending Resolution Number 2015-29127, correcting the GMP Project cost to reflect \$843,305.13, with the Developer assuming the GMP costs above the City's Contribution, and reflecting the inclusion of the Additional work in Amendment No. 3 to the Development Agreement.

JLM/ETC/JLF/BAM/WRB/JMR

**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

MEMO #

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales

DATE: May 11, 2016

FIRST READING - PUBLIC HEARING

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING AN AD HOC BEACHFRONT MANAGEMENT PLAN ADVISORY GROUP IN ACCORDANCE WITH SECTION 259.032(8)(b) OF THE FLORIDA STATUTES TO REVIEW AND PROVIDE INPUT ON THE CITY'S UPDATED BEACHFRONT MANAGEMENT PLAN AND PRESCRIBING THE DUTIES, APPOINTMENT, AND TERMS OF THE ADVISORY GROUP'S MEMBERS.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

The City of Miami Beach leases the property eastward of the erosion control line (ECL) from the State of Florida. As part of this lease agreement, the City is required to submit a 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. As such, the Plan details the City's concession operation rules and regulations, special event permit requirements, dune management strategy, and other key beach management activities.

The City is in the process of preparing the latest update to the Plan. In accordance with Chapter 259.032(8)(b) of the Florida Statutes, the City must create an advisory group of community stakeholders to review the draft Plan and provide comments at a minimum of one public meeting. Specifically, the advisory group shall include, at a minimum, representatives of:

- The lead land managing agency;
- Co-managing entities;
- Local private property owners;
- The appropriate soil and water conservation district;
- A local conservation organization; and,
- A local elected official.

At the May 6, 2015 Commission meeting, the City Commission established a Beachfront Management Plan Ad Hoc Advisory Group pursuant to Resolution No. 2015-29009

Agenda Item

R7J

Date

5-11-16

whose terms will expire on June 1, 2016. Pursuant to Section 2-23(b) of the City Code, ad hoc boards and committees are created to carry out specific tasks to be accomplished within a stated time period, not to exceed one year.

The 10-year update to the Beachfront Management Plan is in progress and has yet to be approved by the State of Florida. Therefore, a successor ad hoc Beachfront Management Plan Advisory Group is needed to discuss and review any prospective updates that may be made to the Beachfront Management Plan after June 1, 2016.

The recommended successor ad hoc Beachfront Management Plan Advisory Group members, that remain consistent with those of the previous advisory group, are as follows:

- The City's Tourism, Cultural, and Economic Development Department Director, or his designee, the City's Environment and Sustainability Division head, or her designee, the City's Ocean Rescue Division Chief, or his designee as the representatives of the lead managing agency;
- An appointee of the Miami-Dade County's Beach Operations program and an appointee of the County's Beach Renourishment program as the representatives of Miami-Dade County, a co-managing agency;
- An appointee of the Florida Department of Environmental Protection's Coastal Construction Control Line program as the representatives of the State, a co-managing agency;
- Steve Vicenti, a member of the Sustainability Committee, Dan Kipnis, Chairman of the Marine Authority and Waterfront Protection Committee, and an appointee of the Boucher Brothers as the representatives of local private property owners;
- An appointee of the South Dade Soil and Water Conservation District as the representative of the appropriate soil and water conservation district;
- Greg Guannel, Urban Conservation Director at The Nature Conservancy as the representative of a local conservation organization; and
- City of Miami Beach Commissioner Michael Grieco as the local elected official member.

## **CONCLUSION**

The Administration recommends that an ad hoc Beachfront Management Plan Advisory Group is created, in accordance with Section 259.032(8)(b) of the Florida Statutes, and as set forth herein, with members whose terms shall commence on June 1, 2016 and expire on May 31, 2017.

ESW/MKW/FCT

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING AN AD HOC BEACHFRONT MANAGEMENT PLAN ADVISORY GROUP IN ACCORDANCE WITH SECTION 259.032(8)(b) OF THE FLORIDA STATUTES TO REVIEW AND PROVIDE INPUT ON THE CITY'S UPDATED BEACHFRONT MANAGEMENT PLAN AND PRESCRIBING THE DUTIES, APPOINTMENT, AND TERMS OF THE ADVISORY GROUP'S MEMBERS.**

**WHEREAS**, the City of Miami Beach leases the property eastward of the erosion control line (ECL) from the State of Florida; and

**WHEREAS**, this lease agreement requires the City to submit an updated land management plan every 10 years for the State's approval; and

**WHEREAS**, 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; and

**WHEREAS**, in accordance with Section 259.032(8)(b) of the Florida Statutes, the City must have an advisory group of community stakeholders to review the updated Beachfront Management Plan and to provide comments; and

**WHEREAS**, at the May 6, 2015 City Commission meeting, the City Commission established a Beachfront Management Plan Ad Hoc Advisory Group pursuant to Resolution No. 2015-29009 whose terms will expire on June 1, 2016, and pursuant to Section 2-23(b) of the City Code, ad hoc boards and committees are created to carry out specific tasks to be accomplished within a stated time period, not to exceed one year; and

**WHEREAS**, the 10-year update to the Beachfront Management Plan is in progress and has yet to be approved by the State of Florida; and

**WHEREAS**, a successor ad hoc Beachfront Management Plan Advisory Group is needed in order to meet to discuss and review the updated Beachfront Management Plan after June 1, 2016; and

**WHEREAS**, pursuant to Florida law, the City's Beachfront Management Plan Advisory Group must 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; and

**WHEREAS**, a new ad hoc Beachfront Management Plan Advisory Group is hereby established to be composed of the City's Tourism, Cultural, and Economic Development Department Director, or his designee, the City's Environment and Sustainability Division head, or her designee, the City's Ocean Rescue Division Chief, or his designee as the representatives of the lead managing agency; an appointee of the Miami-Dade County's Beach Operations program and an appointee of the County's Beach Renourishment program as the representatives of Miami-Dade County, a co-managing agency; an appointee of the Florida Department of Environmental Protection's Coastal Construction Control Line program as the representatives of the State, a co-managing agency; Steve Vicenti, a member of the

Sustainability Committee, Dan Kipnis, Chairman of the Marine Authority and Waterfront Protection Committee, and an appointee of the Boucher Brothers as the representatives of local private property owners; an appointee of the South Dade Soil and Water Conservation District as the representative of the appropriate soil and water conservation district; Greg Guannel, Urban Conservation Director at The Nature Conservancy as the representative of a local conservation organization; and City of Miami Beach Commissioner Michael Grieco as the local elected official member; and

**WHEREAS**, the terms of the members on the newly established ad hoc Beachfront Management Plan Advisory Group shall commence on June 1, 2016 and expire on May 31, 2017.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that an ad hoc Beachfront Management Plan Advisory Group is hereby created, in accordance with Section 259.032(8)(b) of the Florida Statutes, and as set forth herein, with members whose terms shall commence on June 1, 2016 and expire on May 31, 2017, subject to earlier or later sunset by the City Commission.

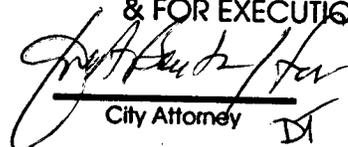
**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

5-4-16  
\_\_\_\_\_  
Date

R7K A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Have The Communications Department Create A Communications Piece On The City's Position With Regard To Illegal Short-Term Rentals And Initiate Contact With Realtors And Post On Social Media.

(Sponsored by Commissioner Michael Grieco &  
Co-Sponsored by Commissioner John Elizabeth Alemán)  
(Code Compliance/Police)

**(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, CLARIFYING RESOLUTION NO. 2015-29244 AND APPROVING THE ATTACHED FINAL APPLICATION, PROGRAM DETAILS, AND DESIGN GUIDELINES FOR THE WASHINGTON AVENUE PILOT PARKLET PROGRAM.**

**Key Intended Outcome Supported:**

Enhance Pedestrian Safety Universally.  
**Supporting Data (Surveys, Environmental Scan, etc): N/A**

**Item Summary:**

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 and other uses into the existing parking lane to create an opportunity for “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. On March 9, 2016, the Mayor and City Commission adopted Ordinance No. 2016-4003, to abate sidewalk cafe permit fees, including annual permit application fees and square footage fees, for business participating in the Pilot Program. At the same meeting, the Mayor and City Commission adopted Ordinance No. 2016-4000, to authorize the City Commission to exempt, by resolution, temporary uses in public rights-of-way on Washington Avenue from 6th Street to Lincoln Road, from the City’s transportation concurrency requirements. After adopting Ordinance No. 2016-4000, the Mayor and City Commission adopted Resolution No. 2016-29331, exempting sidewalk cafes and parklets located on Washington Avenue between 6th Street and Lincoln Road from the transportation concurrency requirements of Chapter 122 of the City Code, for the period beginning on March 19, 2016 and ending on March 31, 2017.

Upon further review and analysis of the Pilot Program, certain issues arose that require clarification. A final draft Washington Avenue Pilot Parklet Permit Manual has been produced that includes the following clarifications:

- Parklets that are associated with businesses with corner frontage on Washington Avenue may be constructed on side streets but shall be counted as the parklet for that particular block on Washington Avenue.
- Parklets may consist of one (1) to two (2) on-street parking spaces.
- Parklets may cross over between business frontages; however, each parklet applicant shall use its best efforts to align its parklet with the business frontage.
- The consent of a landlord shall not be required to apply for a parklet.
- Uses other than sidewalk cafes may be introduced to parklets.
- If the parklet expands beyond the property or business frontage, the same procedures that apply to sidewalk café permittees shall apply to parklet applicants/permittees.

Attached is the final draft Washington Avenue Pilot Parklet Permit Manual (Exhibit A) that outlines the requirements of the Washington Avenue Pilot Parklet Program, including the responsibilities of the applicant and including all the changes indicated above.

**Advisory Board Recommendation:**

**Financial Information:**

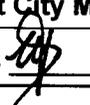
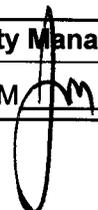
Source of Funds:		Amount	Account
OBPI	Total		

**Financial Impact Summary:** Sidewalk cafés on Washington Avenue between 5<sup>th</sup> and 17<sup>th</sup> 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 	KGB 	JLM 

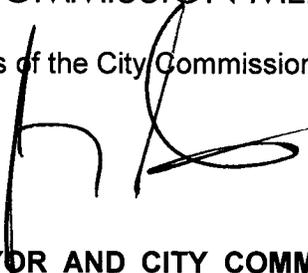


# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: May 11, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CLARIFYING RESOLUTION NO. 2015-29244 AND APPROVING THE ATTACHED FINAL APPLICATION, PROGRAM DETAILS, AND DESIGN GUIDELINES FOR THE WASHINGTON AVENUE PILOT PARKLET PROGRAM.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that this Resolution be adopted.

### 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 and other uses into the existing parking lane to create an opportunity for “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 adopted Resolution No. 2015-29244, approving the creation of the Washington Avenue Pilot Parklet Program (“Pilot Program”), to be administered by the Public Works Department.

On March 9, 2016, the Mayor and City Commission adopted Ordinance No. 2016-4003, to abate sidewalk cafe permit fees, including annual permit application fees and square footage fees, for business participating in the Pilot Program.

On March 9, 2016, the Mayor and City Commission adopted Ordinance No. 2016-4000, to authorize the City Commission to exempt, by resolution, temporary uses in public rights-of-way on Washington Avenue from 6th Street to Lincoln Road, from the City’s transportation concurrency requirements. After adopting Ordinance No. 2016-4000, the Mayor and City Commission adopted Resolution No. 2016-29331, exempting sidewalk cafes and parklets located on Washington Avenue between 6th Street and Lincoln Road from the transportation concurrency requirements of Chapter 122 of the City Code, for the period beginning on March 19, 2016 and ending on March 31, 2017.

Upon further review and analysis of the Pilot Program, the Administration has determined that certain modifications should be made to the Pilot Program. A final draft Washington Avenue Pilot Parklet Permit Manual has been produced that includes the following clarifications:

May 11, 2016

Page 2 of 2

- Parklets that are associated with businesses with corner frontage on Washington Avenue may be constructed on side streets but shall be counted as the parklet for that particular block on Washington Avenue.
- Parklets may consist of one (1) to two (2) on-street parking spaces.
- Parklets may cross over between business frontages; however, each parklet applicant shall use its best efforts to align its parklet with the business frontage.
- The consent of a landlord shall not be required to apply for a parklet.
- Uses other than sidewalk cafes may be introduced to parklets.
- If the parklet expands beyond the property or business frontage, the same procedures that apply to sidewalk café permittees shall apply to parklet applicants/permittees.

Attached is the final draft Washington Avenue Pilot Parklet Permit Manual (Exhibit A) that outlines the requirements of the Washington Avenue Pilot Parklet Program, including the responsibilities of the permittee and including all the changes indicated above.

