



City Commission Meeting

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

January 14, 2015

Mayor Philip Levine
Vice-Mayor Joy Malakoff
Commissioner Michael Grieco
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

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

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ATTENTION ALL LOBBYISTS

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

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

AGENDA

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.

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

CONSENT AGENDA

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-235-JR For Police Station Building Firing Range Ventilation System Replacement.
(Capital Improvement Projects/Procurement)
- C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Background Investigation Services.
(Human Resources/Fire/Police/Procurement)
- C2C Request For Approval To Issue An Invitation To Negotiate (ITN) For Management And Maintenance Services For The Affordable Residential Properties Owned Or Anticipated To Be Acquired By The City.
(Housing & Community Services/Procurement)
- C2D Request For Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.
(Procurement)
- C2E Request For Approval To Issue An Invitation To Negotiate (ITN) For Facilities Maintenance Services For Property Management.
(Public Works/Procurement)

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee Regarding First Class Parking Valet Parking Concession Agreement.
(Parking)
- C4B Referral To The February 2, 2015 Finance And Citywide Projects Committee To Discuss Implementing A Contractor Prequalification Program In An Effort To Expedite Infrastructure Improvements.
(Requested by Commissioner Deede Weithorn)
- C4C Referral To The Finance And Citywide Projects Committee - Changes To The Resort Tax Quality Of Life Funding Allocations.
(Budget & Performance Improvement)

C4 - Commission Committee Assignments (Continued)

- C4D Referral To Finance And Citywide Projects Committee - Vacation Of Liberty Avenue (Palm Avenue) Between 22nd Street (Ocean Avenue) And 23rd Street (Atlantic Avenue).
(Capital Improvement Projects)
- C4E Referral To The February 27, 2015 Neighborhood/Community Affairs Committee Meeting To Discuss Conceptual Ideas Relating To Monument Island.
(Parks & Recreation)
- C4F Referral To The Neighborhood/Community Affairs Committee – Discussion Regarding The “Mind Your Block” Program, An Initiative To Encourage Residents And Businesses To Take Ownership Of Their Specific Block, Which Would Include Among Other Things Trash, Dog Waste, Noise, Suspicious Vehicles And Activity.
(Requested by Commissioner Michael Grieco)
- C4G Referral To The Next Neighborhood/Community Affairs Meeting A Discussion To Include Restrooms And Storage Building In The First Phase Of The Altos Del Mar Park Plan.
(Requested by Vice-Mayor Joy Malakoff)
- C4H Referral To The Planning Board - Proposed Amendments To Chapter 6, Chapter 114, And Chapter 142 Of The City Code Modifying And Clarifying Definitions, Regulations And Requirements For Alcoholic Beverage Establishments And Accessory Uses, And Modifying Threshold Standards For Neighborhood Impact Establishments.
(Sponsored by Vice-Mayor Joy Malakoff)
(Legislative Tracking: Planning)
- C4I Referral To Land Use And Development Committee Regarding Charging Stations For Plug-In Vehicles.
(Requested by Commissioner Micky Steinberg)
- C4J Referral To The Finance And Citywide Projects Committee – Discuss The Requirement For City Contractors To Provide Equal Benefits For Domestic Partners.
(Requested by Commissioner Deede Weithorn)

C6 - Commission Committee Reports

- C6A Report Of The December 19, 2014 Neighborhood/Community Affairs Committee Meeting: **1)** Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden. **2)** Discussion Regarding Revisions To The Beachfront Concession Rules And Regulations. **3)** Discussion Regarding The Purdy Boat Ramp. **4)** Discussion Regarding Long Term Problems That Need To Be Addressed At 17th Street And Alton Road Intersection. **5)** Discussion Regarding Stray Cats In Miami Beach. **6)** Discussion Regarding The Annual Review Of The City's List Of Deserving Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638. **7)** Discussion On The Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395. **8)** Discussion Regarding Adding Pride/Rainbow Colors To The Street Signs From 10th To 12th Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee. **9)** Discussion Regarding An Update On The Plans For The Par 3 Park.
- C6B Report Of The December 12, 2014 Finance And Citywide Projects Committee Meeting: **1)** Discussion Regarding The Miami Beach Police Athletic League (PAL). **2)** Discussion Regarding The Loans-At-Work Program. **3)** Discussion Regarding Creating A Property Assessed Clean Energy (PACE) Program By Resolution And Joining The Existing Interlocal Agreement Between By Harbor Islands, Biscayne Park, And Surfside. **4)** Discussion Regarding Parking Demand Analysis/Walker Parking Consultants. **5)** Discussion Regarding The Management Agreement With SP Plus Municipal Services, A Division Of Standard Parking Corporation, For Parking Attendants, Specifically: (1) Not Exercising The City's Option To Renew The Agreement; (2) Extending The Agreement On A Month-To-Month Basis; And (3) Issuing A New RFP For Parking Attendants For The City's Parking Garages. **6)** Discussion To Amend The Living Wage Ordinance Insurance Provision In Light Of Obamacare. **7)** Discussion To Waive Fees For The Dolphins Cycling Challenge Event Taking Place In Miami Beach On February 7th And 8th, 2015. **8)** Discussion Regarding The Live Nation Management Agreement For The Jackie Gleason Theater. **9)** Discussion To Review Options To Reintegrate The Baptist Hospital Network Among Providers Available To City Employees. **10)** Discussion Regarding A Public Private Partnership For A Two-Story Parking Structure To Be Erected Over Both City Parking Lot P62 And A Private Parking Lot, On 42nd Street, Between Jefferson Street And Meridian Avenue. **11)** Discussion Asking The Commission For \$10,000 For 2015 Senior Group Programs To Reach Out To Senior Citizens Throughout Miami Beach. **12)** Discussion Regarding The Miami Beach Convention Center Booking Policy. **13)** Discussion Regarding Reevaluation Of City Of Miami Beach Tuition Assistance Policy For City Of Miami Beach Employees. **14)** Discussion Regarding The Possible Addition Of Personal Watercrafts To Our Police Department's Fleet.

C7 - Resolutions

- C7A A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application For \$825,000 To The Florida Division Of Emergency Management For The Hazard Mitigation Grant Program For Emergency Generators; 2) Submit A Grant Application To The Children's Trust Youth Enrichment Program In The Approximate Amount Of \$500,000, For The City's Champs Program; And Further Authorizing The City Manager Or His Designee To Take All Necessary Steps And Execute All Necessary Documents In Connection With The Aforestated Grants And Funding Requests, Including, Without Limitation, Applications, Grant And/Or Funding Agreements And Audits.
(Budget & Performance Improvement)
- C7B A Resolution Encouraging Businesses In The City To Acquire And Install Automated External Defibrillators (AEDs) And To Register Their AEDs With The Fire Department Of The City Of Miami Beach.
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Fire & Office of the City Attorney)
- C7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Approve The Continuation Of The BMG Money Loans-At-Work Program As A Benefit Of Employment With The City Of Miami Beach.
(Human Resources)
- C7D A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee To Amend The City's Tuition Assistance Program As Follows: Tuition Assistance Shall Be Based On, But Not Exceed, The Established Credit Hour Tuition Rate In The State's University System At The Time Of Enrollment; Assistance Shall Be Based On A Sliding Scale Directly Related To The Employee's Performance In Approved Coursework From Accredited Institutions Of Higher Learning With A Six Credit Hour Limit Per Semester; Assistance Shall Be Limited To 80 Percent Of The Tuition Costs For Courses In Which Employees Earn An "A," 60 Percent When They Earn A "B," And 40 Percent When They Earn A "C," Except Graduate Courses For Which Assistance Requires Earning No Less Than A "B"; A Repayment Requirement If The Employee Separates From Employment By The City Within Two Years Of Having Received Assistance, With An Exception For Employees Who Are Laid Off Or Die; And Approving The Revised City Of Miami Beach Employee Tuition Assistance Program Set Forth In The Attached Exhibit A.
(Human Resources)
- C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 2 To Southern Underground Industries, Inc., Dated January 14, 2015 (The Agreement); Relating To The Citywide High Tide Mitigation Project (Project), Increasing The Scope Of The Project To Include Additional Engineering Services, Watermain Installation, Drainage Pipe Installation, Check Valves For Existing Outfall, For Various Locations Requiring Protection From Tidal Flooding; And Further Increasing The Project Cost To Include The Additional Cost Of \$180,000, Plus A Project Contingency In The Amount Of \$30,000, For A Total Cost Of \$210,000.
(Public Works)

C7 - Resolutions (Continued)

C7F A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee; Approving And Authorizing The City Manager To Execute Amendment No. 1 To The Lease Between The City And Mystery Park Arts Company, Inc. (SoBe Arts, Tenant), Dated January 13, 2010, For The Demised Premises Located At 2100 Washington Avenue, Miami Beach, Florida; Said Amendment Correcting A Scrivener's Error In Tenants Name; And Providing For The Renewal Of The Lease For An Initial Seven (7) Month Renewal Period, Commencing January 13, 2015 And Ending August 12, 2015, And Continuing Thereafter On A Month-To-Month Basis Until Such Time As The Convention Center Renovation And Expansion Project Begins Construction.

(Tourism, Culture & Economic Development)

C7G A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Waiving \$15,495 In Special Event Fees For The Dolphins Cycling Challenge Event Taking Place In Miami Beach On February 7th And 8th, 2015.

(Sponsored by Commissioner Deede Weithorn)

(Tourism, Culture & Economic Development)

C7H A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Approving The 2015 List Of Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638.

(Tourism, Culture & Economic Development)

C7I A Resolution Retroactively Approving The Acceptance And Appropriation Of A Contribution From The Ocean Drive Association In An Amount Not To Exceed \$30,000.00 In Support Of The Fireworks Show On The Beach And The Closure Of Ocean Drive From 5th To 15th Streets For The 2014-2015 New Year's Celebration.

(Tourism, Culture & Economic Development)

C7J A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City And Florida Atlantic University (FAU) For The Provision Of Traffic Simulation Services Along State Road 112/41st Street To Determine The Feasibility Of Implementing Adaptive Traffic Signal Control Along This Corridor, For A Sum Not To Exceed \$97,642; Which Agreement Is Subject To Negotiation Between The City And FAU; And Further Subject To Legal Review And Form Approval Of The Final Negotiated Agreement By The City Attorney's Office.

(Transportation)

C7K A Resolution Authorizing The City Manager To Exercise The Sole Renewal Option For A Term Of Six (6) Months, Commencing January 31, 2015 And Ending July 31, 2015, Pursuant To The Agreement Between The City And Limousines Of South Florida, Inc., Dated January 31, 2014, For The Maintenance And Operation Of A City Of Miami Beach Trolley System For Municipal Circulator Services.

(Transportation)

C7 - Resolutions (Continued)

C7L A Resolution Accepting The Recommendation Of The City Manager, To Approve The Work Orders For The Monument Island Lighting Project Utilizing The Competitively Bid National Joint Powers Alliance (NJPA) Cooperative Contract For Construction Services With The Gordian Group.

(Public Works/Procurement)

C7M A Resolution Authorizing The City Manager To Waive Work Hour Restrictions, Noise Restrictions, Work Day Restrictions And/Or Other Necessary Actions Related To Flooding Mitigation Projects, Such Waiver To Be Found In The Best Interest Of City Residents.

(Public Works)

(Memorandum to be Submitted in Supplemental)

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

- R2A Request For Approval To Issue An Invitation To Negotiate (ITN) No. 2015-060-WG For Rooftop And Other Facility Leases For Telecommunications Equipment.
(Information Technology/Procurement)
(Memorandum to be Submitted in Supplemental)

R5 - Ordinances

- R5A An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVI Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. **10:05 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Edward L. Tobin)
(Legislative Tracking: Office of the City Attorney)
(First Reading on December 17, 2014 - R5M)
- R5B An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones," By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. **10:10 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Tourism, Culture & Economic Development)
(First Reading on December 17, 2014 - R5L)
- R5C An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**
(Sponsored by Commissioners Jonah Wolfson & Michael Grieco)
(Legislative Tracking: Transportation)
(First Reading on December 17, 2014 - R5N)

R5 - Ordinances (Continued)

R5D An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District;" And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. **10:20 a.m. Second Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(First Reading on December 18, 2014 SCM - R5A)

R5E Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. **10:25 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Planning)
(Continued from December 17, 2014 - R5C)

R5F Nonconforming Buildings - Balconies
An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 118, "Administrative And Review Procedures", Article IX, "Nonconformances," By Amending Section 118-395, "Repair And/Or Rehabilitation Of Nonconforming Buildings And Uses," By Modifying And Clarifying Allowable Additions To Non-Conforming Buildings; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. **First Reading**

(Sponsored by Vice-Mayor Joy Malakoff)
(Legislative Tracking: Planning)

R5G An Ordinance Amending Subpart A – General Ordinances, Chapter 106 "Traffic And Vehicles", At Article I, Division 1 Entitled "Generally", To Clarify That A Parking Enforcement Specialist May Issue Code Compliance Violations Under Section 106-116 Through 106-126, With Enforcement Through The Special Master; And At Article II Entitled "Metered Parking; Creating Division 3 Entitled "– Construction Parking And Traffic Management Plan"; And Creating Sections 106-116 Through 106-130; Providing For Legislative Intent; Definitions; Creating A Requirement That All Contractors Provide Traffic Plan To The Building And Parking Department(s) Prior To Obtaining A Building Or Grading And Shoring Permit For All Projects Over A Certain Construction Threshold; To Ensure That All Employees, Contractors, And Subcontractors Are Part Of A Traffic Management And Parking Plan For Parking Of Vehicles; Providing For Penalties, Enforcement Procedures And Appeals; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Parking)

R5 - Ordinances (Continued)

R5H An Ordinance Repealing Ordinance No. 1201, Entitled "An Ordinance Of The City Of Miami Beach, Florida, Changing The Name Of Forty-First (41st) Street To Arthur Godfrey Road," To Remove The "Arthur Godfrey Road" Co-Name From Forty-First Street And To Request That The Florida Department Of Transportation (FDOT) Remove The "Arthur Godfrey Road" Designation From FDOT Road And Highway Signs; Providing For Repealer, Severability, And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Transportation & Office of the City Attorney)

R5I An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92 Thereof, Entitled "Litter; Definitions; Prohibitions On Litter; Penalties For Litter And Commercial Handbill Violations; Commercial Handbill Regulations, Fines, And Rebuttable Presumptions; Seizure And Removal Of Litter By The City; Enforcement; Appeals; Liens" To Amend Subsection (a) To Define The Terms "Polystyrene" And "Expanded Polystyrene" And To Amend Subsection (c) To Prohibit Any Person From Carrying Any Expanded Polystyrene Product Onto Any City Marina, Pier, Dock, Or Boat Ramp; 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 82-7 Thereof, Entitled "Prohibitions Regarding Sale Or Use Of Expanded Polystyrene Food Service Articles By City Contractors And Special Event Permittees," To Define The Term "Polystyrene" And To Amend The Definition Of "City Facility" To Include City Marinas, Piers, Docks, And Boat Ramps And To Amend The Definitions Of "City Facility" And "City Property" To Include Property Leased To The City And Clarifying The Effective Date Of Section 82-7; Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5, Entitled "Sidewalk Cafes," By Amending Subdivision I, Entitled "Generally," By Amending Section 82-366 Thereof, Entitled "Definitions," To Define The Terms "Polystyrene," "Expanded Polystyrene," And "Expanded Polystyrene Food Service Articles"; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)

(Legislative Tracking: Office of the City Attorney/Environmental)

R7 - Resolutions

R7A A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. **10:01 a.m. Public Hearing**

(Budget & Performance Improvement)

R7B A Resolution Rescinding Resolution #2003-25266 And Adopting A Resolution Confirming The City's Policy To Use Reasonable Conference Or Government Room Rates For Lodging And The Runzheimer Meal And Lodging Cost Index For Per Diem Meals And Other Travel Expenses For City Employees; And For City Consultants The U.S. General Services Administration (GSA) Rates For Lodging And The Runzheimer Meal And Lodging Cost Index For All Other Travel Expenses; And For All Mileage Reimbursement, The IRS Mileage Rate.

(Budget & Performance Improvement)

R7 - Resolutions (Continued)

R7C A Resolution Accepting The Recommendation Of The City Manager To Purchase Additional Conducted Electronic Weapons And Other Accessories (The "Equipment") From Taser International, Inc. In The Total Amount Of \$519,230, Previously Approved As A Sole Source Purchase Pursuant To Resolution 2014-28726, And Authorizing The City Administration To Negotiate An Agreement With Taser International, Inc. For The Purchase Of The Equipment; And Further Authorizing The City Manager To Execute That Agreement With Taser International Which Shall Defer Payment Of The Equipment Over A 5 Year Period, Upon Conclusion Of Successful Negotiations.