### **RECOMMENDATION**

The Administration recommends adopting the attached Resolution clarifying Resolution No. 2015-29244 and approving the attached final application, program details, and design guidelines for the Washington Avenue Pilot Parklet Program.

Exhibit A: Washington Avenue Pilot Parklet Permit Program

 y26  
KGB/JRG/XRF

T:\AGENDA\2016\May\Transportation\Resolution amending and restating Resolution No. 2015-29244 to approve final application MEMO.docx

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CLARIFYING RESOLUTION NO. 2015-29244 AND APPROVING THE ATTACHED FINAL APPLICATION, PROGRAM DETAILS, AND DESIGN GUIDELINES FOR THE WASHINGTON AVENUE PILOT PARKLET PROGRAM.**

**WHEREAS**, a parklet is a small park, plaza, or creative public space that is physically installed in an on-street parking space; and

**WHEREAS**, on December 9, 2015, the Mayor and City Commission held a discussion regarding a pilot program to allow businesses to install temporary parklets along Washington Avenue; and

**WHEREAS**, immediately following the discussion, the Mayor and City Commission adopted Resolution No. 2015-29244, approving the creation of the Washington Avenue Pilot Parklet Program (the "Pilot Program") with a duration of one (1) year; and

**WHEREAS**, on March 9, 2016, the Mayor and City Commission adopted Ordinance No. 2016-4003, to abate sidewalk cafe permit fees, including annual permit application fees and square footage fees, for business participating in the Pilot Program; and

**WHEREAS**, on March 9, 2016, the Mayor and City Commission adopted Ordinance No. 2016-4000, to authorize the City Commission to exempt, by resolution, temporary uses in public rights-of-way on Washington Avenue between 6th Street and Lincoln Road, from the City's transportation concurrency requirements; and

**WHEREAS**, on March 9, 2016, the Mayor and City Commission adopted Resolution No. 2016-29331, exempting sidewalk cafes and parklets located on Washington Avenue between 6th Street and Lincoln Road from the transportation concurrency requirements of Chapter 122 of the City Code, for the period beginning on March 19, 2016 and ending on March 31, 2017; and

**WHEREAS**, the Administration now requests that the Mayor and City Commission approve the final application, program details, and design guidelines for the Pilot Program; and

**WHEREAS**, upon further review and analysis, the Administration has requested the following clarifications to the Pilot Program:

- (1) Parklets that are associated with businesses with corner frontage on Washington Avenue may be constructed on side streets but shall be counted as the parklet for that particular block on Washington Avenue;
- (2) Parklets may consist of one (1) to two (2) on-street parking spaces;
- (3) If necessary, parklets may cross over between business frontages; however, each parklet applicant shall use its best efforts to align its parklet with the business frontage;
- (4) The consent of a landlord shall not be required to apply for a parklet permit;
- (5) Uses other than sidewalk cafes may be introduced into parklets;

(6) If the parklet expands beyond the property or business frontage, the same procedures that apply to sidewalk café permittees shall apply to parklet applicants/permittees; and

**WHEREAS**, this Resolution hereby adopts the final application, program details, and design guidelines for the Pilot Program, including the clarifications herein, as recommended by the Administration.

**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 clarify Resolution No. 2015-29244 and approve the final application, program details, and design guidelines, which are attached hereto as Exhibit "A", for the Washington Avenue Pilot Parklet Program.

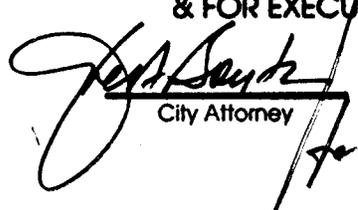
**PASSED and ADOPTED** this 11th day of May, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

5/4/16  
\_\_\_\_\_  
Date

T:\AGENDA\2016\May\Transportation\Resolution amending and restating Resolution No. 2015-29244 to approve final application RESO.doc



City of Miami Beach  
Washington Avenue  
Pilot Parklet Permit Program



**City of Miami Beach**  
**Department of Public Works**  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
[www.miamibeachfl.gov](http://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 6<sup>th</sup> Street to Lincoln Road.

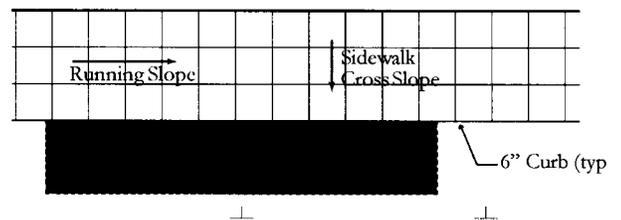
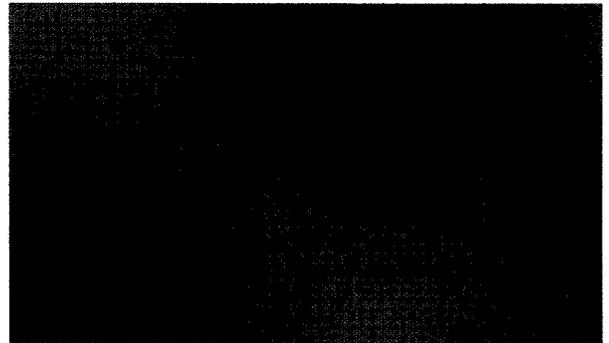
## Parking Spaces.

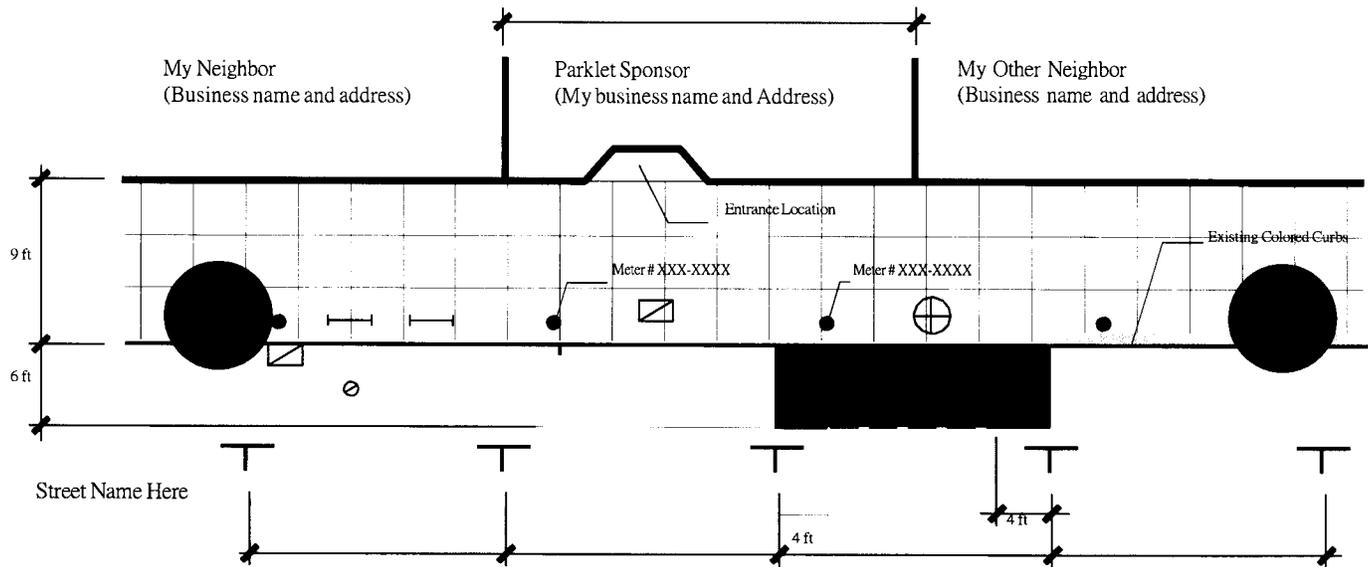
Parklets can be sited along the curb line on streets where on-street parking spaces exist. They can be considered in any location where there are space(s) for on-street parallel, angled, or perpendicular parking, including spaces with metered or unmetered parking.

## 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 Parking Space Marking
- ⊕ Existing Street Light
- Existing Bike Rack
- 4 ft Required Parklet setback (not to be included in parklet size)
- Existing Street Tree
- ◻ Existing Utility (in sidewalk and in street)
- ⬆ 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) or two (2) on-street parking spaces will be allowed for a parklet per City block on the east and west side of the street. 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.**

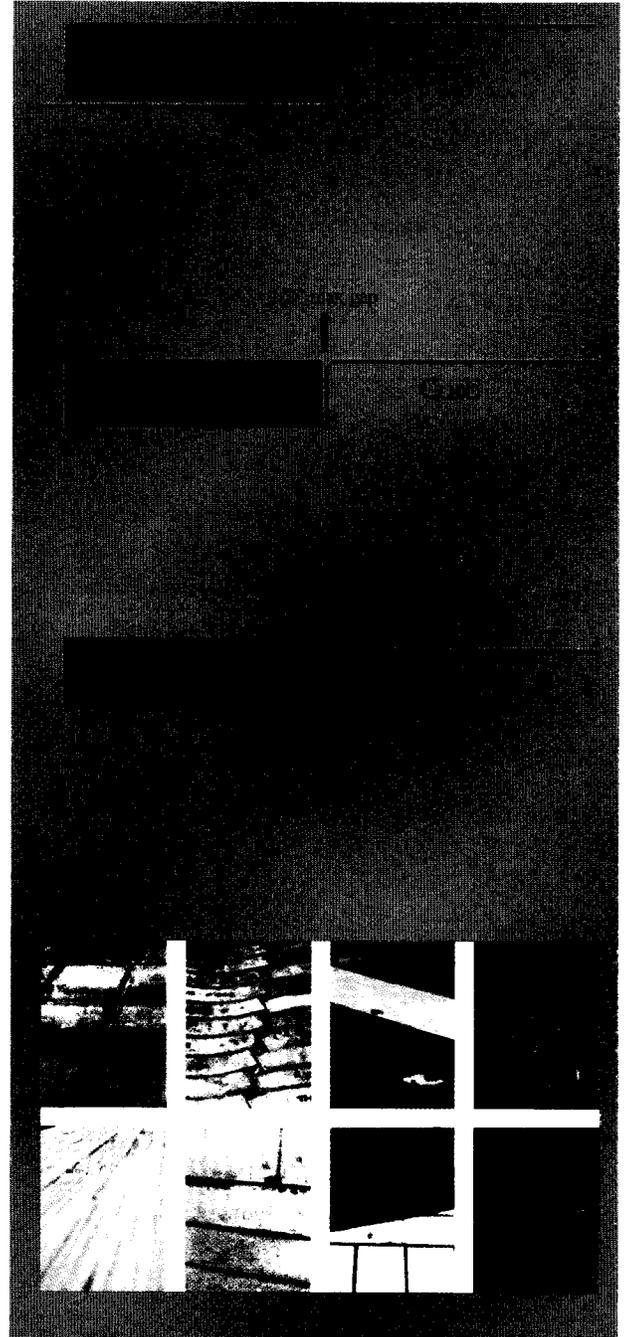
If the platform base is not solid, the space underneath the platform surface must be accessible for maintenance through access panels, removable pavers, etc.

### **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.**

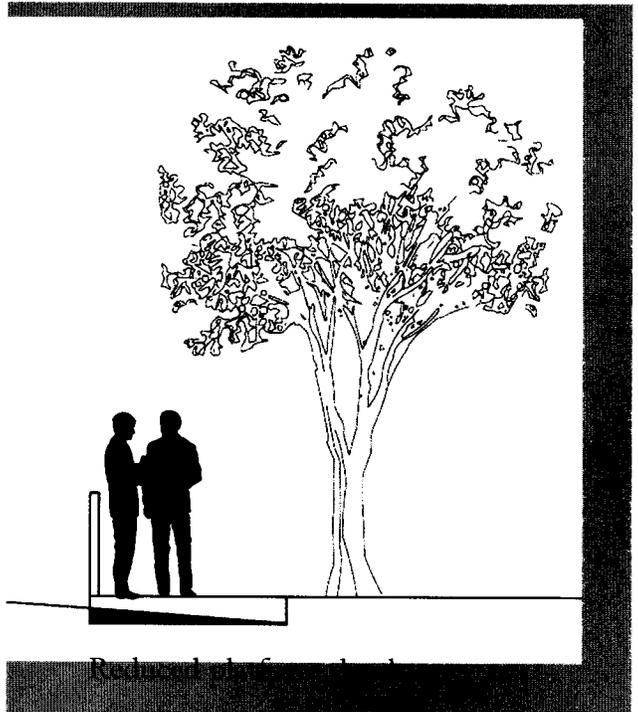
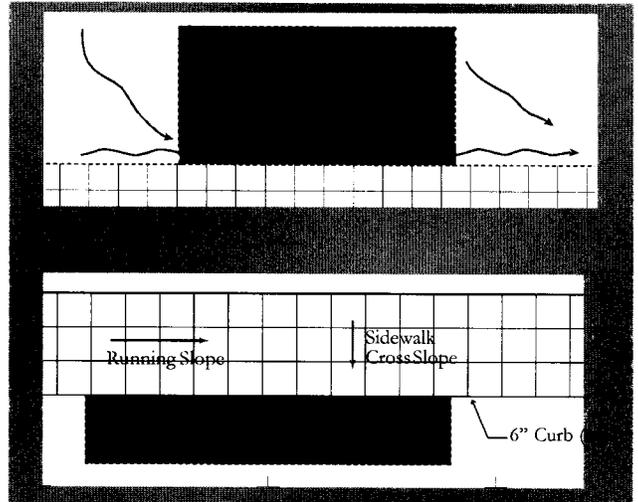
The parklet cannot impede the flow of curbside drainage. Designers are strongly encouraged to cover openings at either end of the parklet with screens to prevent blockage from debris.