(Police)

R7D A Resolution Approving A Desired Minimum Elevation For The Crown Of Roads In The City By To Be One Foot Higher Than The Elevation Established By The Mayor And City Commission, For The High Tide Boundary Condition, To Allow For Proper Drainage Within The City And Protection From Tidal Flooding.

(Public Works)

R7E A Resolution Approving A Settlement In The Amount Of \$2,760,000.00, In Substantial Form As Proposed In Attached Exhibit 1; For Payment Of The Fee In Lieu Of Parking Required Under Section 130-131, Of The City Code, Which Fee Is Paid Due To A Parking Deficiency Associated With The Development Of The New Project On The Property Owned By Centurian Collins Avenue, LLC, A Delaware Limited Liability Company (Hereinafter "Centurian"), Located At 2360 Collins Avenue, Miami Beach, Florida, Which Project Is Commonly Known As The "Aloft" (The "Project") Under Building Permit Number: BREV131038418-422; And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete The Settlement.

(Office of the City Attorney)

(Memorandum to be Submitted in Supplemental)

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

(Office of the City Clerk)

R9A1 Board And Committee Appointments - City Commission Appointments.

(Office of the City Clerk)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

R9C Update On The Miami Beach Convention Center Project.

(Office of the City Manager)

R9 - New Business and Commission Requests (Continued)

- R9D Report From The Personnel Board Regarding Changes To The Personnel Rules For The Classified Service Adopted December 12, 2014.
(Human Resources)
- R9E Discussion Regarding Base Flood And Freeboard Requirements For The Collins Park Parking Garage.
(Office of the City Manager)
- R9F Discussion Regarding Issuing An RFP For Parking Attendants For The City's Parking Garages With The Term Agreement Commencing On August 16, 2015, The Day Following The Expiration Of The City's Agreement With SP Plus Municipal Services (Contract No.: RFP -17-10/11).
(Requested by Commissioner Jonah Wolfson)
(Deferred from December 17, 2014 - R9Q)
- R9G Discussion Regarding Architecturally Significant Buildings In North Beach.
(Requested by Commissioner Deede Weithorn)
(Legislative Tracking: Planning)
- R9H Discuss Atlantic Broadband Cable Vulnerabilities And Solutions.
(Requested by Mayor Philip Levine)
- R9I An Update Discussion Regarding The Former Administration's Failure To Collect Parking Impact Fees; As Well As New Policies And Procedures For Future Revenue Collection.
(Requested by Commissioner Edward L. Tobin)
- R9J Discussion Regarding Annual Report Card For Commercial Vehicles.
(Requested by Commissioner Michael Grieco)
- R9K Discussion Regarding Valet Parking Enforcement.
(Requested by Commissioner Michael Grieco)
- R9L Discussion Regarding The City Of Miami Beach Holiday Decorations Or Lack Thereof During The 2014 Holiday Season.
(Requested by Commissioner Michael Grieco)
- R9M Discussion Regarding The City Of Miami Watson Island Project And The Ability To Mitigate Its Effect On The Beach.
(Requested by Commissioner Michael Grieco)

R9 - New Business and Commission Requests (Continued)

- R9N Discussion Regarding The Implementation Of An Exclusive Pedestrian Phase For All Intersections Along 41st Street That Would Extend Sundown Friday To Sundown Saturday.
(Requested by Commissioner Michael Grieco)
- R9O Discussion Regarding Motorcycle/Scooter Parking In Conventional Parking Spots.
(Requested by Commissioner Micky Steinberg)
- R9P Discussion To Waive The Square Footage Fees For The Miami Beach Foodie Fest Event On February 22, 2015 In North Beach, For A Total \$9,429.27 (Including Tax).
(Requested by Commissioner Micky Steinberg)

R10 - City Attorney Reports

- R10A City Attorney's Status Report.
(City Attorney Office)

Reports and Informational Items

1. Reports and Informational Items (see LTC 010-2015)
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

MIAMI BEACH

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

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

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON MBTV, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE NO EARLIER THAN 8:30 A.M. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum is split into two (2) sessions, 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter, provided that the Commission Meeting has not already adjourned prior to the time set for either session of the Forum. In the event of adjournment prior to the Stanley Sutnick Citizens' Forum, notice will be posted on MBTV, and posted at City Hall. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a time period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on Thursday morning prior to the regularly scheduled City Commission meeting. The Agenda and backup materials are also available on the City's website: www.miamibeachfl.gov the Thursday prior to a regularly scheduled City Commission Meeting.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, Fl 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Monday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 305-673-7411, before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the Agenda, there will be a period allocated at the commencement of the Commission Meeting when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes, or for a longer or shorter period, at the discretion of the Mayor.



2015 CITY COMMISSION/REDEVELOPMENT AGENCY (RDA) MEETING DATES

Commission/RDA Meetings
(Start at 8:30 a.m.)

January 14 (Wednesday)
 February 11 (Wednesday)
 March 11 (Wednesday)
 April 15 (Wednesday)
 May 6 (Wednesday)
 June 10 (Wednesday)
 July 8 (Wednesday)

Alternate (Presentation) Meetings
(Start at 5:00 p.m.)

January 27 (Tuesday)
 February 25 (Wednesday)
 March 18 (Wednesday)
 April 29 (Wednesday)
 May 20 (Wednesday)
 None
 July 29 (Wednesday)

August - City Commission/RDA in recess

September 9 (Wednesday)	(September <u>TBA</u>) 2 nd Rdg of Budget
October 14 (Wednesday)	October 21 (Wednesday)
November 9* (Monday)	November 23* (Monday)
December 9 (Wednesday)	December 16 (Wednesday)

* Meeting(s) for election related items only.

Unless noticed otherwise, meetings are held in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Dr. Stanley Sutnick Citizens' Forum will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 8:30 a.m. and 1:00 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this Forum.



**CITY CLERK'S OFFICE LOBBYIST LIST
January 14, 2015 City Commission Meeting**

Lobbyist's Name	Retained by Principal	Date Registered	Amount Disclosed
Approve (ITN) No. 2015-060-WG for Telecommunications Equipment			
Brian Moore	Bell South Telecommunication, LLC	10/01/2014	Salaried Employee
Clifford Schulman	Crown Castle NG East LLC	09/17/2014	\$400 per hour
Refer to NCAC First Phase of the Altos del Mar Park Plan			
Alexander Tachmes	General Real Estate Corporation	12/09/2002	\$4,250 Flat Fee
Amend Reso No. 28060, Easement from Bernard Baumel (Trust), 1700 West 25 th Street.			
Diana Mendez	Paul E. Dermit / Parsons Brinkerhoff	04/02/2014	No Additional Compensation
Discussion Regarding Architecturally Significant Buildings in North Beach			
Daniel Ciraldo	MDPL	08/27/2013	Not For Profit
Discuss Holiday Decorations During 2014 Holiday Season.			
Jose Felix Diaz	Miami Christmas Lights	06/23/2014	\$320 per hour

C2

COMPETITIVE BID REPORTS

Condensed Title:

REQUEST FOR APPROVAL TO AWARD A CONTRACT PURSUANT TO INVITATION TO BID (ITB) NO. 2014-235-JR FOR THE POLICE STATION BUILDING FIRING RANGE VENTILATION SYSTEM REPLACEMENT.

Key Intended Outcome Supported:

Build and Maintain Priority Infrastructure with Full Accountability.

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

Item Summary/Recommendation:

The project consists of the replacement of the ventilation system in the shooting range of the Police Station building located on 1100 Washington Avenue.

The project includes all the mechanical, electrical and structural elements required for the new system to operate as designed, and must include all labor, machinery, tools and means of transportation, supplies, equipment, materials, permits, licenses, insurance, services and incidentals necessary for the fabrication and full completion of work. The ventilation system must be tested and balanced and a Test & Balance Report produced for review as part of close-out documents for this project.

To seek a qualified contractor to complete the desired scope, ITB 2014-235-JR was issued on October 28, 2014. Notices were sent to eight hundred eighty two (882) contractors, with sixty four (64) prospective bidders downloading the solicitation. The ITB resulted in the receipt of two (2) responses on December 15, 2014: from Cast Development, LLC and Stellar Construction Management, LLC. The bid tabulation is attached (Appendix A). Cast Development, LLC. has been deemed the lowest responsive and responsible bidder meeting all terms, conditions, and specifications of the ITB.

The City Manager has considered the bids received, pursuant to ITB 2014-235-JR, and recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the award of a contract to Cast Development, LLC, the lowest responsive, responsible bidder to the ITB; and further, authorize the Mayor and City Clerk to execute the contract.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the City Manager's recommendation pertaining to the bids received, pursuant to ITB 2014-235-JR, for the Police Station Building Firing Range Ventilation System Replacement.

Advisory Board Recommendation:

N/A

Financial Information:

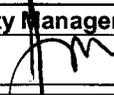
Source of Funds:		Amount	Account
 OBPI	1	\$ 405,758.00	125-6873-000676
	2	\$ 37,143.80	Subject to approval of 2 nd Capital budget amendment FY 2014/15
	Total	\$ 442,901.80	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Extension 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD  DM 	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: January 14, 2015

SUBJECT: **REQUEST FOR APPROVAL TO AWARD A CONTRACT PURSUANT TO INVITATION TO BID (ITB) NO. 2014-235-JR FOR POLICE STATION BUILDING FIRING RANGE VENTILATION SYSTEM REPLACEMENT.**

KEY INTENDED OUTCOME

Build and Maintain Priority Infrastructure with Full Accountability

FUNDING

The funding for this project is as follows:

125-6873-000676 Amount \$ 405,758.00

125-6873-000676 Amount \$ 37,143.80, subject to approval of 2nd capital budget amendment FY 2014/15

Total Bid Amount: \$ 442,901.80

BACKGROUND INFORMATION

The project consists of the replacement of the ventilation system in the shooting range of the Police Station building located on 1100 Washington Avenue.

The project includes all the mechanical, electrical and structural elements required for the new system to operate as designed, and must include all labor, machinery, tools and means of transportation, supplies, equipment, materials, permits, licenses, insurance, services and incidentals necessary for the fabrication and full completion of work. The ventilation system must be tested and balanced and a Test & Balance Report produced for review as part of close-out documents for this project.

ITB PROCESS

ITB No. 2014-235-JR, was issued on October 28, 2014, with a bid opening date of December 15, 2014. Two (2) addenda were issued. The Procurement Department issued bid notices to eight hundred eighty two (882) companies utilizing www.publipurchase.com website. Sixty four (64) prospective bidders accessed the advertised solicitation. The notices resulted in the receipt of two (2) responses from Cast Development, LLC and Stellar Construction Management, LLC. See tabulation sheet (Appendix A).

The ITB stated that the lowest responsive, responsible bidder meeting all terms, conditions, and specifications of the ITB will be recommended for award. Veteran Status was considered during the tabulation of the bids received. Veteran status was applicable to Cast Development, LLC.

In its due diligence, the Procurement Department verified the following:

1. **Licensing Requirements:** Bidders shall be State certified and licensed General Contractors to be considered for award and submit evidence of licensing with their bid.

Cast Development, LLC. is a State certified as a General Contractor. State license number is: CGC057776 and expires on August 31, 2016.

2. **Previous Experience:** Bidders shall submit at least five (5) individual references exemplifying their experience in projects **similar in scope and volume involving commercial HVAC/Ventilation Systems**. References must be projects completed or in progress within the last five (5) years.

Cast Development, LLC. submitted three (3) individual references which demonstrate their experience in projects similar in scope and volume to the work indicated in the ITB.

3. Bidder must have the capability to provide a performance and payment bond for the project. The City reserves the right to require performance and payment bonds from the successful bidder. **Bidders shall submit a Letter from an A-rated Financial Class V Surety Company, indicating the company's bonding capacity, in the amount not less than one hundred percent of the total base bid amount.**

Cast Development, LLC, bid response was accompanied by a Bid Bond from Endurance Reinsurance Corporation of America, dated December 2, 2014. The Bid Bond has been issued for five (5%) percent of Cast Development, LLC of the Total Bid Amount. Their Surety is Endurance Reinsurance Corporation of America. Endurance Reinsurance Corporation of America will provide the necessary Performance and Payment Bond in the amount of \$442,901.80 for Cast Development, LLC, for the project known as Police Station Building Firing Range Ventilation System Replacement.

4. **Financial Stability and Strength:** The Bidder must be able to demonstrate a good record of performance and have sufficient financial resources to ensure that they can satisfactorily provide the goods and/or services required herein.

Cast Development, LLC has a good record of performance and has the financial resources to ensure that they can satisfactorily provide the goods and/or services required in the ITB. Their latest Supplier Qualifier Report from Dun & Bradstreet indicates that they have a Supplier Evaluation Risk (SER) rating of 8 out of 9. The lower the score, the lower the risk.

Accordingly, Cast Development, LLC, has been deemed the lowest responsive and responsible bidder(s) meeting all terms, conditions, and specifications of the ITB.

CITY MANAGER'S REVIEW AND RECOMMENDATION

The City Manager has considered the bids received, pursuant to ITB 2014-235-JR, and recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the award of a contract to Cast Development, LLC, the lowest responsive, responsible bidder to the ITB; and further authorize the Mayor and City Clerk to execute the contract.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the City Manager's recommendation pertaining to the bids received, pursuant to ITB 2014-235-JR, for the Police Station Building Firing Range Ventilation System Replacement.

JLM/MT/DM/AD

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ITB 2014-235-JR

POLICE STATION BUILDING FIRING RANGE VENTILATION SYSTEM REPLACEMENT

TABULATION SHEET

BID DUE DATE:	December 15, 2014
BID DUE TIME:	3:00 PM
BID OPENED BY:	JOE V. RODRIGUEZ
WITNESSED BY:	STEPHANIE AGUAS

CONTRACTOR	BID AMOUNT	VERIFIED
Cast Development, LLC	\$442,901.80	Yes
Stellar Construction Management, LLC	\$527,372.20	Yes

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COMMISSION ITEM SUMMARY

Condensed Title:

REQUEST FOR APPROVAL TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSAL (RFP) NO. 2015-061-LR FOR BACKGROUND INVESTIGATION SERVICES.

Key Intended Outcome Supported:

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

Item Summary/Recommendation:

The Human Resources Department with the assistance of the Police Department currently conducts background investigation services for all City employees including contractor personnel, where applicable.

The purpose of this Request for Proposal (RFP) is to solicit proposals from experienced and qualified providers to conduct pre-employment background investigation services for the following groups: Police Department (sworn, non-sworn), Public Safety Communications Unit, Fire Department, general employees and contractor personnel on those applicable City contracts.

Services include reporting for criminal histories, identity verifications, employment and educational verifications, citizenship verification, motor vehicle records, credit reporting, character references and any other services as outlined in the scope of work.

CITY MANAGER'S 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 RFP 2015-061-LR for Background Investigation Services.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
1	N/A	
Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Alex Denis, Director Ext # 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ADP DO CT SCT VF	MT KGB	JLM

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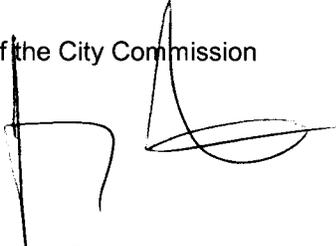


MIAMI BEACH

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: January 14, 2015

SUBJECT: **REQUEST FOR APPROVAL TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR BACKGROUND INVESTIGATION SERVICES.**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the RFP.

BACKGROUND

The City's Human Resources Department with the assistance of the Police Department currently conducts background investigation services for all City employees and contractor personnel, where applicable.

The purpose of this Request for Proposal (RFP) is to solicit proposals from experienced and qualified providers to conduct pre-employment background investigation services for the following groups: Police Department (sworn, non-sworn), Public Safety Communications Unit, Fire Department, general employees and contractor personnel on those applicable City contracts.

SCOPE OF SERVICES

Services include reporting for criminal histories, identity verifications, employment and educational verifications, citizenship verification, motor vehicle records, credit reporting, character references and any other services as outlined in the scope of work.

OTHER RFP REQUIREMENTS

- **MINIMUM QUALIFICATIONS.** Please Reference, Appendix C, RFP 2015-061-LR for Background Investigation Services (attached).
- **SUBMITTAL REQUIREMENTS.** Please Reference Section 0300, RFP 2015-061-LR for Background Investigation Services (attached).
- **CRITERIA FOR EVALUATION.** Please Reference Section 0400, RFP 2015-061-LR for Background Investigation Services (attached).

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the RFP 2015-061-LR for Background Investigation Services.

ATTACHMENTS

RFP 2015-061-LR for Background Investigation Services.