**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.**

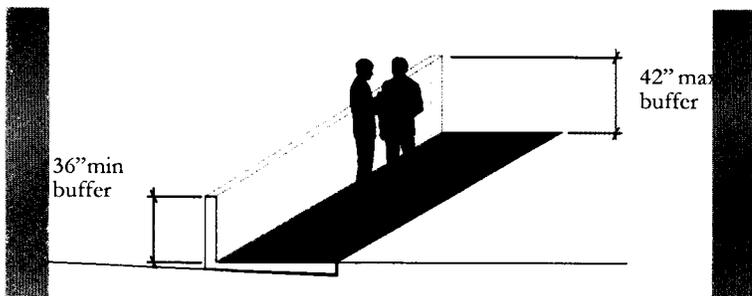
Most Miami Beach streets are crowned (parabolic in cross-section) and typically edged with a six-inch-high curb. This is to ensure that stormwater flows towards the curb and gutter during a rainstorm. The curb is intended to prevent water from jumping the curb and flooding adjacent buildings. This means 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 Applicant

The applicant will be responsible for the following:

- A non-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 ongoing 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 applicant .
- General maintenance including furniture and non-approved graffiti removal. In addition, applicants 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. 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 will only be allowed for businesses with sidewalk cafes. Landlord consent to apply for a parklet is not needed.

Parklets that are associated with businesses with corner frontage on Washington Avenue may be constructed on side streets but shall be counted as the parklet for that particular block on Washington Avenue. If necessary, parklets may cross over between business frontages; however, each parklet applicant shall use its best efforts to align its parklet with the business frontage. If the parklet expands beyond the property or business frontage, the same procedures that apply to sidewalk café permittees shall apply to the parklet applicant/permittees.

Uses other than sidewalk cafes may be introduced into parklets.

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.

The Public Works Department shall administer the Pilot Parklet Program as the application and approval process is very similar to that of sidewalk cafés. This is a pilot program and, as such, City staff will evaluate and adjust the details of the program as needed. The Public Works Department will accept parklet applications on a first-come, first-served basis.

#### Fees

The fees to apply for a parklet permit and participate in the Pilot Parklet Program are as follows:

1. A non-refundable application fee of \$100.
2. \$1,200 annual per on-street parking space occupied for the parklet.

## **1. Submit Application**

a. **Application form.** All applicants must complete the attached application form.

Applications may be 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. **Indemnity and hold harmless statement.** Each applicant shall execute an agreement, in a form approved by the City Attorney, to defend, indemnify, save, and hold harmless the City and all its officers, agents, and employees from any liability for damages resulting from any and all operations undertaken pursuant to the permit.

## **2. Departmental review**

An interdepartmental committee (Public Works, Planning, Transportation, Parking) will review applications, on a first-come, first-serve 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 the City's 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 Public Works Department 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

Public Works Department 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

Applicant, at applicant's sole cost, shall be responsible for removal of the parklet and restoring the right-of-way 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 the parklet or any structures, fixtures, or furniture installed therein,
- 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 structural integrity of the parklet is compromised,
  - A gap develops between the parklet and sidewalk, or
  - The parklet creates visibility issues.
- f. As a condition of permit issuance, the parklet applicant shall agree in writing to authorize the City to remove the parklet at the applicant's sole cost in the event of the occurrence of any of the circumstances set forth herein.

If any of the above violations occur, the permittee will be sent notice of the violation and, except in the case of dangerous or threatening conditions, the applicant will be given a maximum of five (5) working days to remedy the condition or remove the parklet. If in the event that the applicant fails to timely or adequately maintain or repair the encroachment or remove the encroachment within the five (5) working days, the permit will be revoked. Once the permit is revoked, the parklet must be removed at the sole cost of the applicant within three (3) calendar days. If the encroachment causes a dangerous condition or threat of danger to life or property, the permit will be revoked immediately, and shall be removed immediately, at applicant'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 applicant sells its business interests, one of the following must be done:

1. Remove the parklet; or
2. With the City's approval, the purchaser of applicant's business interest and applicant must visit the City's Public Works Department and execute a new permit in the purchaser's name and comply with all other requirements for the issuance of a permit, including without limitation 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**

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# Parklet Permit Application

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All Parklet applications will be reviewed on a first-come, first-served 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

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## Checklist of items to include with Parklet Permit Application

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- 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.

**R9**

**NEW BUSINESS  
AND  
COMMISSION REQUESTS**

**R9**

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission  
From: Rafael Granado, City Clerk   
Date: May 11, 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.

<b>BOARD OR COMMITTEE:</b>	<b>TOTAL MBRS.</b>	<b>APPOINTED BY:</b>	<b>TOTAL VAC</b>	<b>Page #</b>
Ad Hoc Host 2017 U.S. Conference of Mayors	10	Mayor Philip Levine	10	1
Affordable Housing Advisory Committee	18	City Commission	3	2
Budget Advisory Committee	9	City Commission	1	9
Committee on the Homeless	9	Mayor Philip Levine	1	12
Design Review Board	8	City Manager Jimmy L. Morales	1	14
Housing Authority	5	Mayor Philip Levine	1	21
Mayor's Ad Hoc Blue Ribbon Steering Cmte. on the Convention Ctr. Hotel	7	Commissioner Michael Grieco Mayor Philip Levine Commissioner Joy Malakoff Commissioner Micky Steinberg	1 1 1 1	25 25 25 25
Miami Beach Sister Cities Program	21	Mayor Philip Levine	1	33
Transportation, Parking, Bicycle-Pedestrian Facilities Committee	7	Commissioner Micky Steinberg	1	45

# VACANCY REPORT

Appointor Name	Board Name	Vacancy	Total Members
<b>City Commission</b>			
	Affordable Housing Advisory Committee	3	18
	Budget Advisory Committee	1	9
<b>City Manager Jimmy L. Morales</b>			
	Design Review Board	1	8
<b>Commissioner Joy Malakoff</b>			
	Mayor's Ad Hoc Blue Ribbon Steering Cmte. on the Convention Ctr. Hotel	1	7
<b>Commissioner Michael Grieco</b>			
	Mayor's Ad Hoc Blue Ribbon Steering Cmte. on the Convention Ctr. Hotel	1	7
<b>Commissioner Micky Steinberg</b>			
	Mayor's Ad Hoc Blue Ribbon Steering Cmte. on the Convention Ctr. Hotel	1	7
	Transportation, Parking, Bicycle-Pedestrian Facilities Committee	1	7
<b>Mayor Philip Levine</b>			
	Ad Hoc Host 2017 U.S. Conference of Mayors	10	10
	Committee on the Homeless	1	9
	Housing Authority	1	5
	Mayor's Ad Hoc Blue Ribbon Steering Cmte. on the Convention Ctr. Hotel	1	7
	Miami Beach Sister Cities Program	1	21

### 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:

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## Boards and Committees Current 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
Vacant	(1) Residential Home Building	12/31/2016	City Commission
Vacant	(3) Represents Areas of Labor In Connection with Affordable Housing	12/31/2017	City Commission

#### Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
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	12/31/2016	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
Mayela	Mueller		12/31/2016	Mayor Philip Levine	12/31/2021

# MIAMI BEACH

## Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
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
Sarah	Leddick		12/31/2017	Commissioner Kristen Rosen Gonzalez	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  
 Janie Hayes  
 Joseph Landesman  
 Juan Rojas  
 Lisett Fernandez  
 Mendy Lieberman  
 Pilar Carvajal  
 Stanley Shapiro  
 Stephen Bernstein

### Applicants

Britta Hanson  
 Dale Gratz  
 Eric Lawrence  
 Guy Simani  
 Ian Bacheikov  
 Jamie Straz  
 Jordan Nadel  
 Josephine Pampanas  
 Lawrence Raab  
 Lori Bakkum  
 Miguel Brizuela  
 Prakash Kumar  
 Stephanie Berman

## Boards and Committees Current Members

### 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	12/31/2019
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  
 Cindy Brown  
 Dale Stine  
 Eric Montes de Oca  
 Francis Trullenque  
 Laura Levey  
 Leslie Tobin  
 Marjorie O'Neill-Buttler  
 Michelle Ricci  
 Monica Matteo-Salinas  
 Roger Baumann  
 Scott Robins  
 Thomas Musca  
 Veronica Camacho-Krieger

#### Applicants

Adrienne Krieger  
 Allee Newhoff  
 Carolyn Baumel  
 Craig Garmendia  
 Elizabeth Schwartz  
 Francinelee Hand  
 Keren Bajaroff  
 Laurence Moser  
 Lori Bakkum  
 Michael McManus  
 Mirta Limonta  
 Nancy Bernstein  
 Sarah Leddick  
 Susan Schemer  
 Vanessa Menkes

## 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

#### 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	Chair	12/31/2016	Mayor Philip Levine	FS.218.391
Patricia	Valderrama	Chair	12/31/2017	Commissioner Kristen Rosen Gonzalez	FS.218.391
Ronald	Starkman	Chair	12/31/2016	Commissioner Michael Grieco	FS.218.391
Sandford	Horwitz	CPA	12/31/2016	Commissioner Ricky Arriola	FS.218.391

#### Applicants

Deede Weithorn

#### Applicants

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	Mayor Philip Levine	06/01/2016
Elizabeth	Wheaton TL	Environment & Sustainability Division Head or designee	06/01/2016	Mayor Philip Levine	06/01/2016
Vincent	Canosa TL	Ocean Rescue Division Chief	06/01/2016	Mayor Philip Levine	06/01/2016
Steve	Boucher TL	Boucher Brothers appointee	06/01/2016	Mayor Philip Levine	06/01/2016
John	Ripple TL	Miami-Dade County's Beach Operations Program	06/01/2016	Mayor Philip Levine	06/01/2016
Lisa	Spadafina TL	Miami-Dade County's Beach Renourishment Program	06/01/2016	Mayor Philip Levine	06/01/2016
Christian	Lambright TL	FLA Dept./Environmental Protection's Coastal Construction Control Line	06/01/2016	Mayor Philip Levine	06/01/2016
Daniel	Kipnis TL	Marine Authority & Waterfront Protection Committee Chairman	06/01/2016	Mayor Philip Levine	06/01/2016
Max	Sklar TL	Tourism, Culture & Economic Development Director	06/01/2016	Mayor Philip Levine	06/01/2016

# MIAMI BEACH

## Boards and Committees Current Members

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Michael	Grieco TL	Local Elected Official	06/01/2016	Mayor Philip Levine	06/01/2016
Steve	Vincenti TL	Sustainability Committee Member	06/01/2016	Mayor Philip Levine	06/01/2016

## Boards and Committees Current Members

### 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  
 James Silvers  
 Jeff Cynamon  
 Kristen Rosen Gonzalez  
 Lawrence Seitz  
 Muayad Abbas  
 Ray Breslin  
 Roberta Gould  
 Victor Ballestas

#### Applicants

Andres Asion  
 Brian Ehrlich  
 Deborah Castillo  
 Gabriel Paez  
 Jack Benveniste  
 Jared Galbut  
 Kathleen Phang  
 Lawrence Seitz  
 Mark Alhadeff  
 Nelson Fox  
 Ray Breslin  
 Seth Frohlich



## Boards and Committees Current Members

### 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

#### 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
Joshua	Levy		12/31/2016	Commissioner Ricky Arriola	12/31/2023
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	
Stewart	Turner		12/31/2016	Commissioner Michael Grieco	12/31/2023
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	06/30/2017		
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		
Faiza	Liban	PTA Rep. South Pointe Elementary 6.30.15	06/30/2016		

## Boards and Committees Current Members

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### Applicants

Elsa Orlandini  
Eric Montes de Oca  
Ivan Montes  
Janet Horwitz  
Keren Bajaroff  
Laurie Kaye Davis  
Marjorie York  
Melissa Sheppard-Broad  
Peter Matos  
Tashaunda Washington

### Applicants

Enid Rodriguez  
Hicham Moujahid  
Ivan Montes  
Jessica Burns  
Kristen Rosen Gonzalez  
Lynette Long  
Mary Keinath  
Pamela Brumer  
Richard Hull

## 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) member.

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.
  - b. The Salvation Army.
  - c. Better Way of Miami.
  - d. Miami-Dade County Homeless Trust.
  