JLM / MT / KGB / STC / DO / CT / VF / AD

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REQUEST FOR PROPOSALS (RFP)

BACKGROUND INVESTIGATION SERVICES

RFP NO. 2015-061-LR

RFP ISSUANCE DATE: JANUARY 15, 2015

PROPOSALS DUE: FEBRUARY 11, 2015 @ 3:00 PM

ISSUED BY: LOURDES RODRIGUEZ



LOURDES RODRIGUEZ, SENIOR PROCUREMENT SPECIALIST

PROCUREMENT DEPARTMENT

1700 Convention Center Drive, 3rd Floor, Miami Beach, FL 33139

305.673.7000 x 6652 | Fax: 786.394.4075 | www.miamibeachfl.gov

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SECTION 0200 INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS

1. GENERAL. This Request for Proposals (RFP) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposers to submit their qualifications, proposed scopes of work and cost proposals (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 Proposers and, subsequently, the successful Proposer(s) (the "contractor[s]") if this RFP results in an award.

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

2. PURPOSE. The City of Miami Beach is contracting the professional services of an experienced and qualified firm to conduct pre-employment background investigation services for the following groups: Sworn, Non-Sworn, Public Safety Communications Unit, Fire Department, General Employees and Contracted Personnel.

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

RFP Issued	January 15, 2016
Pre-Proposal Meeting	January 22, 2014
Deadline for Receipt of Questions	February 1, 2015
Responses Due	February 11, 2015 @ 3 p.m.
Evaluation Committee Review	TBD
Proposer Presentations	TBD
Tentative Commission Approval Authorizing Negotiations	April 2015
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:
Lourdes Rodriguez

Telephone:
305.673.7000 x 6652

Email:
lourdesrodriguez@miamibeachfl.gov

Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov, or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

5. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled.

A Pre-PROPOSAL conference will be held as scheduled in Solicitation Timeline above at the following address:

**City of Miami Beach
 City Hall - 4th Floor
 City Manager's Large Conference Room
 1700 Convention Center Drive
 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: 1142644

Proposers who are interested in participating via telephone should send an e-mail to the contact person listed in this RFP expressing their intent to participate via telephone.

6. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*.

7. CONE OF SILENCE. Pursuant to Section 2-486 of the City Code, all procurement solicitations once advertised and until an award recommendation has been forwarded to the City Commission by the City Manager are under the "Cone of Silence." The Cone of Silence ordinance is available at <http://library.municode.com/index.aspx?clientID=13097&stateID=9&statename=Florida>. Any communication or inquiry in reference to this solicitation with any City employee or City official is strictly prohibited with the of exception communications with the Procurement Director, or his/her administrative staff responsible for administering the procurement process for this solicitation providing said communication is limited to matters of process or procedure regarding the solicitation. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov.

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

- CONE OF SILENCE..... CITY CODE SECTION 2-486
- PROTEST PROCEDURES..... CITY CODE SECTION 2-371
- DEBARMENT PROCEEDINGS..... CITY CODE SECTIONS 2-397 THROUGH 2-485.3
- LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... CITY CODE SECTIONS 2-481 THROUGH 2-406
- CAMPAIGN CONTRIBUTIONS BY VENDORS..... CITY CODE SECTION 2-487
- CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... CITY CODE SECTION 2-488
- REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... CITY CODE SECTION 2-373
- LIVING WAGE REQUIREMENT..... CITY CODE SECTIONS 2-407 THROUGH 2-410

- PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... CITY CODE SECTION 2-374
- FALSE CLAIMS ORDINANCE..... CITY CODE SECTION 70-300
- ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... CITY CODE SECTION 2-449

9. 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*.

10. PROTESTS. Protests concerning the specifications, requirements, and/or terms; or protests after the proposal due date in accordance with City Code Section 2-371, which establishes procedures for protested proposals and proposed awards. Protests not submitted in a timely manner pursuant to the requirements of City Code Section 2-371 shall be barred.

11. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City of Miami Beach Ordinance No. 2011-3748, the City shall give a five (5) point 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.

12. 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. 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.

13. ACCEPTANCE OR REJECTION OF PROPOSALS. The City reserves the right to reject any or all proposals prior to award. Reasonable efforts will be made to either award the Contract or reject all proposals within one-hundred twenty (120) calendar days after proposals opening date. A Proposer may not withdraw its proposals unilaterally before the expiration of one hundred and twenty (120) calendar days from the date of proposals opening.

14. PROPOSER'S RESPONSIBILITY. Before submitting a Proposal, 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.

15. 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.

16. 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.

17. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

18. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this RFP. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

19. 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.

20. 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.

21. 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.

22. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

23. ANTI-DISCRIMINATION. The Proposer certifies that he/she 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.

24. DEMONSTRATION OF COMPETENCY.

- 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. INDEMNIFICATION. The contractor 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 contractor 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.

31. 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.

32. 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.

33. 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.

34. EXCEPTIONS TO RFP. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the RFP to which Proposer took exception to (as said term and/or condition was originally set forth on the RFP).

35. 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.

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SECTION 0300 PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED RESPONSES. One original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted and delivered to City of Miami Beach, Procurement Department, 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE BIDS. Bid Proposals are to be received on or before the due date established herein for the receipt of Bids. **Any Bid received after the deadline established for receipt of proposals will be considered late and not be accepted or will be returned to Proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of proposals, it is strongly recommended that proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

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

TAB 2	Experience & Qualifications
<p>2.1 Qualifications of Proposing Firm. 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. For each project that the Proposer submits as evidence of similar experience, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.</p>	
<p>2.2 Qualifications of Proposer Team. 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 Proposal team member to be assigned to this contract.</p>	
<p>2.3 Financial Capacity. Each Proposer shall arrange for Dun & 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 & 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:</p>	
<p style="text-align: center;">https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696</p>	
<p>Proposers 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,</p>	



contact Dun & Bradstreet at 800-424-2495.

TAB 3 Scope of Services Proposed

Submit detailed information addressing how Proposer will achieve each portion of the scope of services and technical requirements outlined in Appendix C, Minimum Requirements and Specifications.

Responses shall be in sufficient detail and include supporting documentation, as applicable, which will allow the Evaluation Committee to complete a fully review and score the proposed scope of services.

TAB 4 Approach and Methodology

Submit detailed information on 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, testing and risk mitigation options for assuring project is implemented on time and within budget.

TAB 5 Cost Proposal

Submit a completed Cost Proposal Form (Appendix E).

Note: After proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

SECTION 0400
PROPOSAL EVALUATION

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the solicitation. If further information is desired, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of proposals will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the proposals only. 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. 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 Proposal 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; or
- review all proposals received and short-list one or more Proposers to be further considered during subsequent interview session(s) (using the same criteria).

Step 1 - Qualitative Criteria	Maximum Points
Proposer Experience and Qualifications, including Financial Capability	30
Scope of Services Proposed	20
Approach and Methodology	30
TOTAL AVAILABLE STEP 1 POINTS	

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

Step 2 - Quantitative Criteria	
Cost Proposal	20
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	

4. Cost Proposal Evaluation. The cost proposal points shall be developed in accordance with the following formula:

Sample Objective Formula for Cost				
Vendor	Vendor Cost Proposal	Example Maximum Allowable Points (Points noted are for illustrative purposes only. Actual points are noted above.)	Formula for Calculating Points (lowest cost / cost of proposal being evaluated X maximum allowable points = awarded points) Round to	Total Points Awarded
Vendor A	\$100.00	20	$\$100 / \$100 \times 20 = 20$	20
Vendor B	\$150.00	20	$\$100 / \$150 \times 20 = 13$	13
Vendor C	\$200.00	20	$\$100 / \$200 \times 20 = 10$	10

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
Low Aggregate Score		3	7	8
Final Ranking*		1	2	3

* 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

Proposal Certification, Questionnaire & Requirements Affidavit

RFP 2015-061-LR
BACKGROUND INVESTIGATION
SERVICES

PROCUREMENT DEPARTMENT
1700 Convention Center Drive
Miami Beach, Florida 33139

Solicitation No: 2015-061-LR	Solicitation Title: Background Investigation Services	
Procurement Contact: Lourdes Rodriguez	Tel: 305-673.7000 x 6652	Email: lourdesrodriguez@miamibeachfl.gov

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:		
No of Years in Business:	No of Years in Business Locally:	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/.

7. **Living Wage.** On September 30, 2014, the Mayor and city Commission adopted Ordinance 2014-3897 amending Section 2-408 of Division 6, Article VI, of Chapter 2 of the Miami Beach City Code, by increasing the living wage rate to \$13.31 an hour without health benefits or \$11.62 an hour with health benefits of at least \$1.69 an hour with an effective date of January 1, 2015.

Failure to comply with this provision shall be deemed a material breach under this ITN, 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 on the Living wage requirements you may contact the City's Contract 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/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City’s e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Bid or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of proposal submitted; Proposer has not divulged, discussed, or compared the proposal with other Proposers and has not colluded with any other Proposer or party to any other proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of _____)
)
 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:

 Notary Public for the State of Florida
 My Commission Expires: _____.

Miami Beach
 RFP 2015-061-LR
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APPENDIX B



MIAMI BEACH

“No Bid” Form

RFP 2015-061-LR Background Investigation Services

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 PROPOSAL AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

- Workload does not allow us to proposal
- Insufficient time to respond
- Specifications unclear or too restrictive
- Unable to meet specifications
- Unable to meet service requirements
- Unable to meet insurance requirements
- Do not offer this product/service
- OTHER. (Please specify)

We do do not want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
PROCUREMENT DEPARTMENT
ATTN: Lourdes Rodriguez
PROPOSAL #2015-061-LR
1700 Convention Center Drive, 3rd Floor
Miami Beach, FL 33139

Miami Beach RFP 2015-061-LR Appendix B - Page 1

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

RFP 2015-061-LR
Background Investigation Services

PROCUREMENT DEPARTMENT
1700 Convention Center Drive
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. Proposers that fail to comply with minimum requirements will be deemed non-responsive and will not be considered.

- A. Successful proposer shall have been in the business of providing pre-employment background investigations for a minimum of three (3) years to perform services as described in this RFP by submitting a copy of their Business Tax Receipt.
- B. Shall be licensed in the State of Florida as a Class "A" Private Investigative Agency.
- C. Successful proposer's investigators shall be licensed in the State of Florida as a "Class C" Private Investigator. Proof of licensing must be submitted with proposal or within three (3) business days of request by the City.
- D. Successful proposer shall be located within the tri-county area, Miami-Dade, Broward or Palm Beach counties.

C2. Statement of Work Required.

The City of Miami Beach is contracting the professional services of an experienced and qualified firm to conduct pre-employment background investigation services for the Human Resources Department for the following groups: Sworn, Non-Sworn, Public Safety Communications Unit, Fire Department, General Employees and Contracted Personnel.

C3. General Specifications

- The contractor's corporate officers and its investigators must successfully complete a Miami Beach Police Department (MBPD) background investigation prior to work commencing.
- The contractor must abide by all Federal and Florida statutes concerning pre-employment background investigations. The contractor must also abide by the Florida Department of Law Enforcement (FDLE) Background Investigation Procedures when conducting pre-employment background investigations for the Police Department.
- When conducting pre-employment backgrounds for the Fire Department, the contractor shall ensure applicants meet the minimum requirements and qualifications established in Florida Statute Chapter 633 and the Division of State Fire Marshal (FM) Administrative Rule 69A-37.
- The contractor shall submit a complete a Background Investigation Report as per the specifications. Any additions or deletions to a previously submitted report will require a completely new report (not just an addendum to the original).
- The contractor shall conduct any post-report follow up investigations as directed by the City of Miami Beach.

- Only City of Miami Beach approved/authorized forms are to be used by the contractor when conducting pre-employment background investigations. The unauthorized use of forms with the logo, badge, or any other identifiable City of Miami Beach symbol shall result in contract termination.
- Pre-employment background investigations shall be completed within three weeks of commencement.
- Any City of Miami Beach property as described herein issued to contractor and investigators is only to be used for conducting City of Miami Beach pre-employment backgrounds. Violations of this policy shall result in contract termination.
- All City of Miami Beach property issued to contractor and investigators is the sole property of the City of Miami Beach. All property, to include but not be limited to, identification cards and parking permits, must be returned within five working days of the contract's termination date or within five working days of an investigator leaving the employment of the contractor.
- It will be the responsibility of the contractor to collect any City of Miami Beach property from any investigator leaving the contractor's employment and returning it to the City.
- It will be the responsibility of the contractor to report in writing to the City of Miami Beach the departure or termination of any investigator working for the contractor and assigned to work on City of Miami Beach pre-employment background investigations. The document must state the reason for departure or termination and if any improprieties were committed by the investigator.
- If the contractor or any of its investigators conducting City of Miami Beach pre-employment background investigations becomes the subject of any FDLE or other law enforcement agency investigation, it must be reported, in writing, to the City of Miami Beach Manager within three working days.
- All documents obtained during the course of the pre-employment background investigation must be turned in with the final background report.
- The contractor shall not incur any travel expenses in the course of conducting a pre-employment background investigation without prior written approval.
- The contractor shall submit one final invoice per pre-employment background investigation completed detailing hours worked.

POLICE DEPARTMENT

Classification I: Sworn Personnel

General - the investigator shall:

- Interview and review the employment application and Personal History Questionnaire with the applicant.
- Conduct said interview prior to commencement of any other activity associated with the pre-employment background investigation.
- Contact applicant as needed during the pre-employment background investigation.
- Have the applicant execute all authorizations and/or waivers necessary to facilitate the collection of information.

Initial pre-employment background report - the investigator shall:

- Conduct a comprehensive computerized search utilizing TransUnion TLOxp, Westlaw's Clear, LexisNexis or other similar databases.
- Use the computerized report to confirm information provided by applicant in the Personal History Questionnaire and initial interview; to include social security number, date of birth, employment history, residential history, driver history; and other information.
- Identify discrepancies, conflicting information between information on the Personal History Questionnaire and the report.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Minimum age verification - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Personally observe and note date of birth on original documents to include birth certificate, driver's license, or naturalization certificate and place copies in investigative file.

Citizenship verification - the investigator shall review information provided by the applicant on the Personal History Questionnaire.

- If born in the United States:
 1. Personally observe original birth certificate, place a copy in the investigative file.
 2. Verify birth certificate through The Bureau of Vital Statistics in the state/county/city in which the applicant was born.
 3. Place a printout of the verification in investigative file.
- If naturalized citizen:
 1. Personally observe original naturalization certificate; place a copy in investigative file.
 2. Note naturalization certificate number in investigative file
 3. Verify the naturalization certificate through the U.S. Citizenship and Immigration Services.
 4. Place a printout of the verification in investigative file.
- Social security number verification:
 1. Personally observe original social security card, place a copy in investigative file.
 2. Verify the social security number through the Social Security Administration via www.ssa.gov.
 3. Place a printout of the verification in investigative file.

Selective Service Registration (males only) - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Personally observe original selective service registration card; place a copy in investigative file.
- Verify the selective service registration number through Selective Service and National Archives websites, www.sss.gov and www.archives.gov.

- Place a printout of the verification in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in the investigative file.

Police Academy / Florida Department of Law Enforcement (FDLE) Certification - the investigator shall:

- Obtain written police academy verification to include attendance, graduation, grades and class ranking.
- Contact FDLE and obtain written verification that applicant passed the Officer Certification Exam as well as date of exam.

Other law enforcement agencies applied to - the investigator shall:

- Contact all police departments where the applicants have applied to become police officers, review their applications and compare to the Personal History Questionnaire for additions or omissions.
- Determine applicants' standing in the hiring process with other departments.

High school/General Educational Development (GED) verification – the investigator shall:

- Personally observe original high school diploma/GED certificate and place a copy in investigative file.
- Have applicants provide official sealed copies of their high school transcripts, place sealed envelopes in investigative files.
- Verify schools' accreditation and applicants' attendance through a third party service such as www.studentclearinghouse.org.
- Place a printout of verifications in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

College verification – the investigator shall:

- Personally observe original college diploma, if any, place a copy in investigative file.
- Have applicants provide official sealed copies of their college transcripts, place sealed envelopes in investigative files.
- Verify schools' accreditation and applicants' attendance through a third party service such as www.studentclearinghouse.org.
- Place a printout of verifications in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Credit report - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Independently obtain and review a credit report from Equifax, Experian or TransUnion; place a copy in investigative file.
- Inform the applicant of any noted deficiencies and require a written explanation; placed in investigative file.

Employment history - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Verify the applicant's employment history for the preceding ten (10) years by contacting and interviewing all employers listed by the applicant. Interview must include job performance and determine if applicant is eligible to be re-hired.
- Place copy of all interview notes in investigative file.
- Further verify the applicant's employment history for the preceding ten (10) years by contacting the Social Security Administration at www.ssa.gov.
- Place a printout of the Social Security Administration verifications in investigative file.
- Place a printout of the verifications in investigative file.
- Obtain the last three (3) years of performance evaluations from current/previous employers; place in investigative file.
- Require applicants to provide written explanations for all disciplinary actions, including verbal counseling; place in investigative files.
- Require applicants to provide written explanations for all periods of unemployment during the ten (10) year period; place in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Current and past law enforcement officers:

- Contact current and past employers and obtain an Internal Affairs Profile Report and copies of all discipline/internal departmental investigations; place copies in investigative files.
- Investigations involving certified applicants require reviewing present and past police department employer files to include Internal Affairs, Field Training (FTO) files, Training section files, Background file, Personnel file, etc. A copy of the Applicant's file at each department must be obtained. Verify facts and reasons related to separations of employment.

Character references - the investigator shall:

- Interview the character references provided on the PHQ and produce a report detailing information gathered. Interview should be designed to determine applicant's suitability for a law enforcement position and include standardized questions previously approved by the City of Miami Beach.
- Develop three (3) additional character references and complete a report detailing information gathered. Interview should be designed to determine applicant's suitability for a sworn law enforcement position and include standardized questions previously approved by the City of Miami Beach.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Military records - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Personally observe original Department of Defense DD Form 214; place a copy in investigative file.
- Require the applicant to complete and sign a Request for Military Records (SF-180). The form can be found at www.archives.gov/research/order/standard-form-180.pdf
- Mail the request to the address indicated on the SF-180.
- Upon receipt of military records, place a copy in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies to be placed in investigative file.

Driver history - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Obtain a complete driver history record from all counties/states in which the applicant has resided.
- Place a copy of all records in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Neighborhood check - the investigator shall:

- Interview a minimum of three (3) of the applicant's neighbors. Interviews should be designed to determine applicant's suitability for a sworn law enforcement position and include standardized questions previously approved by the City of Miami Beach. Interviewed neighbors should live in close proximity to applicant, preferably next door and across the street.
- Complete a report detailing information gathered during interview.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Social media – the investigator shall conduct a social media search to assist in assessing the suitability of the applicant for employment as a sworn law enforcement officer.

Pre-employment background report - the investigator shall:

- Create a comprehensive report detailing findings related to all the aforementioned areas of investigation.
- Ensure the report mirrors this scope of work in format. Include separate sections for each of the investigative areas as well as an "Issues" section, detailing all areas of concern in reference to the applicant's suitability for a law enforcement position.
- Ensure the file contains all required supporting documents.
- Place into the investigative file all reports generated, information gathered, supporting documentation and correspondence with any and all persons contacted during the investigation, including the applicant.

Classification II and III: Non-Sworn Personnel and Public Safety Communications Unit

Classification II and III non-sworn personnel pre-employment checks are differentiated **only** by the fact that a Classification II calls for a ten (10) year employment history verification while a Classification III calls for a five (5) year employment history verification. The pre-employment checks for applicants to the Public Safety Communications unit also require a ten (10) year employment history verification. Every other factor is the same for the three types of pre-employment background check classifications.

General - the investigator shall:

- Interview and review the employment application and Personal History Questionnaire (PHQ) with the applicant.
- Conduct said interview prior to commencement of any other activity associated with the pre-employment background investigation.
- Contact applicant as needed during the pre-employment background investigation.
- Have the applicant execute all authorizations and/or waivers necessary to facilitate the collection of information.

Initial pre-employment background report - the investigator shall:

- Conduct a comprehensive computerized search utilizing TransUnion TLO, Westlaw's Clear, LexisNexis or other similar databases.
- Use the computerized report to confirm information provided by applicant in the Personal History Questionnaire and initial interview; to include social security number, date of birth, employment history, residential history, driver history; and other information.
- Identify discrepancies, conflicting information between information on the Personal History Questionnaire and the report.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.
- Social security number verification:
 1. Personally observe original social security card, place a copy in investigative file.
 2. Verify the social security number through the Social Security Administration via www.ssa.gov.
 3. Place a printout of the verification in investigative file.

Other law enforcement agencies applied to - the investigator shall:

- Contact all police departments where the applicants have applied, review their applications, and compare other applications to the Personal History Questionnaire for additions or omissions.
- Determine applicants' standing in the hiring process with other departments.

High school/General Educational Development (GED) verification – the investigator shall:

- Personally observe original high school diploma/GED certificate; place a copy in investigative file.
- Have applicants provide official sealed copies of their high school transcripts, place sealed envelopes in investigative files.
- Verify schools' accreditation and applicants' attendance through a third party service such as www.studentclearinghouse.org.
- Place a printout of verifications in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

College verification – the investigator shall:

- Personally observe original college diploma, if any, place a copy in investigative file.
- Have applicants provide official sealed copies of their college transcripts, place sealed envelopes in investigative files.
- Verify schools' accreditation and applicants' attendance through a third party service such as www.studentclearinghouse.org.
- Place a printout of verifications in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Credit report - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Independently obtain and review a credit report from Equifax, Experian, or TransUnion; place a copy in investigative file.
- Inform the applicant of any noted deficiencies and require a written explanation; placed in investigative file.

Employment history - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Verify the applicant's employment history for the preceding ten (10) OR five (5) years by contacting and interviewing all employers listed by the applicant. Interview must include job performance and determine if applicant is eligible to be re-hired.
- Place copy of all interview notes in investigative file.
- Further, verify the applicant's employment history for the preceding ten (10) OR five (5) years by contacting the Social Security Administration at www.ssa.gov.
- Place a printout of the Social Security Administration verifications in investigative file.
- Place a printout of the verifications in investigative file.
- Obtain the last three (3) years of performance evaluations from current/previous employers; place in investigative file.
- Require applicants to provide written explanations for all disciplinary actions, including verbal counseling; place in investigative files.

- Require applicants to provide written explanations for all periods of unemployment during the ten (10) OR five (5) year period; place in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Character references - the investigator shall:

- Interview the character references provided on the Personal History Questionnaire and generate a report detailing information gathered. Interview should be designed to determine applicant's suitability for a law enforcement position and include standardized questions previously approved by the City of Miami Beach.
- Develop three (3) additional character references and complete a report detailing information gathered. Interview should be designed to determine applicant's suitability for employment and include standardized questions previously approved by the City of Miami Beach.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Selective service registration (males only) - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Personally observe original selective service registration card; place a copy in investigative file.
- Verify the selective service registration number through Selective Service and National Archives websites, www.sss.gov and www.archives.gov.
- Place a printout of the verification in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in the investigative file.

Military records - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
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- Mail the request to the address indicated on the SF-180.
- Upon receipt of military records, place a copy in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies to be placed in investigative file.

Driver history - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Obtain a complete driver history record from all counties/states in which the applicant has resided.
- Place a copy of all records in investigative file.

- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Social media – the investigator shall conduct a social media search to assist in assessing the suitability of the applicant for employment.

Pre-employment background report - the investigator shall:

- Create a comprehensive report detailing findings related to all the aforementioned areas of investigation.
- Ensure the report mirrors this scope of work in format. Include separate sections for each of the investigative areas as well as an “Issues” section, detailing all areas of concern in reference to the applicant’s suitability for a law enforcement position.
- Ensure the file contains all required supporting documents.
- Place into the investigative file all reports generated, information gathered, supporting documentation and correspondence with any and all persons contacted during the investigation, including the applicant.

FIRE DEPARTMENT

The Fire Department may request any of the below services. The Fire Chief will have the final decision on which services will be performed during the background process.

General - the investigator shall:

- Have the applicant execute all authorizations and/or waivers necessary to facilitate the collection of information.

Initial pre-employment background report - the investigator shall:

- Conduct a comprehensive computerized search utilizing TransUnion TLOxp, Westlaw’s Clear, LexisNexis or other similar databases.
- Use the computerized report to confirm information provided by applicant in the Personal History Questionnaire and initial interview; to include social security number, date of birth, employment history, residential history, driver history; and other information.
- Identify discrepancies, conflicting information between information on the Personal History Questionnaire and the report.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file
- Social security number verification:
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- Obtain a complete driver history record from all counties/states in which the applicant has resided.
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- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Credit report - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Independently obtain and review a credit report from Equifax, Experian or TransUnion; place a copy in investigative file.
- Inform the applicant of any noted deficiencies and require a written explanation; placed in investigative file.

Selective service registration (males only) - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Personally observe original selective service registration card; place a copy in investigative file.
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Military records - the investigator shall:

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- Mail the request to the address indicated on the SF-180.
- Upon receipt of military records, place a copy in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies to be placed in investigative file.

Employment history - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Visit or contact no fewer than three (3) former places of employment, if applicable. Out of town employers shall be contacted via telephone, email, mail or facsimile to complete employment reference checks.

- Verify the applicant's employment history up to the preceding ten (10) years, if applicable, by contacting and interviewing all employers listed by the applicant. Interview must include job performance and determine if applicant is eligible to be re-hired.
- Place copy of all interview notes in investigative file.
- Further verify the applicant's employment history for the preceding ten (10) years by contacting the Social Security Administration at www.ssa.gov.
- Place a printout of the Social Security Administration verifications in investigative file.
- Place a printout of the verifications in investigative file.
- Obtain the last three (3) years of performance evaluations from current/previous employers; place in investigative file.
- Require applicants to provide written explanations for all disciplinary actions, including verbal counseling; place in investigative files.
- Require applicants to provide written explanations for all periods of unemployment during the ten (10) year period; place in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Character references - the investigator shall:

- Interview the character references provided on the Personal History Questionnaire and complete a report detailing information gathered. Interview should be designed to determine applicant's suitability for employment and include standardized questions previously approved by the City of Miami Beach.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Neighborhood check - the investigator shall:

- Interview a minimum of three (3) of the applicant's neighbors. Interviews should be designed to determine applicant's suitability for employment and include standardized questions previously approved by the City of Miami Beach. Interviewed neighbors should live in close proximity to applicant, preferably next door and across the street.
- Complete a report detailing information gathered during interview.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file.

Social media – the investigator shall conduct a social media search to assist in assessing the suitability of the applicant for employment.

Pre-employment background report - the investigator shall:

- Create a comprehensive report detailing findings related to all the aforementioned areas of investigation.
- Ensure the report mirrors this scope of work in format. Include separate sections for each of the investigative areas as well as an "Issues" section, detailing all areas of concern in reference to the applicant's suitability for a law enforcement position.

- Ensure the file contains all required supporting documents.
- Place into the investigative file all reports generated, information gathered, supporting documentation and correspondence with any and all persons contacted during the investigation, including the applicant.

GENERAL EMPLOYEES AND CONTRACTOR EMPLOYEES

Initial pre-employment background report - the investigator shall:

- Conduct a comprehensive computerized search utilizing TransUnion TLO, Westlaw's Clear, LexisNexis or other similar databases.
- Use the computerized report to confirm information provided by applicant to include social security number, date of birth, employment history, residential history, driver history; and other information.
- Identify discrepancies, conflicting information between information on the employment application and the report.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in investigative file

Employment history – the investigator shall:

- Review information provided by the applicant.
- Verify the applicant's employment history for the preceding ten (10) years by contacting and interviewing all employers listed by the applicant. Interview must include job performance and determine if applicant is eligible to be re-hired.
- Place copy of all interview notes in investigative file.
- Further verify the applicant's employment history for the preceding ten (10) years by contacting the Social Security Administration at www.ssa.gov.
- Place a printout of the Social Security Administration verifications in investigative file.
- Place a printout of the verifications in investigative file.
- Obtain the last three (3) years of performance evaluations from current/previous employers; place in investigative file, if available.
- Require applicants to provide written explanations for all disciplinary actions, including verbal counseling; place in investigative files.
- Require applicants to provide written explanations for all periods of unemployment during the ten (10) year period; place in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Selective service registration (males only) - the investigator shall:

- Review information provided by the applicant on the Personal History Questionnaire.
- Personally observe original selective service registration card; place a copy in investigative file.

- Verify the selective service registration number through Selective Service and National Archives websites, www.sss.gov and www.archives.gov.
- Place a printout of the verification in investigative file.
- Require the applicant to provide a written explanation for any and all negative findings and discrepancies; place in the investigative file.

College verification – the investigator shall:

- Personally observe original college diploma, if any, place a copy in investigative file.
- Have applicants provide official sealed copies of their high school transcripts, place sealed envelopes in investigative files.
- Verify schools' accreditation and applicants' attendance through a third party service such as www.studentclearinghouse.org.
- Place a printout of verifications in investigative files.
- Require applicants to provide written explanations for any and all negative findings and discrepancies; place in investigative files.

Social media – the investigator shall conduct a social media search, as requested, to assist in assessing the suitability of the applicant for employment.

Pre-employment background report - the investigator shall:

- Create a comprehensive report detailing findings related to all the aforementioned areas of investigation.
- Ensure the report mirrors this scope of work in format. Include separate sections for each of the investigative areas as well as an "Issues" section, detailing all areas of concern in reference to the applicant's suitability for employment.
- Ensure the file contains all required supporting documents.
- Place into the investigative file all reports generated, information gathered, supporting documentation and correspondence with any and all persons contacted during the investigation, including the applicant.

Contracted Personnel

- Conduct a 10 panel drug screen, determined by the City, at an approved laboratory and in accordance with the procedures in Title 49 Code of Federal Regulations, Part 40.
- Conduct a level 2 criminal background screen. Gather all documents pertaining to any criminal history, e.g., arrest report, court documents, etc.
- Provide a comprehensive report of the findings attaching all pertinent documentation.

BACKGROUND INVESTIGATIONS CLASSIFICATIONS:

Classification I - Sworn

Police Officer
Reserve Officer
Detention Officer

Classification II – Non-sworn

Crime Scene Technician
Domestic Violence Coordinator
Executive Office Associate
Firearm Specialist
Police Commander
Police Records Supervisor
Police Plans & Policies Manager
Public Safety Management and Budget Analyst
Public Safety Payroll Administrator
Police Records Manager
Public Information Officer (non-sworn)
Public Safety Specialist
Senior CSI
Senior Systems Analyst

Classification III – Non-sworn

Account Clerk
Administrative Aide
Administrative Assistant
CAD/RMS Manager
Clerk Typist
Crime Analyst
Data Entry Clerk
Information Technician
Municipal Service Worker
Network Administrator
Office Associate
Police Fleet Specialist
Police Photographer
Police Financial Assistant
Property and Evidence Technician
Records Technician
Records Unit Supervisor
School Crossing Guard
Victim's Advocate

Public Safety Communications Unit

Communications Operator
Communications Supervisor
Communications Manager
Complaint Operator
Public Safety Communications Unit Director
911 Communications Records Custodian
Dispatcher

Fire Department

Firefighter

General Employees and Contractor Employees

All other civilian positions.

APPENDIX D



MIAMI BEACH

Special Conditions

RFP 2015-061-LR
Background Investigations Services

PROCUREMENT DEPARTMENT
1700 Convention Center Drive
Miami Beach, Florida 33139

1. **TERM OF CONTRACT.** The contract shall commence upon the date of notice of award and shall be effective for two (2) years.

2. **OPTIONS TO RENEW.** The City, through its City Manager, will have the option to extend for two (2) additional two-year periods subject to the availability of funds for succeeding fiscal years.

3. **PRICES SHALL BE FIXED AND FIRM:** All prices quoted in the awardee's bid submittal shall remain firm and fixed, unless amended in writing by the City.

3.1 COST ESCALATION. Prices must be held firm during the initial term of the agreement. During the renewal term, the City may consider prices increases not to increase the applicable Bureau of Labor Statistics (www.bls.gov) CPI-U index or 3%, whichever is less. The City may also consider increases based on mandated Living Wage increases. In considering cost escalation due to Living Wage increases, the City will only consider the direct costs related to Living Wage increases, exclusive of overhead, profit or any other related cost.

4. **EXAMINATION OF FACILITIES. N/A**

5. **PERFORMANCE BOND. N/A**

6. **DELIVERY REQUIREMENTS. N/A**

7. **WARRANTY REQUIREMENTS. N/A**

8. **BACKGROUND CHECKS.** The contractor's corporate officers and its investigators must successfully complete to a Miami Beach Police Department (MBPD) background investigation prior to work commencing.

9. **FAILURE TO PERFORM.** Should it not be possible to reach the contractor or supervisor and/or should remedial action not be taken within 48 hours of any failure to perform according to specifications, the City reserves the right to declare Contractor in default of the contract or make appropriate reductions in the contract payment.

10. **ADDITIONAL SERVICES.** Services not specifically identified in this request may be added to any resultant contract upon successful negotiations and mutual consent of the contracting parties.