- (2) Civic Representation:
  - a. Neighborhood, business, or homeowner association in an area of the City impacted by homeless issues.
  - b. A not-for-profit 501(c)(3) organization that promotes the health and welfare of homeless individuals.
  - c. Member of the general public with personal or professional experience with homeless issues.

The supporting department of the committee is the office of Housing and Community Services with the Police Department as a co-liaison to the committee.

City Liaison: Alba Tarre

#### Vacancy:

Vacant 12/31/2016 Mayor Philip Levine

#### Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
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
Lori	Bakkum		12/31/2017	Commissioner Michael Grieco	12/31/2023
Lourdes	Oroza		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
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

## Boards and Committees Current Members

### 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 Leser  
 Mark Wohl  
 Michael Bernstein  
 Tiva Leser

#### Applicants

Barbara Gotlinsky  
 Carl Linder  
 Gayle Durham  
 James Weingarten  
 John Lee  
 Keren Bajaroff  
 Lawrence Raab  
 Leslie Coller  
 Mark Wylie  
 Mendy Lieberman  
 Nawaz Gilani  
 Victor Ballestas

## Boards and Committees Current Members

### 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 Kahn  
 Deborah Castillo

#### Applicants

Alexander Orlofsky  
 Andres Asion  
 Brian Ehrlich  
 Christina LaBuzetta  
 Daniel Hertzberg  
 David Smith  
 Francinelee Hand

## Boards and Committees Current Members

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Jack Finglass

Jean-Francois Lejeune

Joseph Furst

Lawrence Seitz

Manuel (Mickey) Minagorri

Marvin Weinstein

Michael Barrineau

Nelson Fox

Ruben Conitzer

Stacy Kilroy

Terry Bienstock

Victor Morales

Jamie Straz

Jeffrey Cohen

Kirk Paskal

Lawrence Seitz

Marina Novaes

Matthew Krieger

Neal Deputy

Richard Baron

Seth Frohlich

Suzanne Hollander

Victor Ballestas

## Boards and Committees Current Members

### 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  
 Jarred Reiling  
 Maria Koller  
 Zachary Cohen

#### Applicants

Britta Hanson  
 Jared Plitt  
 Jarred Relling  
 Rafael Trevino

## Boards and Committees Current Members

### 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  
 David Berger  
 Jared Plitt  
 Maura Shiffman  
 Sixto Acea

#### Applicants

Craig Garmendia  
 Janie Hayes  
 Kara White  
 Michael Hall  
 Zachary Cohen

## Boards and Committees Current Members

### 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

Rachel Schuster

Rosalie Pincus

**Applicants**

Dr. David Farcy

Pilar Carvajal

Richard Cuello-Fuentes

Zachary Cohen

## 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  
 Rafael Trevino  
 Wil Martinez

#### Applicants

David Cardenas  
 Israel Sands  
 Leonor 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 Barrineau  
 Morris Sunshine  
 Raymond Adrian  
 Samuel Rabin, Jr.  
 Stevan Pardo

#### Applicants

Bradford Bonessi  
 Deborah Castillo  
 Elizabeth Camargo  
 Jeffrey Cohen  
 Kathleen Phang  
 Lawrence Seitz  
 Marina Novaes  
 Mendy Lieberman  
 Michael Steffens  
 Neal Deputy  
 Roger Baumann  
 Stephen Sauls  
 William Lane

## 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
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#### 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

Pilar Carvajal

Stephen Bernstein

#### Applicants

Christina LaBuzetta

Peter Chevalier

Prakash Kumar

## 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

Craig Smith  
Heriberto (Herb) Sosa  
Jorge Richa  
Kenneth Wilcox  
Nelida Barrios  
Rafael Trevino  
Robert Gonzalez  
Ronald Wolff  
Walker Burtschell

#### Applicants

Eric Hirsch  
Jarred Relling  
Karen Brown  
Laurence Moser  
Otiss (Arah) Lester  
Rebecca Boyce  
Ronald Wolff  
Steven Adkins

## Boards and Committees Current Members

### 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  
 Carolina Jones  
 Eric Lawrence  
 Isaiah Mosley  
 Jennifer Lampert  
 Julio Magrisso  
 Lizette Lopez  
 Maurice Goodbeer  
 Meryl Wolfson  
 Michael Levine  
 Michael Tenzer

#### Applicants

Bruce Bennett  
 Darren Cefalu  
 Gloria Salom  
 Jack Benveniste  
 John Kanter  
 Ilior Leser  
 Luz Diaz  
 Mayela Mueller  
 Michael Hall  
 Michael Ritger  
 Robert Rabinowitz

Stephen Bernstein

Yael Sade

### Mayor's Ad Hoc Blue Ribbon Steering Cmte. on the Convention Ctr. Hotel 2-23

**Composition:**

The Mayor's Ad Hoc Blue Ribbon Steering Committee ("Committee") on the Convention Center Hotel is created pursuant to the Mayor's Authority to establish Mayor's boards and committees under section 2-23 of the City Code. The Committee shall have the purpose of openly and fairly engaging the community in the development of a plan to build a Convention Center Hotel that will meet the needs of the community and the newly expanded Convention Center.

The Committee shall consist of seven (7) members. The Mayor has appointed Commissioner Ricky Arriola to serve as Chair of the Committee and Commissioner Kristen Rosen Gonzalez to serve as Vice-Chair. The Mayor shall appoint one additional member to the Committee and authorizes the City Commissioners not appointed to the Committee to make a direct appointment to the Committee. Direct appointments shall be individuals who have been residents in the City for a minimum of six (6) months.

The Committee shall have the following powers and duties:

1. Report to the Mayor and City Commission;
2. Meet as requested by the Chair for the purpose of:
  - a) Obtaining input and feedback from the public (residents, property owners, business owners, and visitors) regarding the needs for the Convention Center Hotel;
  - b) Disseminating information at its meetings on behalf of the City to the public (residents, property owners, business owners, and visitors) regarding the needs for the Convention Center Hotel;
3. Meet directly with City Staff, as needed;
4. Obtain secretarial and such other staff support as the Committee may require. The supporting department of the Committee is the Office of the City Manager, and the City Manager shall designate such individuals from the City Administration who shall also have the responsibility of working with Committee and whose duties shall include, without limitation, providing assistance, noticing meetings, preparing meeting agendas, and keeping minutes.
5. Consult with and obtain legal services from the City Attorney's Office, as needed; and
6. Provide recommendations to the Mayor and City Commission regarding the priorities for the plan to build a Convention Center Hotel.

Committee member terms shall commence on May 1, 2016 for a period of four months and shall expire on September 1, 2016. At the discretion of the Mayor, the Committee, and the terms of membership thereon, may be extended up to an additional eight months through and including April 30, 2017.

City Liaison: Jeff Oris

**Vacancy:**

Vacant	09/01/2016	Commissioner Micky Steinberg
Vacant	09/01/2016	Commissioner Michael Grieco
Vacant	09/01/2016	Commissioner Joy Malakoff
Vacant	09/01/2016	Mayor Philip Levine

**Members:**

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Ricky	Arriola	Chair	09/01/2016	Mayor Philip Levine	04/30/2017
Kristen	Rosen Gonzalez	Vice-Chair	09/01/2016	Mayor Philip Levine	04/30/2017
Saul	Gross		09/01/2016	Commissioner John Alemán	04/30/2017

## Boards and Committees Current Members

### 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

## Boards and Committees Current Members

### 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	Chair	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
Carolina	Jones 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

## Boards and Committees Current Members

### Mayor's Ocean Drive Task Force

2-27(b)(2)

#### Composition:

The Mayor's Ocean Drive Task Force (the "Task Force") is hereby created pursuant to the Mayor's authority to establish Mayor's boards and committees under section 2-27(b)(2) of the City Code. The Task Force will serve as an advisory group to the Mayor and City Commission during the implementation of recommendations outlined in the Ocean Drive Task Force's Final Report, dated January 13, 2016, as approved by the Mayor and City Commission on March 9, 2016.

The Task Force shall consist of no more than nine (9) members, all of whom shall be appointed by the Mayor. One member shall have an alternate who may attend a meeting in the member's place, should the member be unable to attend. All of the members, including the alternate, shall be appointed by the Mayor to serve for a term of not more than one (1) year.

City Liaison: Susanne Torriente

#### Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Jonathan	Plutzik	Chair	03/29/2017	Mayor Philip Levine	03/29/2017
Steve	Boucher		03/29/2017	Mayor Philip Levine	03/29/2017
Frank	Amadeo		03/29/2017	Mayor Philip Levine	03/29/2017
Alessandro	Tonarelli		03/29/2017	Mayor Philip Levine	03/29/2017
Jeffrey	Feldman		03/29/2017	Mayor Philip Levine	03/29/2017
Jonathan	Bennett		03/29/2017	Mayor Philip Levine	03/29/2017
Joyce	Garret		03/29/2017	Mayor Philip Levine	03/29/2017
Mitch	Novick		03/29/2017	Mayor Philip Levine	03/29/2017
Reagan	Pace		03/29/2017	Mayor Philip Levine	03/29/2017
Ricardo	Dopico	Alternate	03/29/2017	Mayor Philip Levine	03/29/2017

# 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  
Jennifer Lampert  
Joanna Popper  
Karen Rivo

#### Applicants

Allee Newhoff  
Bonnie Crabtree  
Clare McCord  
Deborah Robins  
Elizabeth Resnick  
Helen Swartz  
Jessica Conn  
Joyce Garret  
Kathy Andersen

## Boards and Committees Current Members

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Laura Levey

Lynette Long

Melissa Sheppard-Broad

Monica Matteo-Salinas

Pan Rogers

Rebecca Boyce

Rocio Sullivan

Sarah Leddick

Tashaunda Washington

Lynare Robbins

Marina Aviles

Meryl Wolfson

Monica Casanova

Patricia Valderrama

Robin Schwartz

Samantha Bratter

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: Max Sklar

#### 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  
 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

#### Applicants

Allee Newhoff  
 Beth Emerson  
 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  
 Sarah Leddick  
 Thomas Musca  
 Wesley Castellanos

## Boards and Committees Current Members

### 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	Reiling		12/31/2017	City Commission	12/31/2021
Kenny	Swartz		12/31/2017	Mayor Philip Levine	12/31/2023
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

## Boards and Committees Current Members

### 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

#### Vacancy:

Vacant Krumlov, Czech Republic Mayor Philip Levine

#### 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  
 Faye Goldin  
 Israel Sands  
 Laura Levey  
 Monica Fluke

#### Applicants

Charles Million  
 Christopher Todd  
 Dr. Andrew Nullman  
 Gabriel Paez  
 Joseph Hagen  
 Marjorie O'Neill-Buttler  
 Raymond Adrian

# MIAMI BEACH

## Boards and Committees Current Members

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Rebecca Boyce

Tamra Sheffman

Wesley Castellanos

Rocio Sullivan

Tiffany Heckler

## 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	12/31/2020
Carmen	Browne		12/31/2016	City Commission	12/31/2020
John	Bowes		12/31/2016	City Commission	12/31/2018

#### Applicants

Gloria Salom

Lori Nieder

#### Applicants

Jamie Straz

### 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: Cynthia Casanova

#### 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 Conway  
 Leslie Graff  
 Mark Balzli

#### Applicants

Brett Harris  
 Bruce Reich  
 Christopher Todd  
 Dara Schoenwald  
 Ian Bacheikov  
 Jackson Keddell  
 Joseph Hagen  
 Lindsay Genet  
 Mary Keinath

## Boards and Committees Current Members

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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 Wieder  
 Dominique Bailleul  
 James Silvers  
 Jared Galbut  
 Jonathan Fryd  
 Madeleine Romanello  
 Mark Alhadeff  
 Michael Steffens  
 Nelson Fox

#### Applicants

Andres Asion  
 Brian Ehrlich  
 Daniel Hertzberg  
 David Smith  
 David Kahn  
 Ian Bacheikov  
 Jared Galbut  
 Jeffrey Cohen  
 Kirk Paskal  
 Marina Novaes  
 Marvin Weinstein  
 Muayad Abbas  
 Noah Fox

# MIAMIBEACH

## Boards and Committees Current Members

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Richard Baron

Robert Rabinowitz

Ruben Conitzer

Suzanne Hollander

Robert Sena

Roger Shields

Seth Frohlich

## Boards and Committees Current Members

### 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:
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
Harold	Foster		12/31/2017	Commissioner Kristen Rosen Gonzalez	12/31/2023
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.  
 Eric Lawrence  
 Francis Trulleneue  
 Hicham Moujahid  
 Jarred Reiling  
 Jordan Nadel  
 Joyce Garret  
 Larry Colin  
 Lee Zimmerman  
 Leslie Coller  
 Lori Gold

#### Applicants

Allison Stone  
 Clare McCord  
 Eugenio Cabreja  
 Heather Davis  
 Ian Bacheikov  
 Jill Shockett  
 Joseph Hagen  
 Kenny Swartz  
 Lawrence Raab  
 Leif Bertrand  
 Lisett Fernandez  
 Mario Coryell

## Boards and Committees Current Members

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Marjorie O'Neill-Buttler

Michael Ritger

Nawaz Gilani

Prakash Kumar

Rafael Leonor

Stephen Fox, Jr.