APPENDIX E



MIAMI BEACH

Cost Proposal Form

RFP 2015-061-LR
Background Investigations Services

PROCUREMENT DEPARTMENT
1700 Convention Center Drive
Miami Beach, Florida 33139

APPENDIX E PROPOSAL TENDER FORM

Failure to submit Section 5, Proposal Tender Form, in its entirety and fully executed by the deadline established for the receipt of proposals will result in proposal being deemed non-responsive and being rejected.

Bidder affirms that the prices stated on the proposal price form below represents the entire cost of the items in full accordance with the requirements of this RFP, inclusive of its terms, conditions, specifications and other requirements stated herein, and that no claim will be made on account of any increase in wage scales, material prices, delivery delays, taxes, insurance, cost indexes or any other unless a cost escalation provision is allowed herein and has been exercised by the City Manager in advance. The Bid Price Form (Section 5) shall be completed mechanically or, if manually, in ink. **Proposal Tender Forms (Section 5) completed in pencil shall be deemed non-responsive.** All corrections on the Proposal Tender Form (Section 5) shall be initialed.

GROUP 1 – POLICE & PUBLIC SAFETY EMPLOYEES					
Item	Description	Quantity	U / M	Unit Cost	Total (Quantity X Unit Cost)
1	Classification I	130	Per Investigation	\$	\$
2	Classification II	30	Per Investigation	\$	\$
3	Classification III & Public Safety Communications Unit	60	Per Investigation	\$	\$
TOTAL					\$

GROUP 2- FIRE					
Item	Description	Quantity	U / M	Unit Cost	Total (Quantity X Unit Cost)
4	Fire Department	30	Per Investigation	\$	\$
TOTAL					\$

GROUP – GENERAL EMPLOYEES AND CONTRACTED PERSONNEL					
Item	Description	Quantity	U / M	Unit Cost	Total (Quantity X Unit Cost)
5	General Employees and Contracted Employees	150	Per Investigation	\$	\$
TOTAL					\$

Bidder's Affirmation
Company:
Authorized Representative:
Address:
Telephone:
Email:
Authorized Representative's Signature:

APPENDIX F

Insurance Requirements

RFP 2015-061-LR Background Investigations Services

PROCUREMENT DEPARTMENT
1700 Convention Center Drive
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.

- XXX 1. Workers' Compensation and Employer's Liability per the Statutory limits of the state of Florida.
- XXX 2. Comprehensive General Liability (occurrence form), limits of liability \$ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).
- XXX 3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
- ___ 4. Excess Liability - \$_____.00 per occurrence to follow the primary coverages.
- XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.
- ___ 6. Other Insurance as indicated:

___ Builders Risk completed value	\$_____.00
___ Liquor Liability	\$_____.00
___ Fire Legal Liability	\$_____.00
___ Protection and Indemnity	\$_____.00
___ Employee Dishonesty Bond	\$_____.00
___ Other	\$_____.00
- XXX 7. Thirty (30) days written cancellation notice required.
- XXX 8. Best's guide rating B+:VI or better, latest edition.
- XXX 9. The certificate must state the proposal number and title

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.

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COMMISSION ITEM SUMMARY

Condensed Title:

REQUEST APPROVAL TO ISSUE AN INVITATION TO NEGOTIATE (ITN) FOR PROPERTY MANAGEMENT AND MAINTENANCE SERVICES FOR THE AFFORDABLE RESIDENTIAL PROPERTIES OWNED OR ANTICIPATED TO BE ACQUIRED BY THE CITY.

Key Intended Outcome Supported:

Streamline The Delivery Of Services Through All Departments. Ensure Workforce Housing For Key Industry Workers Is Available In Suitable Locations

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

Item Summary/Recommendation:

The City currently owns the affordable housing residential property known as London House. Additionally, on September 17, 2014 the City Commission adopted Resolution No. 2014-28756 directing the City Manager to proceed with the purchase of the following residential properties from Miami Beach Community Development Corporation (MBCDC): Allen Apartments, Barclay Plaza Apartments, Lottie Apartments, Madeleine Village Apartments, and Neptune Apartments. These properties represent a total of 189 residential units.

The anticipated acquisition of these affordable residential properties and the expected rehabilitation of the London House Apartments, which are estimated to occur between December 2014 and December 2015, will trigger a need for maintenance services to ensure that these properties are adequately maintained and that tenant service requests for maintenance are addressed in a timely, professional manner. Since all of the buildings were acquired and/or rehabilitated with U.S. Department of Housing and Urban Development (HUD) funds, these properties will need to be maintained in working order to ensure the provision of safe, sanitary housing in accordance with HUD requirements. With this goal in mind, the City is seeking to issue an invitation to negotiate (ITN) to seek proposals and negotiate with one or more qualified professional property managers.

CITY MANAGER'S RECOMMENDATION

The Administration recommends that the Mayor and Commission authorize the issuance of the ITN 2015-055-WG for Management and Maintenance Services for City Owned Residential Properties.

Advisory Board Recommendation:

N/A

Source of Funds: The funding will be derived from rent collection.

Financial Impact Summary: The annual cost of these services is subject to funds availability approved through the City's budgeting process.

City Clerk's Office Legislative Tracking:

Alex Denis, Director Ext # 6641

Sign-Offs:

Department Director		Assistant City Manager		City Manager
AD	MLR	M	KGB	JLM

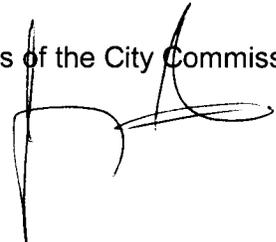
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COMMISSION MEMORANDUM

To: Mayor Philip Levine and Members of the City Commission

From: Jimmy L. Morales, City Manager 

Date: January 14, 2015

Subject: **REQUEST APPROVAL TO ISSUE AN INVITATION TO NEGOTIATE (ITN) FOR MANAGEMENT AND MAINTENANCE SERVICES FOR THE AFFORDABLE RESIDENTIAL PROPERTIES OWNED OR ANTICIPATED TO BE ACQUIRED BY THE CITY.**

KEY INTENDED OUTCOME

Streamline The Delivery Of Services Through All Departments. Ensure Workforce Housing For Key Industry Workers Is Available In Suitable Locations

BACKGROUND

The City currently owns the affordable housing residential property known as London House. Additionally, on September 17, 2014 the City Commission adopted Resolution No. 2014-28756 directing the City Manager to proceed with the purchase of the following residential properties from Miami Beach Community Development Corporation (MBCDC): Allen Apartments, Barclay Plaza Apartments, Lottie Apartments, Madeleine Village Apartments, and Neptune Apartments. These properties represent a total of 189 residential units as follows:

Property	Address	Units
Allen Apartments	2001 Washington Avenue	39
Barclay Plaza	1940 Park Avenue	66
London House Apartments	1965-75 Washington Avenue	24
Lottie Apartments	530 – 75 th Street	9
Madeleine Village Apartments	7871 Crespi Boulevard	16
Neptune Apartments	1632 Meridian Avenue	35
TOTALS		189

The anticipated acquisition of these affordable residential properties and the expected rehabilitation of the London House Apartments, which are estimated to occur between December 2014 and December 2015, will trigger a need for maintenance services to ensure that these properties are adequately maintained and that tenant service requests for maintenance are addressed in a timely, professional manner. Since all of the buildings were acquired and/or rehabilitated with U.S. Department of Housing and Urban Development (HUD) funds, these properties will need to be maintained in working order to ensure the provision of safe, sanitary housing in accordance with HUD requirements. With this goal in mind, the City is seeking to issue an invitation to negotiate (ITN) to seek proposals and negotiate with one or more qualified professional property managers.

SCOPE OF SERVICES

The required scope of services would include: day-to-day maintenance of the properties, including unexpected emergencies; creating a maintenance tracking and preventative maintenance program; and, assisting the City in the capital needs planning for each property. The Property Manager will also assist in making recommendations regarding the selection of materials that will improve the longevity of project components and will use qualified and trained maintenance staff and vendors with adequate oversight for quality control.

OTHER ITN REQUIREMENTS

- **MINIMUM QUALIFICATIONS.** Please reference, Appendix C, ITN 2015-055-WG for Management and Maintenance Services for City Owned Residential Properties.
- **SUBMITTAL REQUIREMENTS.** Please Reference 0300, ITN 2015-055-WG for Management and Maintenance Services for City Owned Residential Properties.
- **CRITERIA FOR EVALUATION.** Please Reference 0400, ITN 2015-055-WG for Management and Maintenance Services for City Owned Residential Properties.

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the ITN 2015-055-WG for Management and Maintenance Services for City Owned Residential Properties.

INVITATION TO NEGOTIATE (ITN)

MANAGEMENT AND MAINTENANCE SERVICES FOR CITY OWNED PROPERTIES

2015-055-WG

ITN ISSUANCE DATE: JANUARY XX, 2015

PROPOSALS DUE: FEBRUARY XX, 2015 @ 3:00 PM

ISSUED BY:



MIAMIBEACH

WILLIAM GARVISO, PROCUREMENT COORDINATOR

DEPARTMENT OF PROCUREMENT MANAGEMENT

1700 Convention Center Drive, Miami Beach, FL 33139

305.673.7000 x 6650 | www.miamibeachfl.gov

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0300	SUBMITTAL INSTRUCTIONS & FORMAT	9
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APPENDIX B	“NO PROPOSAL” FORM
APPENDIX C	MINIMUM REQUIREMENTS & SPECIFICATIONS
APPENDIX D	SPECIAL CONDITIONS
APPENDIX E	COST PROPOSAL FORM
APPENDIX F	INSURANCE REQUIREMENTS

SECTION 0200 INSTRUCTIONS TO PROPOSERS & GENERAL CONDITIONS

1. GENERAL. This Invitation to Negotiate (ITN) is issued by the City of Miami Beach, Florida (the “City”), as the means for prospective Proposers to submit their qualifications, proposed scopes of work and cost Proposals (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 Proposers and, subsequently, the successful Proposer(s) (the “contractor[s]”) if this ITN results in an award.

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

2. PURPOSE.

The City of Miami Beach is soliciting responses from proposers who are qualified to provide management and maintenance services to City owned, affordable or government assisted residential properties, which house, workforce, elderly and low income residents.

The City Living Wage ordinance will apply to any contract resulting from this ITN.

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

ITN Issued	XXXXXXX
Pre-Proposal Meeting	XXXXXXX
Deadline for Receipt of Questions	XXXXXXX
Proposals Due	XXXXXXX
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, Procurement Coordinator

Telephone:
305 673-7000 #6650

Email:
WilliamGarviso@miamibeachfl.gov

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. The details of pre-submittal meeting or site visit(s), if necessary, will be noted in Appendix B, Minimum Requirements and Specifications.

A pre-proposal site visit and meeting will be held as scheduled in Solicitation Timeline above at the following address:

Potential proposers are to meet at City Hall, Main Floor Center Lobby, 1700 Convention Center Drive, Miami Beach Florida 33139 @ 10:00AM. Shuttle bus service will be provided in an effort to view the properties to be maintained. Shuttle bus service will begin and conclude at this address. At the conclusion of the site visit, a pre-bid conference will be held at the City Hall 4th Floor, City Manager’s Large Conference Room.

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). Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*.

7. CONE OF SILENCE. Pursuant to Section 2-486 of the City Code, all procurement solicitations once advertised and until an award recommendation has been forwarded to the City Commission by the City Manager are under the “**Cone of Silence.**” The Cone of Silence ordinance is available at <http://library.municode.com/index.aspx?clientId=13097&stateID=9&statename=Florida>. Any communication or inquiry in reference to this solicitation with any City employee or City official is strictly prohibited with the of exception communications with the Procurement Director, or his/her administrative staff responsible for administering the procurement process for this solicitation providing said communication is limited to matters of process or procedure regarding the solicitation. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov.

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

- CONE OF SILENCE..... CITY CODE SECTION 2-486
- PROTEST PROCEDURES..... CITY CODE SECTION 2-371
- DEBARMENT PROCEEDINGS..... CITY CODE SECTIONS 2-397 THROUGH 2-485.3
- LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... CITY CODE SECTIONS 2-481 THROUGH 2-406
- CAMPAIGN CONTRIBUTIONS BY VENDORS..... CITY CODE SECTION 2-487
- CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... CITY CODE SECTION 2-488
- REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... CITY CODE SECTION 2-373

- LIVING WAGE REQUIREMENT..... CITY CODE SECTIONS 2-407 THROUGH 2-410
- PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... CITY CODE SECTION 2-374
- FALSE CLAIMS ORDINANCE..... CITY CODE SECTION 70-300
- ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... CITY CODE SECTION 2-449

9. 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*.

10. PROTESTS. Protests concerning the specifications, requirements, and/or terms; or protests after the Proposal

due date in accordance with City Code Section 2-371, which establishes procedures for protested proposals and proposed awards. Protests not submitted in a timely manner pursuant to the requirements of City Code Section 2-371 shall be barred.

11. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City of Miami Beach Ordinance No. 2011-3748, the City shall give a five (5) point 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.

12. DETERMINATION OF AWARD. The final ranking results of Step 1 & 2 outlined in Section V, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission that negotiations be approved with one or more 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. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer(s) will commence.

13. ACCEPTANCE OR REJECTION OF PROPOSALS. The City reserves the right to reject any or all Proposals prior to award. Reasonable efforts will be made to either award the Contract or reject all Proposals within one-hundred twenty (120) calendar days after Proposals opening date. A Proposer may not withdraw its Proposals unilaterally before the expiration of one hundred and twenty (120) calendar days from the date of Proposals opening.

14. PROPOSER'S RESPONSIBILITY. Before submitting a Proposal, 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.

15. 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.

16. 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.

17. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

18. 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 ITN. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

19. 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 submitted in a format consistent with the Purchase Order.

20. 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.

21. 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.

22. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

23. ANTI-DISCRIMINATION. The Proposer certifies that he/she 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.

24. DEMONSTRATION OF COMPETENCY.

- 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. INDEMNIFICATION. The contractor 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 contractor 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.

31. 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.

32. 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.

33. 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.

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

35. 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.

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SECTION 0300 PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED PROPOSALS. One original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE PROPOSALS. Proposals are to be received on or before the due date established herein. **Any Proposal received after the deadline established for receipt of Proposals will be considered late and not be accepted or will be returned to Proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Proposals, it is strongly recommended that Proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

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

TAB 2	Experience & Qualifications
<p>2.1 Qualifications of Proposing Firm. 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. For each project that the Proposer submits as evidence of similar experience, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.</p> <p>2.2 Qualifications of Proposer Team. 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 Proposal team member to be assigned to this contract.</p> <p>2.3 Financial Capacity. Each Proposer shall arrange for Dun & 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 & 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:</p> <p style="text-align: center;">https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696</p> <p>Proposers 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.</p>	

TAB 3 Scope of Services Proposed

Submit detailed information addressing how Proposer will achieve each portion of the scope of services and technical requirements outlined in Appendix C, Minimum Requirements and Specifications.

Responses shall be in sufficient detail and include supporting documentation, as applicable, which will allow the Evaluation Committee to complete a fully review and score the proposed scope of services.

TAB 4 Approach and Methodology

Submit detailed information on 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, testing and risk mitigation options for assuring services are delivered on time and within budget.

TAB 5 Cost Proposal

Submit a completed Cost Proposal Form (Appendix E).

Note: After Proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

SECTION 0400
PROPOSAL EVALUATION

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the solicitation. If further information is desired, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Proposals will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the Proposals only. 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. 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 Proposal 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; or
- review all Proposals received and short-list one or more Proposers to be further considered during subsequent interview session(s) (using the same criteria).

Step 1 - Qualitative Criteria	Maximum Points
Proposer Experience and Qualifications, including Financial Capability	30
Scope of Services Proposed	20
Approach and Methodology	20
TOTAL AVAILABLE STEP 1 POINTS	

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

Step 2 - Quantitative Criteria	
Cost Proposal	30
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	

4. Cost Proposal Evaluation. The cost Proposal points shall be developed in accordance with the following formula:

Sample Objective Formula for Cost				
Vendor	Vendor Cost Proposal	Example Maximum Allowable Points (Points noted are for illustrative purposes only. Actual points are noted above.)	Formula for Calculating Points (lowest cost / cost of Proposal being evaluated X maximum allowable points = awarded points) Round to	Total Points Awarded
Vendor A	\$100.00	20	$\$100 / \$100 \times 20 = 20$	20
Vendor B	\$150.00	20	$\$100 / \$150 \times 20 = 13$	13
Vendor C	\$200.00	20	$\$100 / \$200 \times 20 = 10$	10

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
Low Aggregate Score		3	7	8
Final Ranking*		1	2	3

* 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

Proposal Certification, Questionnaire & Requirements Affidavit

ITN 2015-055-WG
MANAGEMENT AND MAINTENANCE
SERVICES FOR CITY OWNED
PROPERTIES

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

Solicitation No: ITN 2015-055-WG	Solicitation Title: MANAGEMENT AND MAINTENANCE SERVICES FOR CITY OWNED PROPERTIES	
Procurement Contact: William Garviso, Procurement Coordinator	Tel: 305 673-7000 #6650	Email: WilliamGarviso@miamibeachfl.gov

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:		
No of Years in Business:	No of Years in Business Locally:	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 Procurement Management Department 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.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. **Living Wage.** On September 30, 2014, the Mayor and city Commission adopted Ordinance 2014-3897 amending Section 2-408 of Division 6, Article VI, of Chapter 2 of the Miami Beach City Code, by increasing the living wage rate to \$13.31 an hour without health benefits or \$ 11.62 an hour with health benefits of at least \$1.69 an hour with an effective date of January 1, 2015.

Failure to comply with this provision shall be deemed a material breach under this ITN, 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 on the Living wage requirements you may contact the City's Contract 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/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, Proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, Proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, Proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in Proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving Proposals, may accept or reject Proposals, and may accept Proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Bid or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's Proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of Proposal submitted; Proposer has not divulged, discussed, or compared the Proposal with other Proposers and has not colluded with any other Proposer or party to any other Proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this Proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of _____)
)
 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

“No Bid” Form

ITN 2015-055-WG MANAGEMENT AND MAINTENANCE SERVICES FOR CITY OWNED PROPERTIES

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 PROPOSAL AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

- Workload does not allow us to proposal
- Insufficient time to respond
- Specifications unclear or too restrictive
- Unable to meet specifications
- Unable to meet service requirements
- Unable to meet insurance requirements
- Do not offer this product/service
- OTHER. (Please specify)

We do do not want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
DEPT. OF PROCUREMENT MANAGEMENT
ATTN: William Garviso
PROPOSAL #2015-055-WG
1700 Convention Center Drive
MIAMI BEACH, FL 33139

APPENDIX C



MIAMI BEACH

Minimum Requirements & Specifications

ITN 2015-055-WG
MANAGEMENT AND MAINTENANCE
SERVICES FOR CITY OWNED
PROPERTIES

PROCUREMENT DIVISION
1700 Convention Center Drive
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. Proposers that fail to comply with minimum requirements will be deemed non-responsive and will not be considered.

- Provide at least three (3) references for which property management and maintenance services for government owned or government-assisted residential properties have been performed within the past five (5) years; (for each include organization name, contact person, address, telephone number, email address, and summary of scope of services provided). The City reserves the right to contact any party that the bidder has worked for in the past and to reject a bidder(s) based on past poor performance.
- Proposer must hold certification by one of the following: HOME Program Specialist Certification, Housing Choice Voucher (HCV) Specialist, Low Income Housing Tax Credits Property Manager, or Certified Specialist Occupancy issued through the National Association of Housing and Redevelopment Officials (NAHRO) or equivalent.

C2. Statement of Work Required.

Provide property management and maintenance services including, but not limited to the following, in accord with property standards established for HUD-assisted properties included as Exhibit A.

- a. Lighting systems
- b. Proactive Pest Management
- c. Electrical switchgear and electrical systems
- d. Landscaping, tree maintenance, and maintaining walkways
- e. Daily responsiveness to problems identified by HCS tenants or staff
- f. Facility trash removal
- g. Fire alarm and fire suppression systems
- h. Custodial cleaning of common areas
- i. Plumbing
- j. Maintain grounds and parking lot, if applicable
- k. HVAC
- l. Exterior Window Cleaning
- m. Security
- n. Painting
- o. Laundry facilities maintenance (including verifying machine operability)
- p. Posting of legal notices and/or any required correspondence

C3. Specifications

3.1 The Property Manager will use a maintenance request/maintenance tracking program, offer emergency maintenance services, and establish preventive maintenance procedures. The agent will also participate in capital needs planning for each asset.

The Property Manager will assist in making recommendations regarding the selection of materials that will improve the longevity of project components.

The Property Manager will use qualified and trained maintenance staff and vendors with adequate oversight for quality control.

3.2 The Property Manager responsibilities shall include but not necessarily be limited to the following:

1. Maintaining continuous communication with assigned Office of Housing and Community Services staff on all property-related issues including conducting meetings and providing required written reports on a monthly basis, or such other schedule as may be determined.
2. Assessing the conditions of the buildings and their systems and reviewing all existing warranties, manufacturers' instructions and other contracts within the first thirty (30) days of the contract. The Property Manager shall then formulate a preventive maintenance schedule in accordance with manufacturer's recommendations.
3. Developing and implementing a comprehensive facility operation plan and manual including preventative maintenance plans and a five-year capital plan per an agreed timeline approved by HCS.
4. Reviewing the existing building-related condition and making recommendations to HCS on critical building component failures that require immediate attention.
5. Developing Annual Operating and Preventative Maintenance Budgets per an agreed timeline for submission to and approval by HCS.
6. Hiring, or causing to be hired, compensated, and supervised, all persons necessary to properly maintain and operate the buildings who, in each instance, shall be the Property Manager (and not HCS') employees.
7. Maintaining the properties in such condition as required by this ITN and as otherwise may be deemed advisable by HCS including preventative maintenance on the building and equipment, painting, interior and exterior cleaning, and causing routine repairs and incidental alterations of the building to be made, including, but not limited to, electrical, plumbing, carpentry, masonry, elevator and any other routine repairs and incidental alterations as may be required in the course of ordinary maintenance and care of the building. Where specifications or standards are not included herein, maintenance shall be in accordance with manufacturers' recommendations and standards.
8. Ensuring that maintenance and repairs are performed by trained, licensed technicians and whose normal hours of operation are 8:00 AM to 5:00 PM, Monday through Friday.
9. Soliciting, bidding and entering into contracts for any necessary HVAC, equipment maintenance, janitorial, window cleaning, trash removal, vermin extermination, landscaping, lawn care and tree maintenance, fire alarm testing/inspection and

other services as shall be advisable.

10. Ensuring that any equipment to be replaced shall be new and shall be manufactured by a reputable manufacturer. All substitutes for the original manufacturer's equipment related to the upgrading of equipment shall be Energy Star® compliant, if available. The Property Manager shall submit any proposed purchases to HCS for its review and approval.
11. Ensuring that any new equipment be guaranteed for a minimum of one (1) year from the date of replacement and replaced at no cost to HCS if found defective during that time. The Property Manager shall obtain cost estimates for extended warranties on new installations and consult with HCS regarding the purchase of such contracts.
12. Providing emergency services as needed on a twenty-four (24) hour, seven (7) days a week basis including holidays. The Property Manager agrees to provide an emergency telephone service on a twenty-four (24) hour, seven (7) days a week basis including holidays. From the time of the call by HCS tenants or staff, the Property Manager has a maximum of one hour to respond to the emergency.
13. Establishing evidence that the Proposer has the fiscal capacity to maintain the necessary funds for the properties management and general maintenance, payment of supplies, equipment, and services associated with maintaining and repairing the properties.
14. Maintaining a log of all hours of work completed by all employees and subcontractors. Reviewing all bills received for services, work, and supplies ordered in connection with maintaining and operating the buildings with documentation for subsequent reimbursement to the City.
15. Providing monthly financial reports to HCS including the forecasting of any major repairs that exceed the scope of regular maintenance.
16. Establishing and maintaining orderly books, records and files containing correspondence, receipt bills, contracts and vouchers and all other documents and papers pertaining to the properties and the operation and maintenance thereof, which HCS may review at any time.
17. In accordance with the United States Occupational Safety and Health Administration's Hazard Communication Standard, the State has established and implemented a Right-to-Know/Hazard Communication Program. The Property Manager shall provide information and training to advise employees of the Property Manager and HCS of potentially hazardous substances known to be in the work place. Part of this information is a collection of Material Safety Data Sheets for all chemicals used by contracted vendors. Before any chemical product is used on or in the building, a copy of the product label and material Safety Data Sheet must be provided to and approved by HCS before the chemical is applied.

18. Providing written monthly reports to HCS by the first five (5) days of the following month including a precise description of services provided to the buildings, including all systems and equipment, number of employees/subcontractors involved, and the costs incurred.
19. Providing property management responsibilities including, but not limited to:
 - a. Monthly site inspections
 - b. Solicit written bid proposals from at least three (3) qualified suppliers or service providers on each requirement having an expected value greater than \$5,000.
 - c. Provide five (5) year Capital Repair and Improvement Plan.
 - d. Provide adequate staff to maintain and perform routine inspections and required maintenance.
 - e. Maintain all site/equipment manuals.
 - f. Provide timely monthly operating report with invoices.
 - g. Review work order, maintenance tracking and scheduling systems.
 - h. Provide Operational and Preventative Maintenance Plans.
20. With the prior written consent of HCS, the Property Manager will negotiate and review contracts to be entered into for capital repairs and improvements to the properties and supervise all work to be performed under such contracts and authorize payment for all work performed under such contracts which exceed the threshold of \$1,500.
21. The Property Manager will be responsible for the completion of a variety of administrative and reporting requirements as part of its Management Fee including:
 - a. Upon award of the contract and prior to the start of any work, the Property Manager shall be available for an initial job meeting with HCS. This meeting shall include a review of all facility use rules and an introduction to the organization and appropriate staff.
 - b. Unless otherwise determined, there shall be monthly meetings with property management staff for the following purposes:
 - i. Review building management progress and quality of work;
 - ii. Identify and resolve problems;
 - iii. Coordinate the efforts of all concerned so that these services are rendered efficiently and effectively;
 - iv. Maintain a sound working relationship between the Property Manager and HCS;
 - v. Maintain a mutual understanding of the contract and
 - vi. Maintain sound working procedures.

Properties Anticipated for Service

Property	Address	Floors/Elevator	# of Units	Property Type	Date of Operation
Lottie Apartments	530 – 75th Street	2/ No	9	HOME	January 2015
Madeleine Village Apartments	7871 Crespi Boulevard	1/ No	16	HOME	January 2015
Allen Apartments	2001 Washington Avenue	3/ Yes	39	HOME and SHIP	March 2015
Neptune Apartments	1632 Meridian Avenue	3/ Yes	35	HOME	March 2015
London House Apartments	1965-75 Washington Avenue	3/ Yes	24	HOME	December 2015

Allen Apartments, 2001 Washington Avenue



The **Allen Apartments** is a historic, affordable housing building located east of the Miami Beach Convention Center. The building houses elderly, low income residents and does not allow pets and completed its last renovation in 2011. The building's exterior has limited green space that requires upkeep and maintenance including a formal main entrance and a secondary entrance to the north and facing west. The building has a main lobby and laundry facilities on the first floor. Interior passageways are carpeted.

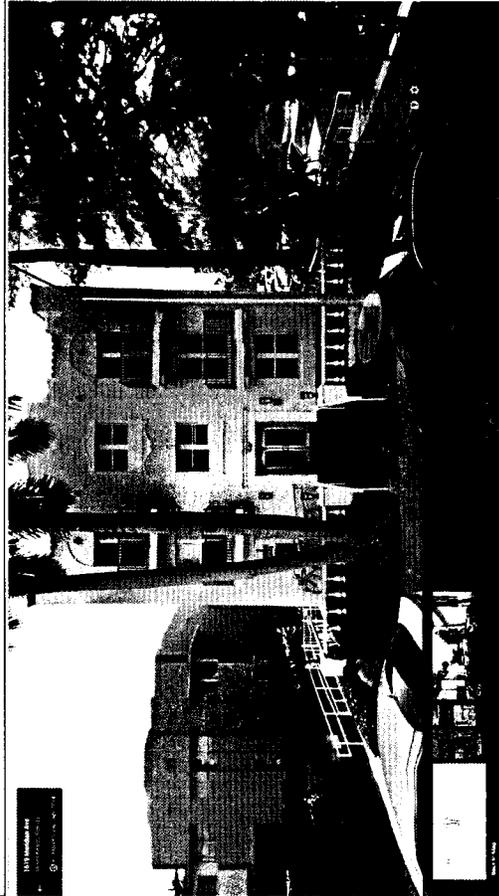
London House Apartments, 1965-75 Washington Avenue



The London House Apartments is a historic, affordable housing complex comprised of two connected buildings and located east of the Miami Beach Convention Center. The building is currently under rehabilitation and expected to be ready for tenancy by December 2015. The building will house families and does not allow pets.

The building's exterior has limited green space that requires upkeep and maintenance. The main entrance opens to the shared courtyard. There is little vegetation except for the south side. The building has laundry facilities on the first floor. There are exterior hallways in the 1965 building and interior hallways in 1975.

Neptune Apartments, 1642 Meridian Avenue



The Neptune Apartments is a recently renovated historic, affordable housing building located half a block south of Lincoln Road. Comprised of studios only, the building houses workforce and elderly tenants.

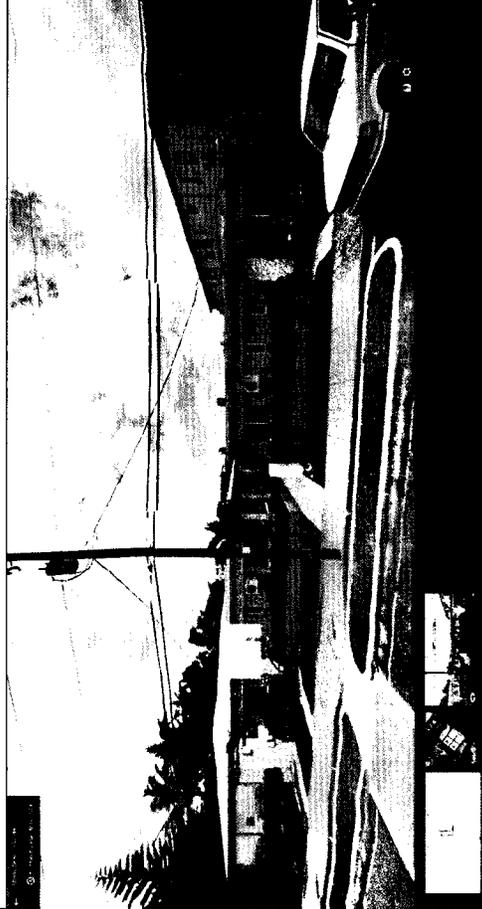
The building's exterior has limited green space that requires upkeep and maintenance. The main entrance is a tiled porch running the length of the property's east façade. The building has laundry facilities on the first floor and a small lobby. Interior passageways are carpeted. Pets are not allowed.

Lottie Apartments, 530 – 75th Street



The **Lottie Apartments** is a recently rehabilitated affordable housing building in the City's North Beach neighborhood. The building's exterior has limited green space that requires upkeep and maintenance. There is no lobby or shared interior common spaces except for main entrance. The building houses working families. Pets are not allowed.

Madeleine Village Apartments, 7871 Crespi Boulevard



The **Madeleine Village Apartments** is a recently rehabilitated affordable housing complex in the City's North Beach neighborhood comprised of two, 8-unit buildings. The building's exterior has limited green space that requires upkeep and maintenance. The property is located on the water that features a wood deck. The property does feature shrubbery throughout. The building houses working individuals and couples. Pets are not allowed.