Zeiven Beitchman

Melissa Sheppard-Broad

Michael Bernstein

Oren Reich

Rachel Schuster

Richard Preira

Tiva Leser

## 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

#### Members:

First Name	Last Name	Position/Title:	Term Ends:	Appointed by:	Term Limit:
Abdul	Muhammad II	Fashion	12/31/2017	Commissioner Ricky Arriola	12/31/2023
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 Trullenue  
Pamela Brumer  
Samantha Bratter

#### Applicants

Elizabeth DiBernardo  
Joseph Landesman  
Peter Matos

## Boards and Committees Current Members

### 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  
Russell Hartstein  
Yael Sade

#### Applicants

Andrea Travaglia  
Brian Gilderman  
Caitlin Pomerance  
Glenn Scott Diffenderfer  
Janet Horwitz  
John Lee  
Marivi Iglesias  
Robert Rabinowitz  
Walker Burttschell

## Boards and Committees Current Members

### 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	
Vacant		12/31/2017	Commissioner Micky Steinberg

#### 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	Member No.Beach Development Corp.	12/31/2017		
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

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Janie Hayes

Jeff Cynamon

Kenny Swartz

Lindsay Genet

Lisa Almy

Mayela Mueller

Nancy Bernstein

Richard Conlin

Stanley Shapiro

Yael Sade

Jared Plitt

Jonathan Beloff

Lila Imay

Igor Ileser

Marina Aviles

Michael Ritger

Rafael Leonor

Robert Lopez

Suely Suchodolski

## 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	Ramon Suarez	

## 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

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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: Rafael E. Granado, City Clerk

DATE: May 11, 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.

#### 3. MIAMI DESIGN PRESERVATION LEAGUE, INC. (MDPL) EXECUTIVE COMMITTEE

##### **VACANCIES (3):**

- At large.

Clerk's Note: See Agenda Item R9A2

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.

# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #

116-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: March 15, 2016

SUBJECT: **Three (3) Available City Appointments to the Miami Design Preservation League, Inc. (MDPL) Executive Committee.**

The purpose of this Letter to Commission (LTC) is to inform the Mayor and City Commission that the City of Miami Beach has three appointments available to the Executive Committee MDPL. At your earliest convenience, please submit nominations to the Office of the City Manager for consideration at the April 13, 2016 Commission Meeting.

*Miami Design Preservation League is a non-profit organization devoted to preserving, protecting, and promoting the cultural, social, economic, environmental and architectural integrity of the Miami Beach Architectural Historic District. Originally organized by Barbara Capitman and friends in 1976, it is the oldest Art Deco Society in the World. MDPL provides cultural and educational programs to Dade County residents, surrounding counties, citizens of Florida, national and international visitors and tourists [with] special appeal to those interested in art, design, architecture, history, preservation, and urban and community planning and development.*

Given MDPL's history with the property, on January 1, 2010, City of Miami Beach executed an agreement with MDPL for the management and operation of the 10<sup>th</sup> Street Auditorium space, office, and retail in order to increase the programmatic scope of the Auditorium's previous contribution to the community. As per Section 34.10 of the City's agreement with MDPL, the City shall represent at least 30% of the voting members of MDPL's Executive Committee. With the appointment of the three (3) City appointees, the MDPL Executive Committee will consist of a total of ten (10) members.

For your reference, and to avoid duplication, please see the attached list of the current MDPL Executive Committee and Board of Directors.

JLM/KB/MAS/MMM/RJG

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## Leadership

### Officers

Steven Pynes, *Chair*

Meg Florian, *Vice Chair*

Eric Holland, *Vice Chair*

Jack Johnson, *Vice Chair*

Clotilde Luce, *Vice Chair*

John Bachay, *Treasurer*

John Forbes, *Secretary*

### Board of Directors

Gary Appel

John Bachay

Lori Bakkum

William Cary

Meg Florian

John Forbes

Jane Dee Gross

William Hahne

Eric Holland

Jack Johnson

Michael Kinerk\*

Christina LaBuzetta

Henry Lares

Clotilde Luce

Mitch Novick

Steven Pynes

Charles Urstadt

Dona Zerno

\* *Chairman Emeritus*

### Administration

Marie Hernandez - *Business Manager*

Iris Chase - *Director, Retail Operations*

Dennis Wilhelm – *Director, Barbara Baer Capitman Archives*

Sara Aedo – *Director of the Visitor Center*

Amanda MacMaster – *Director, Marketing and Public Relations*

Richard Towers – *Facility Manager*

Wendy Hayward – *Director, Programs and Outreach*

Daniel Ciraldo – *Historic Preservation Officer*

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

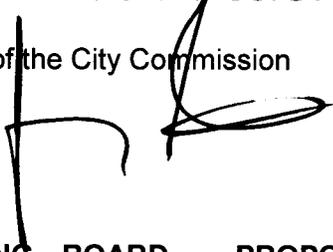
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# MIAMI BEACH

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: May 11, 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. On March 9, 2016, the City Commission discussed the proposed referral (Item R9K) and continued the matter to the May 11, 2016 Commission meeting.

### 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 18<sup>th</sup> 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.

**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 18<sup>th</sup> 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 18<sup>th</sup> 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

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

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## Granado, Rafael

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**From:** Grieco, Michael  
**Sent:** Thursday, March 24, 2016 7:14 PM  
**To:** Granado, Rafael  
**Subject:** April Commission agenda

### Waiver of outstanding parking lieu fees for Red Steakhouse, 119 Washington Avenue

Please include this brief memo in the item.

The issue is that Red should never have had to pay annual parking impact fees because it fully satisfies its parking requirement under the "shared parking" provisions of the city code. As we know, in certain parts of the city, a business is allowed to pay an annual parking impact fee in lieu of providing actual spaces on site or within a permitted radius. In the 119 Washington Avenue building, all tenants except Red use the parking garage only during the day. Red is the only tenant that uses the garage at night. Therefore, there is ample parking available at night in the garage and Red can provide all of its required parking spaces onsite.

After much back and forth with the City, staff has agreed that Red meets its total parking requirement onsite under the shared parking provisions of the City Code and, thus, Red owes no annual parking impact fees going forward. (The annual parking impact fees have stopped retroactively to Oct 1, 2015.) However, there is still the matter of annual parking impact fees due for prior years. For the period 2010-2015, the City claims that Red owes approximately \$90,000 for past due parking impact fees.

The business is seeking a waiver, which I support, of the past due fees because the shared parking program under the City Code should have been applied to Red going back to its opening in 2008. The circumstances back in 2008 were exactly the same as they are now. For the period 2008 to the present, Red has been the only tenant who has been open at night at 119 Washington Avenue. Because Red has been the only night-time tenant since it opened, it always qualified for the shared parking program, including from 2010-2015 which is the period of time that is the subject of the City's claim for past due fees.

Due to a misunderstanding between the City and Red, the staff told Red when it opened in 2008 that Red had a deficiency in terms of parking spaces and needed to pay a parking impact fee. Due to that misunderstanding, Red proceeded to pay annual parking impact fees from 2008-2010. The amount paid by Red was in the thousands of dollars. And keep in mind that Red paid these parking impact fees even though it had enough parking and shouldn't have owed anything.

Although Red is not seeking to be paid back for the parking impact fees it paid for the years 2008-2010, it is seeking a waiver of the fees claimed for 2010-2015. Given the fact that Red always qualified for the shared parking program and always had enough parking onsite, it would be unfair and inequitable to insist that Red also pay parking impact fees. For the same reasons that Red's annual parking impact fee has now been eliminated going forward, Red also should not owe fees for prior years. Red always had sufficient parking onsite.

This is obviously a very unique circumstance and I strong believe that the equitable move is to waive fees that the staff has recognized should not be assessed.

Michael Grieco

MIAMIBEACH

Michael C. Grieco

## *Commissioner*

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7204 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 11, 2016

SUBJECT: **DISCUSSION ON TRANSPORTATION SYSTEM BRANDING**

### BACKGROUND

The proposed transportation system branding includes branding of the following transportation elements: City of Miami Beach rubber-tire trolleys; Miami Beach light rail/modern streetcar; South Beach Local/future South Beach Trolley; dedicated bicycle lanes; shared use future paths, and dedicated walking paths.

Branding of transit service is imperative to establish a service identity, particularly if the target market is tourists/visitors and/or non-transit dependent riders. Branding is important to transit as it creates a clear customer understanding and perception of the services and facilities to be offered. It offers the opportunity to create a distinct and positive recognition of a premium, high-quality service that enhances public acceptance and builds customer loyalty. Branding also can help customers navigate the transportation system by providing consistent messages and customer information. Some industry research has indicated that branding alone can increase ridership by 10 to 20%.

Trolley system branding includes color branding of the trolley vehicles and color/name branding of the trolley routes, "lines". Currently, the City's trolley system encompasses the North Beach Loop and the temporary Alton-West Loop that currently operates on a month-to-month basis. In summer 2016, the City will launch the Middle Beach Trolley service which will consist of two routes currently referred to as Collins Link and Middle Beach Loop. A citywide trolley system branding will help provide uniformity as well as a distinct image of the trolley service. With the start of the Middle Beach Trolley service, the City will be providing trolley service along 3 permanent routes. While each of the 3 routes could have route-specific branding, it is important that the selected trolley vehicle branding provide for vehicle interchangeability among the routes in the event of breakdowns. The proposed trolley route color/name branding is as follows: North Beach Loop route (blue color/blue line); Collins Link (orange color/orange line); Middle Beach Loop (yellow color/yellow line). The Miami Beach light rail/modern streetcar would be color/name branded as silver color/silver line. The South Beach Local/future South Beach Trolley would be color/name branded as purple color/purple line.

The proposed branding of dedicated bike lanes includes green color/green line branding. Green colored pavement is approved by Federal Highway Administration (FHWA) for use in bicycle lanes only to enhance the conspicuity of where bicyclists are required to operate, and areas of the bicycle lane where bicyclists and other roadway traffic might have potentially conflicting weaving or crossing movements.

The proposed branding of shared-use paths includes tan color branding of facilities where only non-motorized means of transportation are allowed.

Agenda Item R9E  
Date 5-11-16

May 11, 2016  
Page 2

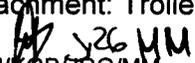
The proposed branding of dedicated walking paths includes pink color branding of facilities where pedestrian-only mode of transportation is allowed.

The Transportation Department and the Office of Communications have worked collaboratively to develop various branding options for the various components of the City's existing and future transportation system. Attached are two (2) trolley vehicle branding options for consideration.

**RECOMMENDATION**

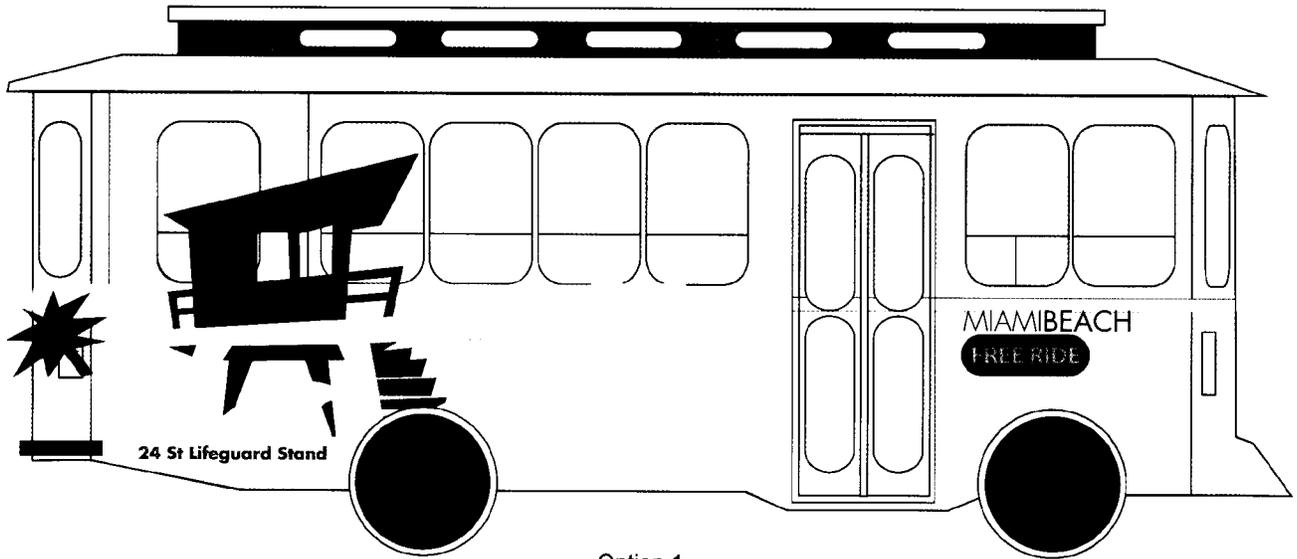
In an effort to establish a unique, attractive, and consistent theme for the various components of the City's transportation network, the Administration recommends that the Mayor and City Commission select one of the branding options presented herein.