APPENDIX D



MIAMI BEACH

Special Conditions

ITN 2015-055-WG
MANAGEMENT AND MAINTENANCE
SERVICES FOR CITY OWNED
PROPERTIES

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

1. **TERM OF CONTRACT.** This contract shall be for three (3) years.
2. **OPTIONS TO RENEW.** The City shall have the option to renew this contract for an additional three (3) year term.
3. **PRICES.** In the event the City of Miami Beach exercises its option to renew beyond the initial three (3) year contract, the contract prices and any other terms the City may choose to negotiate, will be reconsidered for adjustment 90 days prior to the renewal date due to increases or decreases in labor costs; but in no event will the prices be increased or decreased by a percentage greater than the percentage change reflected in the C.P.I as published by the U.S. Department of Labor. The City of Miami Beach reserves the right to accept the renewal adjustment or to allow the contract to terminate and re-advertise for Proposals, whichever is in the best interest of the City.
4. **REQUIRED CERTIFICATIONS.** The successful Proposer must have current, active real estate licensing as required by state statute.
5. **ADDITIONAL FACILITIES MAY BE ADDED.** Although this solicitation and resultant contract identifies specific facilities to be serviced, it is hereby agreed and understood that other facilities may be added or deleted to/from this contract at the option of the City. When required by the pricing structure of the contract, vendor shall be invited to submit price quotes for these additional facilities. If these quotes are determined to be fair and reasonable, then the additional work will be awarded to the current contract vendor offering the lowest acceptable pricing. These additional sites shall be added to this contract by formal modification.
6. **LIQUIDATED DAMAGES.** Completion dates for projects and repairs shall be pre-established between the City and Property Manager as they arise. Failure to complete required repairs or complete projects in accordance with the specifications and to the satisfaction of the City, that may cause rental units to remain or become uninhabitable, shall cause the vendor to be subject to charges for liquidated damages in the amount of \$25.00 per unit for each calendar day the unit is not ready for occupancy or work remains incomplete. As compensation due the City for loss of use and for additional costs incurred by the City due to such non-completion of the work, the City shall have the right to deduct said liquidated damages from any amount due, or that may become due to the vendor under this agreement, or to invoice the vendor for such damages if the costs incurred exceed the amount due to the vendor.
7. **EMPLOYEES ARE RESPONSIBILITY OF VENDOR.** All employees of the vendor shall be considered to be, at all times, employees of the vendor, acting under the vendor's sole direction, and as such are not considered to be employees or agents of the City. The vendor shall supply competent and physically capable personnel in conjunction with the requirements of the contract. The City may require the vendor to remove any employee that the City deems careless, incompetent, insubordinate, or otherwise objectionable; and whose continued utilization on City property is not considered to be in the best interest of the City. Each vendor employee shall have and wear proper identification (defined as badge with employee name and vendor name clearly apparent).
8. **BACKGROUND CHECK FOR EMPLOYEES ASSIGNED TO PROJECT.** Any vendor employee assigned to, or physically working at City owned residential properties as a result of this contract, must successfully complete a background check conducted by the City using the Florida Department of Law Enforcement (FDLE) Volunteer and Employee Criminal History System (VECHS). Drug Testing should be conducted in accordance with Title 49, Code of Federal Regulations, Part 40. The successful bidder(s) must also provide 10 Panel drug testing and proof of drug test prior to the assignment of any personnel. Bidder's employees must test negative in order to begin work on any

City assignment. Bidder shall bear all costs associated with the initial drug tests.

The City's current 10-panel drug test and cut-off levels are as follows:

<u>Drug</u>	<u>Initial Test Level</u>	<u>GC/MS Confirm Test Level</u>
<u>Amphetamines</u>	<u>1000 ng/ml</u>	<u>500 ng/ml</u>
<u>Barbiturates</u>	<u>300 ng/ml</u>	<u>150 ng/ml</u>
<u>Benzodiazepines</u>	<u>300 ng/ml</u>	<u>150 ng/ml</u>
<u>Cocaine metabolites</u>	<u>300 ng/ml</u>	<u>150 ng/ml</u>
<u>Marijuana metabolites</u>	<u>50 ng/ml</u>	<u>15 ng/ml</u>
<u>Methadone</u>	<u>300 ng/ml</u>	<u>300 ng/ml</u>
<u>Methaqualone</u>	<u>300 ng/ml</u>	<u>150 ng/ml</u>
<u>Opiates</u>	<u>2000 ng/ml</u>	<u>2000 ng/ml</u>
<u>Phencyclidine</u>	<u>25 ng/ml</u>	<u>25 ng/ml</u>
<u>Propoxyphene</u>	<u>300 ng/ml</u>	<u>150 ng/ml</u>

In the case of an alcohol test, a result of 0.04 or greater constitutes a positive result. A confirmation breathalyzer test shall be administered following the initial test in accordance with the procedures in Title 49 Code of Federal Regulations, Part 40.

APPENDIX E



MIAMI BEACH

Cost Proposal Form

ITN 2015-055-WG
MANAGEMENT AND MAINTENANCE
SERVICES FOR CITY OWNED
PROPERTIES

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

APPENDIX A PROPOSAL TENDER FORM

Failure to submit Section 5, Bid Price Form, in its entirety and fully executed by the deadline established for the receipt of proposals will result in Proposal being deemed non-responsive and being rejected.

Bidder affirms that the prices stated on the proposal price form below represents the entire cost of the items in full accordance with the requirements of this ITB, inclusive of its terms, conditions, specifications and other requirements stated herein, and that no claim will be made on account of any increase in wage scales, material prices, delivery delays, taxes, insurance, cost indexes or any other unless a cost escalation provision is allowed herein and has been exercised by the City Manager in advance. The Bid Price Form (Section 5) shall be completed mechanically or, if manually, in ink. **Bid Price Forms (Section 5) completed in pencil shall be deemed non-responsive.** All corrections on the Bid Price Form (Section 5) shall be initialed.

	Property Description	Quantity	Monthly Cost	Total
1	Lottie Apartments 530 – 75th Street	12 months	\$ _____	\$ _____
2	Madeleine Village Apartments 7871 Crespi Boulevard	12 months	\$ _____	\$ _____
3	Allen Apartments 2001 Washington Avenue	12 months	\$ _____	\$ _____
4	Neptune Apartments 1632 Meridian Avenue	12 months	\$ _____	\$ _____
5	London House Apartments 1965-75 Washington Avenue	12 months	\$ _____	\$ _____
			TOTAL 1- 5	\$ _____

Proposers must offer pricing on all properties above in order to be considered.

Bidder's Affirmation
Company:
Authorized Representative:
Address:
Telephone:
Email:
Authorized Representative's Signature:

APPENDIX F



MIAMI BEACH

Insurance Requirements

ITN 2015-055-WG
MANAGEMENT AND MAINTENANCE
SERVICES FOR CITY OWNED
PROPERTIES

PROCUREMENT DIVISION
1700 Convention Center Drive
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.

- XXX 1. Workers' Compensation and Employer's Liability per the Statutory limits of the state of Florida.
- XXX 2. Comprehensive General Liability (occurrence form), limits of liability \$ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).
- XXX 3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
- ___ 4. Excess Liability - \$_____.00 per occurrence to follow the primary coverages.
- XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.
- ___ 6. Other Insurance as indicated:

___ Builders Risk completed value	\$_____00
___ Liquor Liability	\$_____00
___ Fire Legal Liability	\$_____00
___ Protection and Indemnity	\$_____00
___ Employee Dishonesty Bond	\$_____00
___ Other	\$_____00
- XXX 7. Thirty (30) days written cancellation notice required.
- XXX 8. Best's guide rating B+:VI or better, latest edition.
- XXX 9. The certificate must state the proposal number and title

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.

EXHIBIT A

Attachment #1

Department of Housing and Urban Development: Chapter 1: Inspector Guide for
Uniform Physical Condition Standards Inspection Protocol

Attachment #2

National Center for Healthy Housing: Laws, Rules and Codes for Healthier Homes,
Review of Approaches Impacting Existing Homes

Attachment #3

Healthy Housing, State Healthy Housing Codes September 2008

Attachment #4

Housing Choice Voucher Program Guidebook: Chapter 10 Housing Quality Standards

Condensed Title:

REQUEST APPROVAL TO EXERCISE TERM RENEWAL OPTIONS ON CONTRACTS FOR ROUTINE OPERATIONAL REQUIREMENTS

Key Intended Outcome Supported:

Streamline The Delivery Of Services Through All Departments

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

Item Summary/Recommendation:

As is customary, many of the City's agreements resulting from competitive solicitations include renewal clauses that allow for the extension of contract terms for a certain number of renewal periods beyond the original contract term, as may be stipulated in the solicitation or resulting contract. The renewal periods allow the City to continue to acquire the necessary goods and services from reputable contractors at prices established through competitive solicitations. In its due diligence process for consideration of contract renewal options, the Administration has considered: cost considerations, including any increases to the CPI-U index by the Bureau of Labor Statistics indicating changes in the supply market pricing conditions, contractor performance and risk management considerations (e.g., insurance and bonds, as applicable). Additionally, the contract renewals are applicable to the contract period only and do not alter other terms and conditions of the contract or the scope of the procurement. Any changes to the scope of the original contract shall be presented under a separate item individually or require a new procurement process altogether.

The purpose of this item is to request authority to renew the competitively solicited contracts for routine operational listed herein. The justification for renewing each is included with the contract information.

RECOMMENDATION
 The Administration recommends that the Mayor and City Commission approve the extension of contract for routine operational requirements, awarded through competitive solicitations, with SP Plus Municipal Services, RBC Capital Markets, LLC, and Safe Air Corporation.

Advisory Board Recommendation:

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1	See below.	See below.
	2		
	3		
	Total		

Financial Impact Summary: Various budget codes are contained in the referenced contract expenditures. All expenditures are contingent upon approved budgeted funds being available.

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD	JMT _____	JLM

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales City Manager

DATE: January 14, 2015

SUBJECT: REQUEST APPROVAL TO EXERCISE TERM RENEWAL OPTIONS ON CONTRACTS FOR ROUTINE OPERATIONAL REQUIREMENTS

ADMINISTRATION RECOMMENDATION

Approve the recommendation.

BACKGROUND

As is customary, many of the City's agreements resulting from competitive solicitations include renewal clauses that allow for the extension of contract terms for a certain number of renewal periods beyond the original contract term, as may be stipulated in the solicitation or resulting contract. The renewal periods allow the City to continue to acquire the necessary goods and services from reputable contractors at prices established through competitive solicitations. In its due diligence process for consideration of contract renewal options, the Administration has considered: cost considerations, including any increases to the CPI-U index by the Bureau of Labor Statistics indicating changes in the supply market pricing conditions, contractor performance and risk management considerations (e.g., insurance and bonds, as applicable). Additionally, the contract renewals are applicable to the contract period only and do not alter other terms and conditions of the contract or the scope of the procurement. Any changes to the scope of the original contract shall be presented under a separate item individually or require a new procurement process altogether.

The purpose of this item is to request authority to renew the competitively solicited contracts for routine operational requirements listed herein as stipulated in each contract's solicitation. The justification for renewing each is included with the contract information.

Contract Number: RFP 43-10/11	Renewal Period: Through 1/12/2017
Title: Agreement To Provide Parking Meter Collection Services For The City's Parking System	
Contractor: SP Plus Municipal Services, A Division Of Standard Parking Corporation	
Brief Scope: Contractor shall provide the City with trained, qualified employees, positioned as parking meter collectors and supervisors, to provide the services contemplated in the Agreement including, but not limited to, collection service for single space parking meters and multi-space pay stations owned by the City. Collection service shall transport all coins, bills, and/or data collected from single space parking meters and multi-space pay stations to City designated locations, for the purpose of counting, storing and/or depositing. Contractor shall ensure that all personnel are trained in the use of the equipment required to open, collect, and audit the single space and multi-space parking meters. Additionally, Contractor shall provide secure and safeguarded collection service vehicles, as needed to perform collection and collection supervision services.	

Best Interest Justification:

The Contractor has received satisfactory performance evaluations by the Parking Department. Additionally, pricing was established through a competitive process, and, although the CPI-U has increased approximately 2.86% during the contract term, the City will continue to benefit from contract pricing established prior to the CPI-U increase. The Parking Department has recommended extension of the contract term as the City continues to need these services.

Contract Number: RFP-20-06/07	Renewal Period: Through 3/15/2016
---	---

Title:
Financial Advisory Services

Contractor:
RBC Capital Markets, LLC.

Brief Scope:
Financial advisory services which includes financial planning, project financial analysis, investment management, debt issuance, reporting, evaluation of proposals, development of financial strategy for capital projects taking into consideration the City's short and long term financial needs, available financing options and alternative debt structures, and computer support and modeling for complex financial analysis. The firm will also assist in the selection of investment banking teams for the City.

Best Interest Justification:

RBC Capital Markets acts as Financial Advisors for the City's ongoing capital program, including Water & Sewer Bonds, Stormwater Bonds, Parking Bonds, and with the Line of Credit financing program. They are currently assisting the City with the financing plan for the undergrounding of the utilities for Sunset Islands 3 & 4, and the Miami Beach Convention Center Expansion Project. RBC Capital Markets also provides the City with various other financial advisory services such as:

- Review existing debt structure and financial resources to determine available borrowing capacity.
- Advise as to market conditions and recommend the timing of the sale of bonds.
- Provide information concerning the structure of proposed financing programs as well as those used by other issuers.
- Advise on the most efficient structure for each issue.
- Advise as to the advantages and disadvantages of municipal bond issuance or other credit enhancements.
- Assist in negotiating the interest rates proposed by the underwriters.
- Participate in annual rating agency reviews and updates.
- Schedule and participate in rating agency presentations for financing.
- Review the bond purchase agreement and advice as to its acceptance or rejection in light of market conditions.
- Assist legal counsel in the preparation and distribution of the Official Statement.
- Arrange for distribution of the Official Statement to bond underwriters and investors in accordance with the objectives communicated by the City.

Although the City uses RBC Capital Markets on a continuous basis, they are not compensated until the City issues bonds. Their fees are part of the cost of issuance that is paid from the bond proceeds.

Contract Number: ITB-01-10/11	Renewal Period: Through 1/26/2016
Title: Installation of Vehicle Exhaust Removal Systems	
Contractor: Safe Air Corporation	
Brief Scope: The contract provides for the purchase, installation and maintenance of vehicle exhaust removal systems within the City's Fire Department facilities.	
Best Interest Justification: Safe Air Corporation has installed the vehicle exhaust removal systems at the City's fire stations and, according to contract requirements, continues to maintain these systems. The City's Fire Rescue Department is satisfied with the contractor's services. Additionally, while the prices paid by the City remain as awarded, the CPI-U has increased 4.98% since contract inception. Based on the aforementioned and the contractor's good standing with the City, the Fire Department recommends, in the City's best interest, to approve the renewal term of the contract.	

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the extension of agreements with SP Plus Municipal Services, RBC Capital Markets, LLC, and Safe Air Corporation.

JLM / JMT/ AD / RA

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Condensed Title:

REQUEST APPROVAL TO ISSUE AN INVITATION TO NEGOTIATE (ITN) FOR FACILITIES MAINTENANCE SERVICES FOR PROPERTY MANAGEMENT.

Key Intended Outcome Supported:

Streamline The Delivery Of Services Through All Departments.
Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

Recently Property Management embarked upon a re-organization process to improve delivery of services. As part of this plan, Administration is seeking maintenance services related to general repairs and installations of components throughout the City.

The referenced ITN seeks proposals from qualified contractors for the provision of facilities maintenance services, which shall include general maintenance and repairs including but not limited to the following allowable services: general repairs, plumbing, carpentry, HVAC, minor construction, flooring, painting, waterproofing, etc.

The selected Contractors must provide management, supervision, labor, materials, equipment, shop or construction drawings (if applicable) and supplies and shall be responsible for the efficient, effective, economical, and satisfactory operation, scheduled and unscheduled maintenance, and repair of equipment and systems for the assigned facilities.

Property Management plays a key role throughout the City to maintain the assets to its buildings, parks and beaches. Once initiated, this service plan will provide Property Management with the flexibility and tools required to perform day to day tasks and preventive maintenance initiatives.

CITY MANAGER'S RECOMMENDATION
 The Administration recommends that the Mayor and Commission authorize the issuance of the ITN 2015-090-JR for Facilities Management Services for the Property Management Division.

Advisory Board Recommendation:

N/A

Source of Funds:

Financial Impact Summary: The annual cost of these services is subject to funds availability approved through the City's budgeting process.

City Clerk's Office Legislative Tracking:

Alex Denis, Director Ext # 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD <u>[Signature]</u> EC <u>[Signature]</u>	MT _____	JLM <u>[Signature]</u>

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE AN INVITATION TO NEGOTIATE (ITN)
FOR FACILITIES MAINTENANCE SERVICES FOR PROPERTY MANAGEMENT.**

ADMINISTRATION RECOMMENDATION

Authorize the issuance of the ITN.

BACKGROUND

Recently Property Management embarked upon a re-organization process to improve delivery of services. As part of this plan, Administration is seeking maintenance services related to general repairs and installations of components throughout the City. These services will consist of general repairs, carpentry, ropes and post, dune fencing, boardwalk maintenance and play-ground equipment to name a few. Property Management plays a key role throughout the City to maintain the assets to its buildings, parks and beaches. Once initiated, this service plan will provide Property Management with the flexibility and tools required to perform day to day tasks and preventive maintenance initiatives.

SCOPE OF SERVICES

The referenced ITN seeks proposals from qualified contractors for the provision of facilities maintenance services, which shall include general maintenance and repairs including but not limited to the following allowable services: general repairs, plumbing, carpentry, HVAC, minor construction, flooring, painting, waterproofing, etc.

The selected Contractors must provide management, supervision, labor, materials, equipment, shop or construction drawings (if applicable) and supplies and shall be responsible for the efficient, effective, economical, and satisfactory operation, scheduled and unscheduled maintenance, and repair of equipment and systems for the assigned facilities.

For further details on the scope of services required, refer to Appendix C, ITN 2015-090-JR

OTHER RFP REQUIREMENTS

- **MINIMUM QUALIFICATIONS**

Please Reference Appendix C, ITN 2015-090-JR.

- **SUBMITTAL REQUIREMENTS**

Please Reference Section 0300, ITN 2015-090-JR.