Attachment: Trolley Vehicle Branding Options

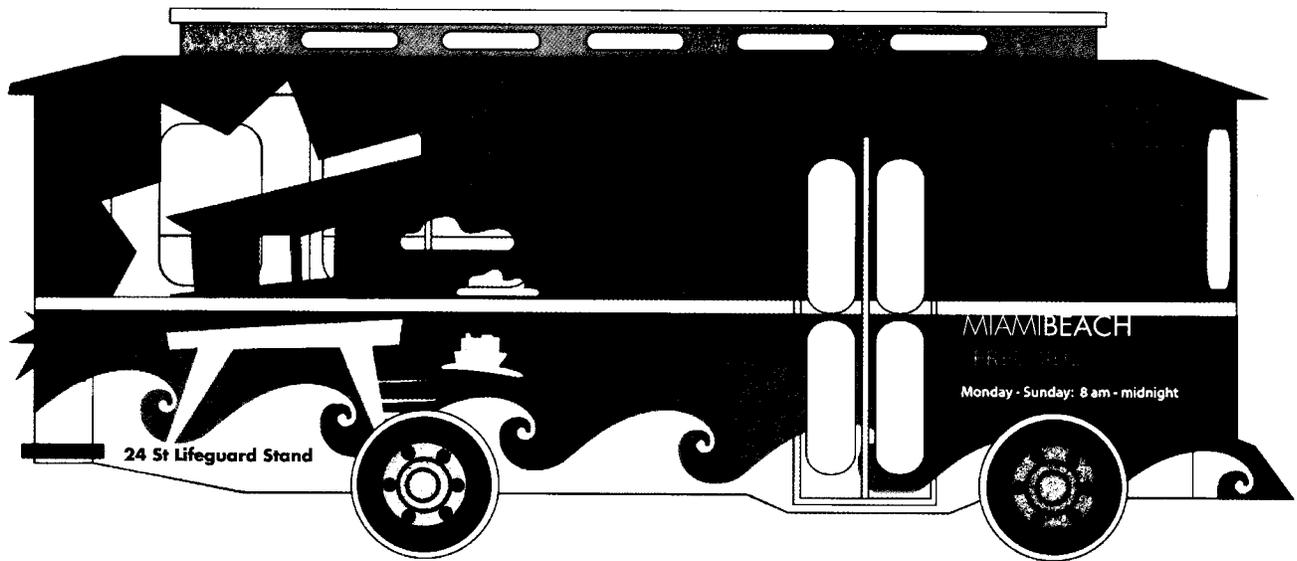
  
JLM/KGB/JRG/MM

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Attachment. Trolley Vehicle Branding Options



Option 1



Option 2

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R9F Presentation Of Miami Beach Light Rail/Modern Streetcar Preliminary Environmental Considerations.

(Transportation)

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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: May 11, 2016

SUBJECT: **DISCUSSION ON SOUTH BEACH CIRCULATOR OPTIONS**

### BACKGROUND

On April 29, 2015, the City Commission passed Resolution No. 2015-28999 authorizing the Administration to implement a bi-directional South Beach Trolley route and service plan to connect Collins Avenue in the East, 17<sup>th</sup> Street in the North, Alton Road in the west, and 1<sup>st</sup> Street in the South, as part of a citywide interconnected trolley system. On January 13, 2016, the City Commission passed the Resolution No. 2016-29269 approving the proposed modifications to the South Beach Trolley route and service plan; and further authorizing the City Manager to negotiate an Interlocal agreement with Miami-Dade County for the approved South Beach Trolley route. The approved South Beach Trolley would replace current South Beach Local service. See attachment A for approved South Beach Trolley route.

Since receiving the above direction, Transportation Department staff has been working with Miami-Dade Transportation (MDT) to obtain approval for implementation of the Commission-approved route and service plan for a bi-directional South Beach Trolley intended to replace the current South Beach Local service. Pursuant to the current Interlocal Agreement between the City and Miami-Dade County, the South Beach Local is due to terminate on February 21, 2017.

On October 21, 2015, the City Commission approved the use of modified/kneeling high-floor/rear end lift trolley vehicles for Middle Beach Trolley route in lieu of low floor trolley vehicles due to higher capital and operating costs of low floor trolleys. Letter to Commission (LTC) #461-2015 issued on November 30, 2016 transmitted the Disability Access Committee's concerns regarding the purchase of modified/kneeling high-floor/rear end lift trolley vehicles and recommended that the City Commission reconsider and choose the low-floor vehicle (preferably bus over trolley) option for the Miami Beach trolley service. During multiple subsequent DAC meetings, the Committee has expressed its concerns with regards to high-floor trolleys.

In addition to the continuing concern regarding low-floor vehicles, there are additional issues that warrant additional Commission input on this item.

### LIGHT RAIL/MODERN STREETCAR IMPLEMENTATION TIMELINE

The City is currently working on implementing a Light Rail/Modern Streetcar system in South Beach with an anticipated service implementation by 2020 via a Public-Private Partnership (P3). The original Proposal Requirement Document (PRD) was issued by the City in January and amended and restated in March of this year. Proposal submittals are due on May 10, 2016 and City Commission approval of a negotiated interim agreement, per current solicitation timeline, is anticipated in September 2016. The City has engaged Kimley-Horn and Associates for preparation of an environmental analysis for the South Beach Component of the system, to be completed in parallel with the solicitation. Kimley-Horn and Associates estimates that the environmental review for the South Beach Component can be accomplished in 10 to 12 months. The City anticipates

Agenda Item R96  
Date 5-11-16

approval of the State Environmental Impact Report with a Finding of No Significant Impact as well as the execution of the Comprehensive agreement and financial close by early 2017, with completion of construction by 2020. Under the City's agreement with the trolley operator, Limousines of South Florida Inc. (LSF), the capital cost is factored in the negotiated hourly operating rate of the contract. The amortization schedule of the trolley vehicles is typically five (5) years. Given the City is expediting implementation of the Light Rail/Modern Streetcar system in South Beach, the proposed South Beach Trolley service would need to be terminated prior to a full 5 year vehicle amortization schedule as the proposed South Beach Trolley route would duplicate a substantial portion of the proposed Light Rail/Modern Streetcar route. Additionally, the repurposing of current funds allocated to a South Beach trolley is part of the funding plan for the light rail/modern streetcar project. Early contract termination with the trolley operator (i.e., termination for convenience) would result in retribution the City would have to pay to the service provider for the un-amortized cost of the trolley vehicles.

### **TROLLEY VEHICLE TYPE**

The trolley vehicles used to provide service in Miami Beach are standard high-floor Classic American trolleys that require the use of a wheelchair lift for disabled passengers. The price of a new Classic American trolley is approximately \$210,000.

Prior to 2015, only one type of low-floor trolley vehicle was available in the market - the Gillig trolley replica, which is a heavy duty bus wrapped with decals and branded to look like a Classic American trolley car. This type of vehicle is quoted at \$450,000, more than twice the capital cost of a Classic American Trolley. However, on January 2015, Hometown Trolley manufactured its first low-floor vehicle. Upon request from City staff, Hometown provided an estimated price range of \$330,000 to \$360,000 for a new low-floor trolley vehicle. Each Hometown trolley can cost as much as \$150,000 more than a Classic American Trolley. Each of aforementioned low-floor trolley vehicles is equipped with an easy access foldable ramp for ADA accessibility.

During the recent negotiations for Middle Beach Trolley service, LSF raised various concerns with the use of low-floor trolley vehicles including manufacturer warranty being voided due to after-market modifications to the vehicle chassis as well as potential unforeseen costs that may result from the operation and maintenance of the new low-floor trolley vehicles. In particular, LSF expressed concerns with the reduced useful life of the tires due to the vehicle's lower suspension. As a result, the hourly operating rate for this type of vehicle was significantly higher than for a high-floor trolley vehicle. However, the City may wish to explore competitive procurement of low-floor trolleys for the South Beach Trolley service to see if possible to procure for a lower rate.

### **DIRECTION**

LSF needs approximately six (6) months to procure the fleet of twelve (12) new the high-floor trolley vehicles required for the South Beach Trolley service. Given the timelines to put the trolley service in place; the need to ensure that the new trolley service will be in place prior to terminating the old South Beach Local service; and the practicality of coordinating with MDT for service line-up (June and November of each year), the earliest likely date for implementation of the South Beach Trolley would be early 2017.

The City is seeking direction with the following items:

- Whether to proceed with a South Beach Trolley in lieu of the South Beach Local for the period of approximately four (4) years, with the understanding that the four (4) year period will result in higher costs.
- Whether to use same kneeling vehicle as Middle Beach and North Beach or use low floor.
- Whether to competitively procure South Beach Trolley services to better ascertain competitive costs for a low-floor trolley.

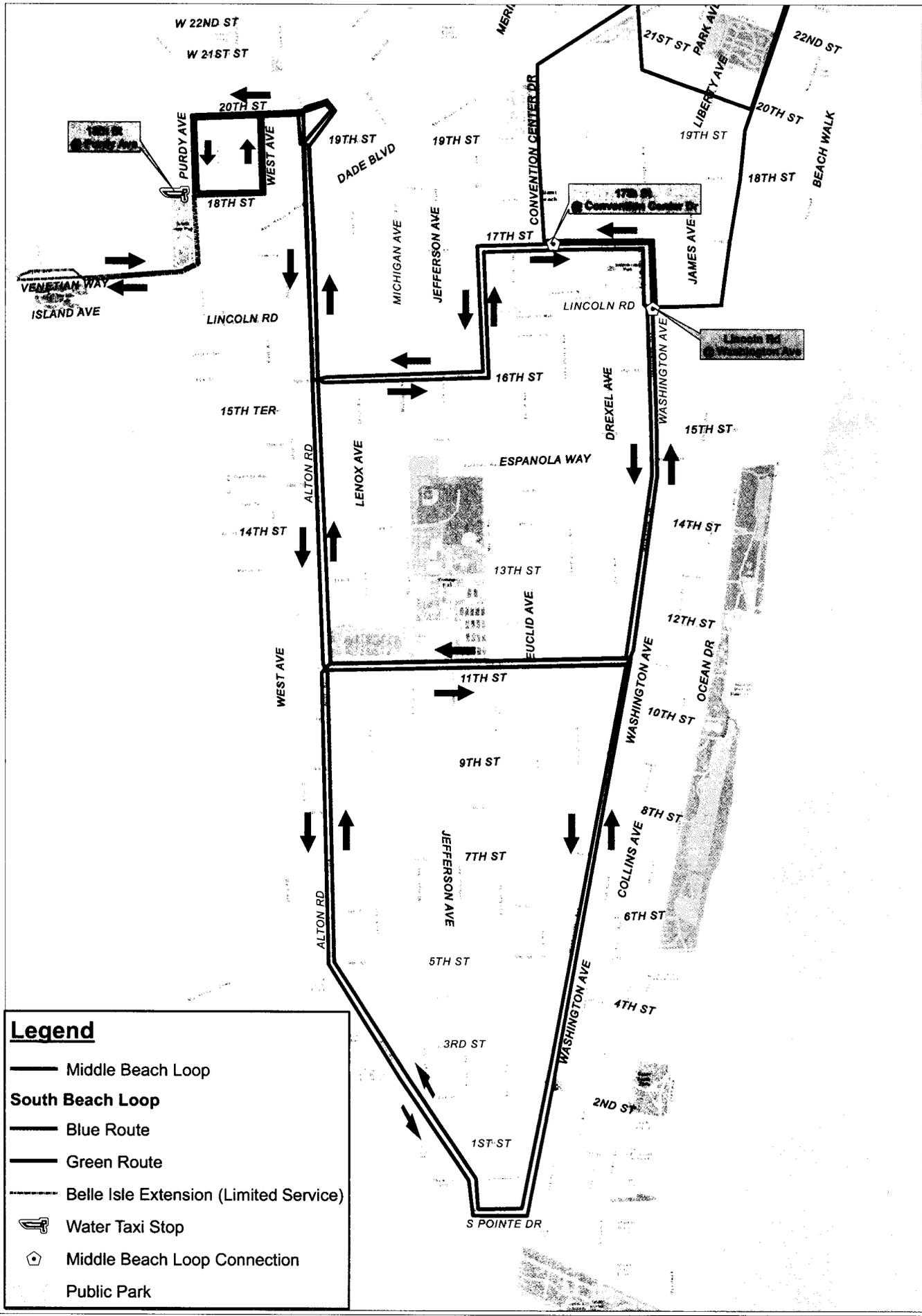
**CONCLUSION**

This item is presented to the City Commission for discussion and direction.

Attachment: Map of Approved South Beach Trolley Route

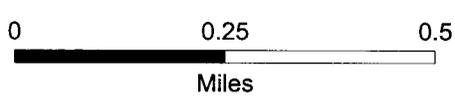
*JLM* >RG  
JLM/KGB/JRG/MM

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**Legend**

- Middle Beach Loop
- South Beach Loop
- Blue Route
- Green Route
- Belle Isle Extension (Limited Service)
- Water Taxi Stop
- Middle Beach Loop Connection
- Public Park



Attachment A: Approved South Beach Trolley Route



R9H Discussing Regarding Permanent, More Attractive Variable-Message Signs (VMS) Throughout The City.  
(Sponsored by Commissioner Michael Grieco)

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 22, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***A discussion item to consider the acquisition of necessary Police, Fire and DEM radio system equipment.***

During recent "ride-alongs" with the Miami Beach Police Department, my office learned about current limitations with the city's radio system having exceeded its end of life. The system is out of warranty and subject to lack of availability of replacement hardware and service parts. In addition to hardware limitations, there are functional limitations including the fact that the radio connections terminate when police and fire units cross over the causeways into Miami, and although workaround point-to-point communication methods have been established, this is inferior to the network-based access that allows an individual Officer to communicate with the entire on-duty team. It is also important to note that the department continues to function via analog technology as attempts to digitalize have failed due to a lack of proper infrastructure.

With my background in technology, I am familiar with the risks associated with operating systems that are out of regular production support and warranty. The safety of our emergency personnel and our entire community is of utmost importance to the Mayor and Commission, and therefore it is imperative that these limitations be addressed. I would like to understand the status of system replacement, including system selection and funding.

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

**MIAMIBEACH**

**Commissioner John Elizabeth Alemán**

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://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.*

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 26, 2016  
SUBJECT: Agenda item for May 11, 2016 City Commission Meeting

Please place the following item on the May 11, 2016 City Commission Meeting Agenda:

***A discussion item for referral to the Land Use and Development committee and the Planning Board: proposed Miami Beach Marina redevelopment and associated legislative changes.***

If you have any questions please do not hesitate to call our office at ext.6437.

Thank you!

**MIAMIBEACH**

***Commissioner John Elizabeth Alemán***

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION  
MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: John Elizabeth Alemán, Commissioner  
DATE: April 27th, 2016  
SUBJECT: Agenda item for May 2016 City Commission Meeting

Please place the following item on the May 11<sup>th</sup> City Commission Meeting Agenda:

***A discussion item on LTC#159-2016 Regarding World Out Games Miami 2017***

The LGBT Advisory Committee at their 4/12/2016 meeting made a motion for the City Commission to fund an additional \$300,000 to support the World Out Games Miami 2017.

May we please have a discussion about this request to include a history of what has occurred thus far and a presentation by the producers as to status of their preparations and a justification of the additional funding request?

If you have any questions please do not hesitate to call our office at ext.6473.

Thank you!

MIAMIBEACH

**Commissioner John Elizabeth Alemán**

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

# MIAMI BEACH

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

OFFICE OF THE CITY MANAGER

NO. LTC # 159-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 13, 2016

SUBJECT: Motions by the LGBT Advisory Committee

The LGBT Advisory Committee at their meeting held on April 12, 2016, passed the following two motions:

1. Motion- For the City Commission to support the World Out Games Miami 2017 in their request of \$300,000 with the following conditions:
  - a. The first \$100,000 should be dispersed for:
    - i. Salary for Development / Fundraising Person - \$50,000
    - ii. Marketing Travel Expenses & Activation Fees - \$25,000
    - iii. Salary for IT person (Website / Digital) - \$25,000
  - b. The second \$100,000 should be dispersed when the 2017 World Out Games has contracts in place / proof of fundraising at least \$1,100,000
    - i. No special requirement on how they should use this money
  - c. The third \$100,000 should be dispersed when the 2017 World Out Games has contracts in place / proof of fundraising at least \$2,200,000 cumulative.
    - i. No special requirement on how they should use this money

The LGBT Advisory Committee strongly requests that the distribution of the first \$100,000 be done as soon as possible.

**Motion made by: Elizabeth Schwartz Seconded by: Craig Garmendia**  
*Adopted 8-0 by voice vote (Lynare Robbins recused herself because of a potential conflict).*

2. Motion- For the City Commission to require any homeless shelter that the City of Miami Beach contracts with to take an LGBTQ sensitivity training course offered by an approved organization.

**Motion made by: Elizabeth Schwartz Seconded by: Mark Wylie**  
*Adopted 9-0 by voice vote.*

c: Marcia Monserrat, Chief of Staff  
Members of the LGBT Advisory Committee

JLM/MM/MTG



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Kristen Rosen Gonzalez, Commissioner

DATE: May 2<sup>nd</sup> 2016

SUBJECT: Discussion item regarding Ciclovía.

Please place on the May 11<sup>th</sup> City Commission Meeting Agenda, a discussion item regarding the reevaluation of Ciclovía.

If you have any questions please do not hesitate to contact David Zaret at extension 6457.

KRG/dz

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TO: Jimmy L. Morales, City Manager  
FROM: Joy V. W. Malakoff, Commissioner  
DATE: May 2, 2016  
SUBJECT: A Discussion of the City Commission to Continue with the Planning and Design of Altos del Mar Park but to Stop any Further Action and Movement on the Associated Restroom Until Other Locations are Vetted and Brought Back to City Commission for Further Discussion.

Please place the above discussion item on the Agenda for the Commission Meeting of May 11, 2016.

If you have any questions, please contact me at extension 6622.

Thank you.

JVWM

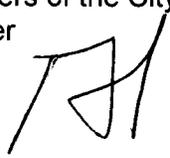
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# MIAMI BEACH

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  
Jimmy L. Morales, City Manager

FROM: Rafael E. Granado, City Clerk 

DATE: May 11, 2016

SUBJECT: **DISCUSSION REGARDING COSTS FOR THE AUGUST 30, 2016  
PRIMARY ELECTION**

Early Voting for the August 30, 2016 Primary Election has been scheduled from Monday, August 15, 2016 to Sunday, August 28, 2016. During Early Voting, Miami Beach voters may vote at any of the Countywide Early Voting sites. The City of Miami Beach Early Voting sites are located at:

Miami Beach City Hall  
First Floor Conference Room  
1700 Convention Center Drive  
Miami Beach, FL 33139

North Shore Branch Library  
Program Room  
7501 Collins Avenue  
Miami Beach, FL 33141

In order to keep Miami Beach City Hall as a viable voting location during the Primary Election and the November 8, 2016 Presidential/General Election, elections that are expected to draw large number of voters, the Supervisor of Election has requested that the space allocated for Early Voting at Miami Beach City Hall be expanded. As was done during the Presidential Primary Preference Election of March 15, 2016, the Office of the City Clerk recommends installing an Air-Conditioned Tent on the First Floor Breezeway in order to provide ample space for voter staging, accommodate the elderly and disabled voters, and provide cover from the elements for those in line. For the Presidential Election, the Elections Department is planning to double the number of check-in stations, ballot on demand printers, and privacy booths.

On April 14, 2016, Property Management issued an Invitation To Quote (ITQ) for an Air-Conditioned Tent, to the following vendors:

- SFTL of Florida,
- Prestige Event Services,
- Diamonette Party,
- New Party Rental, and
- Party Moes Rental

Prestige Event Services was the sole responsive vendor, with a quote of \$12,087 (See Exhibit A).

The City will also incur expenses for Security Guards, in the amount of \$6,980.49 (See Exhibit B).

The total costs associated with the August 30, 2016 Primary Election is as follows:

AC/Tent Installation, including building & electrical permits:	\$12,087.00
Security :	<u>\$ 6,980.49</u>
TOTAL:	\$19,067.49

These funds have currently been budgeted and are available in the City's Election budget account.

LH/REG



# EXHIBIT A

Remit To: PRESTIGE EVENT SERVICES, INC  
 14317 SW 139 COURT  
 MIAMI, FL 33186  
 PHONE: 786-243-0725  
 FAX: 786-243-1415  
 www.prestigetents.com

**Job Site:** CITY OF MIAMI BEACH  
 1700 CONVENTION CENTER DRIVE  
 MIAMI BEACH, FLORIDA 33139

## RENTAL CONTRACT

**Customer:** CITY OF MIAMI BEACH  
 1245 MICHIGAN AVENUE  
 MIAMI BEACH, FLORIDA 33139  
CONTACT: EDGAR ZAPATA  
 CELL: 786-299-0118  
 EDGARDZAPATA@MIAMIBEACHFL.GOV  
 PH: 305-673-7963 EXT. 2964 FAX:

**Reservation #**  
**Invoice #** 13239  
**Contract Date:** 4/15/2016  
**Date Out:** 8/7/2016  
**Event Date:** 8/8/2016 - 8/29/16  
**Date In:** 8/29/2016  
**Job Name:** ELECTIONS  
**Job Location:** MIAMI BEACH  
**P.O. Number:** N/A  
**Ordered By:** EDGAR ZAPATA  
**Written By:** ARTHUR ORTEGA  
**Terms:** PURCHASE ORDER

Cat-Class	Qty.	Description	Unit Price	Total
	1	15' X 45' X 8' WHITE FRAME TENT	\$ 1,245.00	\$ 1,245.00
	6	8' X 20' WHITE WALLS	\$ 40.00	\$ 240.00
	2	15' RAINGUTTERS	\$ 30.00	\$ 60.00
	1	SETS OF DOUBLE GLASS DOORS WITH RAMPS	\$ 600.00	\$ 600.00
	2	EXIT SIGNS	\$ 75.00	\$ 150.00
	4	FIRE EXTINGUISHERS	\$ 35.00	\$ 140.00
	4	NO SMOKING SIGNS	\$ -	\$ -
	4	PAR 38'S AS UPLIGHTING	\$ 30.00	\$ 120.00
	1	AIR CONDITIONING PACKAGE WITH GENERATOR	\$ -	\$ 3,785.00
	1	9' X 25' WHITE WALLS	\$ 50.00	\$ 50.00
	2	9' X 20' WHITE WALLS	\$ 50.00	\$ 100.00
	1	LABOR CHARGE TO INSTALL WALLS ON BUILDING	\$ 350.00	\$ 350.00
	1	PIPE & DRAPE	\$ 1,932.00	\$ 1,932.00
	1	8' X 10' WHITE WALL	\$ 40.00	\$ 40.00
	1	BUILDING & ELECTRICAL PERMIT INCLUDES; (SITE PLAN, ENGINEERING, RUNNER TO PROCESS)	\$ 3,000.00	\$ 3,000.00

Sub-Total \$ 11,812.00  
 7% Taxes  
 Sub-Total \$ 11,812.00  
 Delivery \$ 275.00  
 Less Deposit  
**TOTAL DUE \$ 12,087.00**

**Customer is responsible for all insurance and marking of all underground lines. Proposal valid for 30 DAYS**

<u>X</u>			
CUSTOMER SIGNATURE	DATE	NAME PRINTED	ARTHUR ORTEGA PRESTIGE REPRESENTATIVE
			4/15/2016 DATE

**OFFICE OF THE CITY CLERK  
2016 PRIMARY ELECTION COSTS**

**EXHIBIT B**

DATES	VOTING HOURS	SECURITY HOURS	HRS	RATE	Total
Monday, August 8	None	Mon 5:00 p.m. to Tue 8:00 a.m.	15	\$19.23	\$288.45
Tuesday, August 9	None	Tue 5:00 p.m. to Wed 8:00 a.m.	15	\$19.23	\$288.45
Wednesday, August 10	None	Wed 5:00 p.m. to Thu 8:00 a.m.	15	\$19.23	\$288.45
Thursday, August 11	None	Thu 5:00 p.m. to Fri 8:00 a.m.	15	\$19.23	\$288.45
Friday, August 12	None	Fri 5:00 p.m. to Sat 5:00 p.m.	24	\$19.23	\$461.52
Saturday, August 13	None	Sat 5:00 p.m. to Sun 5:00 p.m.	24	\$19.23	\$461.52
Sunday, August 14	None	Sun 5:00 p.m. to Mon 7:00 am.	14	\$19.23	\$269.22
Monday, August 15	7:00 a.m. to 3:00 p.m.	Mon 5:00 p.m. to Tue 7:00 a.m.	14	\$19.23	\$269.22
Tuesday, August 16	7:00 a.m. to 3:00 p.m.	Tue 5:00 p.m. to Wed 7:00 a.m.	14	\$19.23	\$269.22
Wednesday, August 17	7:00 a.m. to 3:00 p.m.	Wed 5:00 p.m. to Thu 7:00 a.m.	14	\$19.23	\$269.22
Thursday, August 18	7:00 a.m. to 3:00 p.m.	Thu 5:00 p.m. to Fri 7:00 a.m.	14	\$19.23	\$269.22
Friday, August 19	7:00 a.m. to 3:00 p.m.	Fri 5:00 p.m. to Sat 7:00 a.m.	14	\$19.23	\$269.22
Saturday, August 20	8:00 a.m. to 4:00 p.m.	Sat 7:00 a.m. to Sun 7:00 a.m.	24	\$19.23	\$461.52
Sunday, August 21	8:00 a.m. to 4:00 p.m.	Sat 7:00 a.m. to Sun 8:00 a.m.	25	\$19.23	\$480.75
Monday, August 22	11:00 a.m. to 7:00 p.m.	Mon 5:00 p.m. to Tues 8:00 a.m.	15	\$19.23	\$288.45
Tuesday, August 23	11:00 a.m. to 7:00 p.m.	Tue 5:00 p.m. to Wed 8:00 a.m.	15	\$19.23	\$288.45
Wednesday, August 24	11:00 a.m. to 7:00 p.m.	Wed 5:00 p.m. to Thu 8:00 a.m.	15	\$19.23	\$288.45
Thursday, August 25	11:00 a.m. to 7:00 p.m.	Thu 5:00 p.m. to Fri 8:00 a.m.	15	\$19.23	\$288.45
Friday, August 26	11:00 a.m. to 7:00 p.m.	Fri 5:00 p.m. to Sat 7:00 a.m.	14	\$19.23	\$269.22
Saturday, August 27	8:00 a.m. to 4:00 p.m.	Sat 7:00 p.m. to Sun 7:00 a.m.	24	\$19.23	\$461.52
Sunday, August 28	8:00 a.m. to 4:00 p.m.	Sun 7:00 p.m. to Mon 7:00 a.m.	24	\$19.23	\$461.52
					\$6,980.49

# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Ricky Arriola, Commissioner  
DATE: May 4, 2016  
SUBJECT: **DISCUSSION REGARDING A MORITORIUM ON DEMOLITIONS  
IN NORTH BEACH UNTIL A MASTER PLAN IS COMPLETE**

Please add the above subject as a discussion item to the May 11, 2016 City Commission agenda.

Sincerely,  
Ricky Arriola

# MIAMIBEACH

**Ricky Arriola, Commissioner**

Office of the Mayor and Commission

1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139

Tel: 305-673-7000 x7107

[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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R9P Discussion Regarding Launching A Pilot For Protected Bike Lane Separators.  
(Sponsored by Commissioner Ricky Arriola)

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R9Q Discussion Regarding A Resolution Directing City Staff To Collaborate With Miami-Dade County On AT&T's Smart City Initiative.  
(Sponsored by Commissioner Ricky Arriola)

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R9R Discussion Regarding The Reevaluation Of The Fine Schedule For Littering On The Beach As Recommended By The Finance And Citywide Projects Committee.  
(Code Compliance)

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R9S Discussion On Leaf Blower Ban.  
(Sponsored by Mayor Philip Levine)

Agenda Item R9S  
Date 5-11-16

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**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: May 11, 2016

SUBJECT: **City Attorney's Status Report**

### LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. **WELLS FARGO BANK, N.A. VS. CITY OF MIAMI BEACH**, Case No. 16-6116 CA 02 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1523 West Avenue, Unit 103, Miami Beach, Florida. The Summons and Verified Complaint were served on the City on April 7, 2016.

The City's Answer and Affirmative Defense was filed on April 19, 2016.

2. **BRADLEY MESTER V. CITY OF MIAMI BEACH** Case No. 16-05242 SP23-05 (County Court in and for Miami-Dade County, Florida)

This is a small claims court action by a former employee claiming that he did not receive compensation for "goodwill ambassador" hours that he had not used by the time he left. The claim is for \$810.40.

The city is reviewing the claim and will be responding accordingly.

3. **NATIONSTAR MORTGAGE, LLC VS CITY OF MIAMI BEACH**, Case No. 16-8616 CA 13 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 5445 Collins Avenue, Unit 432, Miami Beach, Florida. The Summons and Verified Complaint were served on the City on April 18, 2016.

The City's Answer was filed on April 19, 2016.

4. **RAUL MAS V. TREMONT TOWING, INC., TREMONT TOWING INVESTMENT, LLC, CITY OF MIAMI BEACH A FLORIDA MUNICIPAL CORPORATION** Case No. 16-008314-CA-01 (Circuit Court - 11<sup>th</sup> Judicial Circuit in and for Miami –Dade County, Florida)

This is a class action lawsuit filed against the City of Miami Beach and Tremont Towing for violating certain provisions of Miami-Dade County Ordinances. Raul Mas (the "Plaintiff") has filed a four (4) count class action complaint, in which, the City of Miami Beach is identified under Count IV, and attempts to establish a cause of action for

Agenda Item R10A  
Date 5-11-16

Declaratory Relief based upon the applicability of certain provisions of Miami-Dade County Ordinances (or City of Miami Beach Ordinances) for the towing of vehicles. The Class Action Complaint fails to properly allege a viable cause of action against the City, and improperly comingles ordinances provision in an attempt to establish a legal basis for Declaratory Relief. The City of Miami Beach will be filing its Motion to Dismiss in this matter, and the City Attorney's Office will be defending the lawsuit.

5. **LAPIAGGIA, INC. VS CITY OF MIAMI BEACH**, Case No. 16-9742 CA 13 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action for declaratory and emergency injunctive relief in connection with the revocation of the Certificate of Occupancy for La Piaggi Restaurant. The Summons and Complaint were served on the City on April 19, 2016.

The hearing on the issuance of a temporary injunction was held on April 22, 2016 and the relief sought by the Plaintiff/Petitioner was denied. The case was dismissed by the Plaintiff on April 29, 2016.

6. **MICHAEL DAVID TENZER V. CITY OF MIAMI BEACH, FLORIDA, PHILIP LEVINE, MICKY STEINBERG, MICHAEL GREICO, JOY MALAKOFF, KRISTEN ROSEN GONZALEZ, RICKY ARRIOLA, JOHN ELIZABETH ALEMAN, ET AL.** Civil Action No. 16-CV-21276 (United States District Court for the Southern District of Florida)

Plaintiff sued alleging the City regulations of Live Aboard Vessels anchored in the City's waters as unconstitutional.

The City will vigorously defend this claim.

7. **THE PINES AND THE PALMS CONDOMINIUM ASSOCIATION OF MIAMI BEACH, INC. VS DAVID P. COSTANZO**, Case No. 11-25641 CA 27 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located 2463 Pine Tree, Drive, Penthouse A and B, Miami Beach, Florida. The Summons and Second Amended Complaint were served on the City on April 29, 2016.

The City's Answer will be timely filed.

8. **FEDERAL NATIONAL MORTGAGE ASSOCIATION, ETC. VS THE UNKNOWN HEIRS OF JOSE A. RAMOS**, Case No. 14-4286 CA 25 (Circuit Court – 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1414 NW 107 Avenue, Apt. 109, Miami Beach, Florida. The Summons and Amended Verified Complaint were served on the City on April 18, 2016.

The City's Answer will be timely filed.

**REPORTS  
AND  
INFORMATIONAL ITEMS**

# 1. Reports and Informational Items (see LTC 194-2016)

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# MIAMI BEACH

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

**192-2016**

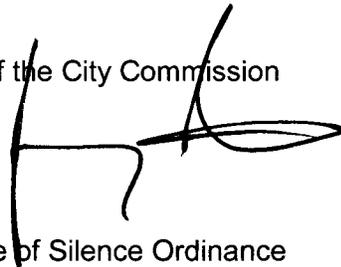
LETTER TO COMMISSION

To: Mayor Philip Levine and Members of the City Commission

From: Jimmy L. Morales, City Manager

Date: May 11, 2016

Subject: List of Projects Covered by the Cone of Silence Ordinance



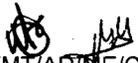
In an effort to disseminate information to elected officials and City staff relative to projects that are covered by the requirements of the City's Cone of Silence Ordinance, following is a list of all current solicitations (i.e., Invitation for Bids ("Bids"), Request for Proposals (RFPs), and Request 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
RFP-2015-258-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
RFP-2016-009-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
ITB-2016-032-AK	03/21/2016	Bicycle Purchase, Parts, Accessories and Repair Services	Police
RFP-2016-034-AK	01/20/2016	Fire & Police False Alarm Billing System	Police
RFP-2016-036-KB	01/15/2016	Design/Build Services for Police Station Building, Firing Range Ventilation Systems Replacement	CIP
RFP-2016-042-KB	12/18/2015	Design/Build Services for Stormwater Pump Station at Northeast Corner of Convention Center Drive	Public Works
ITB-2016-045-WG	01/12/2015	Lease of Golf Course Turf Maintenance Equipment	Parks and Recreation
ITB-2016-048-MT	03/28/2016	Electric Motor Rewind, Pump Repair and Maintenance	Public Works

ITB-2016-050-MT	03/25/2016	Monitoring Services, Annual Inspection, Testing, Certification, Repair and Maintenance of Firm Alarm Systems Citywide	Property Management
RFP-2016-052-KB	12/18/2015	Design/Build Services for Stormwater Pump Station on 19 <sup>th</sup> Street Between Convention Center Drive and Meridian Avenue	Public Works
RFQ-2016-057-WG	02/17/2016	Investigation and Adjusting Service for Selected Tort Liability and Workers Compensation Claims	Human Resources
PRD-2016-071-KB	01/12/2016	Notice of Receipt of Unsolicited Proposal and Request for Alternative Proposals for Light Rail/Modern Streetcar Project in Miami Beach	Transportation
RFQ-2016-073-KB	02/16/2016	Construction Manager at Risk for Lincoln Road District Improvements	CIP
ITN-2016-084-WG	04/22/2016	Administration of the City's Ancillary Health Benefits for Employees, Retirees and their Dependents - Family and Medical Leave Act (FMLA) Administration; Long-Term Disability Coverage for Defined Contribution Retirement Plan (401A) Participants, and Voluntary Short-Term and Long-Term Disability; Group Dental Coverage; and Group Term Life and Accidental Death & Dismemberment Coverage	Human Resources
RFP-2016-086-WG	03/11/2016	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
RFP-2016-090-KB	03/14/2016	Design/Build Services for West Avenue Improvements Phase II South of 14 <sup>th</sup> Street	Public Works
RFP-2016-091-KB	03/14/2016	Design/Build Services for West Avenue Improvements Phase II North of 14 <sup>th</sup> Street	Public Works
RFQ-2016-097-KB	05/13/2016 (Tentative)	P3 Consultant for Workforce Housing Initiative	Office of Housing & Community Services
RFP-2016-100-KB	02/26/2016	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
RFQ-2016-107-WG	04/14/2016	Hosted Automatic Call Distribution Service	Finance
ITB-2016-111-ND	03/25/2016	Concrete Curbing/Sidewalk Construction Purchase of Asphaltic Concrete/Related Materials and Striping of City Streets and Parking Lots	Public Works

RFQ-2016-115-AK	04/18/2016	Noise, Acoustic and Sound Services	Planning
RFQ-2016-116-KB	04/20/2016	Architectural and Engineering Design Services for New Bus Shelters	Transportation
RFQ-2016-124-KB	04/20/2016	Architectural and Engineering Design Criteria for Professional Services for Mixed Used Parking Garages	CIP
ITB-2016-128-KB	04/20/2016	Middle Beach Recreational Corridor (MBRC) Phase II – Section I (From 53rd street to 64th street)	CIP
RFQ-2016-136-KB	05/13/2016 (Tentative)	Professional Architectural and Engineering Services for Small Projects	Property Management
RFQ-2016-137-KB	05/13/2016 (Tentative)	Construction Material Testing and Inspection Services for Miami Beach Convention Center Renovation and Expansion Project	Convention Center
RFQ-2016-138-KB	05/13/2016 (Tentative)	Architectural and Engineering Design Services for Maurice Gibb Memorial Park	CIP
RFQ-2016-139-WG	05/11/2016 (Tentative)	Access Control and Security System Consultant	Emergency Management

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: May 11, 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 May 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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