- **CRITERIA FOR EVALUATION**

Please Reference Section 0400, ITN 2015-090-JR. The evaluation criteria are stated as follows:

Step 1 - Qualitative Criteria	Maximum Points
Proposer Experience and Qualifications, including Financial Capability	25
Scope of Services Proposed	25
Approach and Methodology	25
TOTAL AVAILABLE STEP 1 POINTS	75

Step 2 - Quantitative Criteria	
Cost Proposal	25
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	30

CONCLUSION

The Administration recommends that the Mayor and Commission authorize the issuance of the ITN 2015-090-JR for Property Maintenance Services for Property Management.

ATTACHMENTS

- Attachment A: ITN 2015-090-JR for Property Maintenance Services for Property Management.

AD/EC/MT/JLM

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INVITATION TO NEGOTIATE (ITN)

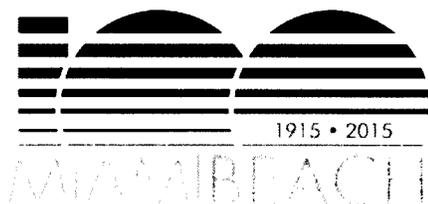
FACILITIES MAINTENANCE SERVICES

2015-090-JR

ITN ISSUANCE DATE:

PROPOSALS DUE: XXXXXXXXXXX @ 3:00 PM

ISSUED BY:



Joe V. Rodriguez, CPPB, FCCM, Procurement Coordinator

DEPARTMENT OF PROCUREMENT MANAGEMENT

1700 Convention Center Drive, Miami Beach, FL 33139

305.673.7000 x6263 | Fax: 786.394.5494 | www.miamibeachfl.gov

MIAMI BEACH

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APPENDIX B "NO PROPOSAL" FORM	X
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SECTION 0200 INSTRUCTIONS TO PROPOSERS & GENERAL CONDITIONS

1. GENERAL. This Invitation to Negotiate (ITN) is issued by the City of Miami Beach, Florida (the "City"), as the means for prospective Proposers to submit their qualifications, proposed scopes of work and cost Proposals (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 Proposers and, subsequently, the successful Proposer(s) (the "contractor[s]") if this ITN results in an award.

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

2. PURPOSE.

The purpose of this ITN is to seek proposals from qualified contractors for the provision of facilities maintenance services, which shall include general maintenance and repairs including but not limited to the following allowable services: general repairs, plumbing, carpentry, HVAC, minor construction (projects less than \$50,000, unless approved by the City Commission), flooring, painting, waterproofing, etc. When necessary, the shop or construction drawings may be included in the definition of allowable services. A listing of facilities is attached hereto. The City's facilities are categorized into one of the following zones.

- Zone 1: South Beach (From Government Cut to Dade Blvd excluding Zone 4)
- Zone 2: Middle Beach (From Dade Blvd to 63rd ST excluding Zone 4)
- Zone 3: North Beach (From 63rd ST to 87th Ter. excluding Zone 4)
- Zone 4: Beach (From Government Cut to 87th Ter. & to the East of Ocean Dr. & Collins Ave.)

The Contractor must provide management, supervision, labor, materials, equipment, shop or construction drawings (if applicable) and supplies and shall be responsible for the efficient, effective, economical, and satisfactory operation, scheduled and unscheduled maintenance, and repair of equipment and systems for the assigned facilities.

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

ITN Issued	
Pre-Proposal Meeting	
Deadline for Receipt of Questions	
Proposals Due	
Evaluation Committee Review	
Proposer Presentations	
Tentative Commission Approval Authorizing Negotiations	
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: **Joe V. Rodriguez, CPPB, FCCM** Telephone: **305-673-7490, EXT 6263** Email: **joerodriguez@miamibeachfl.gov**
Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than seven (7) 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. The details of pre-submittal meeting or site visit(s), if necessary, will be noted in Appendix B, Minimum Requirements and Specifications.

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). Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*.

7. CONE OF SILENCE. Pursuant to Section 2-486 of the City Code, all procurement solicitations once advertised and until an award recommendation has been forwarded to the City Commission by the City Manager are under the "Cone of Silence." The Cone of Silence ordinance is available at <http://library.municode.com/index.aspx?clientID=13097&stateID=9&statename=Florida>. Any communication or inquiry in reference to this solicitation with any City employee or City official is strictly prohibited with the of exception communications with the Procurement Director, or his/her administrative staff responsible for administering the procurement process for this solicitation providing said communication is limited to matters of process or procedure regarding the solicitation. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov.

8. SPECIAL NOTICES. You are hereby advised that this solicitation is subject to the following ordinances/resolutions, which may be found on the City Of Miami Beach website: <http://web.miamibeachfl.gov/procurement/scroll.aspx?id=23510>

- CONE OF SILENCE..... CITY CODE SECTION 2-486
- PROTEST PROCEDURES..... CITY CODE SECTION 2-371
- DEBARMENT PROCEEDINGS..... CITY CODE SECTIONS 2-397 THROUGH 2-485.3
- LOBBYIST REGISTRATION AND DISCLOSURE OF FEES..... CITY CODE SECTIONS 2-481 THROUGH 2-406
- CAMPAIGN CONTRIBUTIONS BY VENDORS..... CITY CODE SECTION 2-487
- CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES..... CITY CODE SECTION 2-488
- REQUIREMENT FOR CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS FOR DOMESTIC PARTNERS..... CITY CODE SECTION 2-373
- LIVING WAGE REQUIREMENT..... CITY CODE SECTIONS 2-407 THROUGH 2-410
- PREFERENCE FOR FLORIDA SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS AND TO STATE-CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES..... CITY CODE SECTION 2-374
- FALSE CLAIMS ORDINANCE..... CITY CODE SECTION 70-300
- ACCEPTANCE OF GIFTS, FAVORS & SERVICES..... CITY CODE SECTION 2-449

9. 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*.

10. PROTESTS. Protests concerning the specifications, requirements, and/or terms; or protests after the Proposal due date in accordance with City Code Section 2-371, which establishes procedures for protested proposals and proposed awards. Protests not submitted in a timely manner pursuant to the requirements of City Code Section 2-371 shall be barred.

11. VETERAN BUSINESS ENTERPRISES PREFERENCE. Pursuant to City of Miami Beach Ordinance No. 2011-3748, the City shall give a five (5) point 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.

12. DETERMINATION OF AWARD. The final ranking results of Step 1 & 2 outlined in Section V, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission that negotiations be approved with one or more 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. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer(s) will commence.

The City reserves the right to make an award by zone, by multiple zones, or in its entirety to one or more contractors. In determining zone assignment, the City may: select the proposer(s) deemed most qualified for any particular zone(s); select the proposer(s) deemed to be in the best interest of the City for any particular zone(s); or, (during negotiations) request best and final offers from the contractors selected for negotiations for any particular zone(s). The City may also award primary, secondary and tertiary contractors for each zone. The determination of the City Manager or City Commission as to zone assignment shall be final and binding on all parties. The zones are as follows:

- Zone 1: South Beach (From Government Cut to Dade Blvd excluding Zone 4)
- Zone 2: Middle Beach (From Dade Blvd to 63rd ST excluding Zone 4)
- Zone 3: North Beach (From 63rd ST to 87th Ter. excluding Zone 4)
- Zone 4: Beach (From Government Cut to 87th Ter. & to the East of Ocean Dr. & Collins Ave.)

13. ACCEPTANCE OR REJECTION OF PROPOSALS. The City reserves the right to reject any or all Proposals prior to award. Reasonable efforts will be made to either award the Contract or reject all Proposals within one-hundred twenty (120) calendar days after Proposals opening date. A Proposer may not withdraw its Proposals unilaterally before the expiration of one hundred and twenty (120) calendar days from the date of Proposals opening.

14. PROPOSER'S RESPONSIBILITY. Before submitting a Proposal, 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.

15. 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.

16. 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.

17. TAXES. The City of Miami Beach is exempt from all Federal Excise and State taxes.

18. 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 ITN. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

19. 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 submitted in a format consistent with the Purchase Order.

20. 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.

21. 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

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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.

22. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

23. ANTI-DISCRIMINATION. The Proposer certifies that he/she 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.

24. DEMONSTRATION OF COMPETENCY.

- 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. INDEMNIFICATION. The contractor 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 contractor 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.

31. 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.

32. 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.

33. 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.

34. EXCEPTIONS TO ITN. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this ITN, 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 ITN to which Proposer took exception to (as

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said term and/or condition was originally set forth on the ITN).

35. 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.

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SECTION 0300 PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. SEALED PROPOSALS. One original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of proposals. Additionally, ten (10) bound copies and one (1) electronic format (CD or USB format) are to be submitted. The following information should be clearly marked on the face of the envelope or container in which the proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

2. LATE PROPOSALS. Proposals are to be received on or before the due date established herein. **Any Proposal received after the deadline established for receipt of Proposals will be considered late and not be accepted or will be returned to Proposer unopened.** The City does not accept responsibility for any delays, natural or otherwise.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Proposals, it is strongly recommended that Proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

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

TAB 2	Experience & Qualifications
<p>2.1 Qualifications of Proposing Firm. 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. For each project that the Proposer submits as evidence of similar experience, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement.</p>	
<p>2.2 Qualifications of Proposer Team. 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 Proposal team member to be assigned to this contract.</p>	
<p>2.3 Financial Capacity. Each Proposer shall arrange for Dun & 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 & 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:</p> <p style="text-align: center;">https://supplierportal.dnb.com/webapp/wcs/stores/servlet/SupplierPortal?storeId=11696</p> <p>Proposers 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.</p>	

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TAB 3 **Scope of Services Proposed**

Submit detailed information addressing the services the Proposer is offering and how those services will achieve the requirements of the scope of services and technical requirements outlined in Appendix C, Minimum Requirements and Specifications.

Responses shall be in sufficient detail and include supporting documentation, as applicable, which will allow the Evaluation Committee to complete a fully review and score the proposed scope of services.

TAB 4 **Approach and Methodology**

Submit detailed information on how Proposer plans to accomplish the required scope of services, including detailed information, as applicable, which addresses, but need not be limited to: staffing plan, ability to self-perform the work, any sub-contracting requirements, contract management, reports, quality control and risk mitigation options for assuring project is implemented on time and within budget.

TAB 5 **Cost Proposal**

Submit a completed Cost Proposal Form (Appendix D).

Note: After Proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

SECTION 0400 PROPOSAL EVALUATION

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the solicitation. If further information is desired, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Proposals will proceed in a two-step process as noted below. It is important to note that the Evaluation Committee will score the qualitative portions of the Proposals only. 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. 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 Proposal 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; or
- review all Proposals received and short-list one or more Proposers to be further considered during subsequent interview session(s) (using the same criteria).

Step 1 - Qualitative Criteria	Maximum Points
Proposer Experience and Qualifications, including Financial Capability	25
Scope of Services Proposed	25
Approach and Methodology	25
TOTAL AVAILABLE STEP 1 POINTS	75

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

Step 2 - Quantitative Criteria	Maximum Points
Cost Proposal	25
Veterans Preference	5
TOTAL AVAILABLE STEP 2 POINTS	30

4. Cost Proposal Evaluation. The cost Proposal points shall be developed in accordance with the following formula:

Sample Objective Formula for Cost				
Vendor	Vendor Cost Proposal	Example Maximum Allowable Points (Points noted are for illustrative purposes only. Actual points are noted above.)	Formula for Calculating Points (lowest cost / cost of Proposal being evaluated X maximum allowable points = awarded points) Round to	Total Points Awarded
Vendor A	\$100.00	20	$\$100 / \$100 \times 20 = 20$	20
Vendor B	\$150.00	20	$\$100 / \$150 \times 20 = 13$	13
Vendor C	\$200.00	20	$\$100 / \$200 \times 20 = 10$	10

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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
Low Aggregate Score		3	7	8
Final Ranking*		1	2	3

* 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

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Proposal Certification, Questionnaire & Requirements Affidavit

FACILITIES MAINTENANCE SERVICES

2015-090-JR

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

Solicitation No: 2015-090-JR	Solicitation Title: Facilities Maintenance Services	
Procurement Contact: Joe V. Rodriguez, CPPB, FCCM	Tel: 305.673.7000 x.6263	Email: joerodriguez@miamibeachfl.gov

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:		No of 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: 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 Procurement Management Department 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.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

7. **Living Wage.** Pursuant to Section 2-408 of the Miami Beach City Code, as same may be amended from time to time, Proposers shall be required to pay all employees who provide services pursuant to this Agreement, the hourly living wage rates listed below:

- the hourly living rate will be \$11.62/Hour with health benefits of at least \$1.69/Hour, and \$13.31/Hour 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/.

LIVING WAGE REQUIREMENTS ARE ONLY APPLICABLE TO THOSE PROJECTS CONTRACTED PURSUANT TO GROUP 1 (TIME AND MATERIALS) PRICING METHODOLOGY AS DETAILED IN SECTION C2.2.1

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees to the living wage requirement.

8. **Equal Benefits for Employees with Spouses and Employees with Domestic Partners.** When awarding competitively solicited contracts valued at over \$100,000 whose contractors maintain 51 or more full time employees on their payrolls during 20 or more calendar work weeks, the Equal Benefits for Domestic Partners Ordinance 2005-3494 requires certain contractors doing business with the City of Miami Beach, who are awarded a contract pursuant to competitive proposals, to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a Contractor who work within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?
 YES NO

B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?
 YES NO

C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Firm Provides for Employees with Spouses	Firm Provides for Employees with Domestic Partners	Firm does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

If Proposer cannot offer a benefit to domestic partners because of reasons outside your control, (e.g., there are no insurance providers in your area willing to offer domestic partner coverage) you may be eligible for Reasonable Measures compliance. To comply on this basis, you must agree to pay a cash equivalent and submit a completed Reasonable Measures Application (attached) with all necessary documentation. Your Reasonable Measures Application will be reviewed for consideration by the City Manager, or his designee. Approval is not guaranteed and the City Manager's decision is final. Further information on the Equal Benefits requirement is available at www.miamibeachfl.gov/procurement/.

9. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal, Proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a proposal, Proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals, Proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of

being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

10. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City's e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in Proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving Proposals, may accept or reject Proposals, and may accept Proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Bid or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's Proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of Proposal submitted; Proposer has not divulged, discussed, or compared the Proposal with other Proposers and has not colluded with any other Proposer or party to any other Proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this Proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA)
)
 County of _____)
 of _____, a corporation, and that the instrument was signed in behalf of
 the said corporation by authority of its board of directors and acknowledged said
 instrument to be its voluntary act and deed. Before me:

 Notary Public for the State of Florida
 My Commission Expires: _____

APPENDIX B

MIAMI BEACH

“No Bid” Form

FACILITIES MAINTENANCE SERVICES

2015-090-JR

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 PROPOSAL AT THIS TIME FOR REASON(S) CHECKED AND/OR INDICATED BELOW:

- Workload does not allow us to proposal
- Insufficient time to respond
- Specifications unclear or too restrictive
- Unable to meet specifications
- Unable to meet service requirements
- Unable to meet insurance requirements
- Do not offer this product/service
- OTHER. (Please specify)

We do do not want to be retained on your mailing list for future proposals of this type product and/or service.

Signature: _____

Title: _____

Legal Company Name: _____

Note: Failure to respond, either by submitting a proposal or this completed form, may result in your company being removed from our vendors list.

PLEASE RETURN TO:
CITY OF MIAMI BEACH
DEPT. OF PROCUREMENT MANAGEMENT
ATTN: **Joe V. Rodriguez, CPPB, FCCM**
PROPOSAL #2015-090-JR
1700 Convention Center Drive
MIAMI BEACH, FL 33139

APPENDIX C

MIAMI BEACH

Minimum Requirements, Specifications & Special Conditions

FACILITIES MAINTENANCE SERVICES

2015-090-JR

PROCUREMENT DIVISION
1700 Convention Center Drive
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. **Proposers that fail to comply with minimum requirements will be deemed non-responsive and will not be considered.**

1. Proposer shall provide evidence that it has **provided services similar in scope to those defined herein to at last three (3) public or private sector organizations with at least 500,000 square feet in size within the last three (3) years.** For each organization, Proposer shall provide: name of organization; organization contact name, telephone number and email address; and, a brief description of the work provided.
2. Proposer's **primary account representative or project manager for the City shall have provided services similar in scope to those defined herein to at last one (1) public sector agencies for a period of not less than two (2) years within the last three (3) years.** Provide resume of primary account representative or project manager to include the following: name of agencies serviced; agency contact name, telephone number and email address; and, a brief description of the work provided.
3. Proposer shall be licensed or retain within its staff a **Florida licensed commercial general or building contractor.**

C2. Work Requirements.

The Contractor must provide management, supervision, labor, materials, equipment, shop or construction drawings (if applicable) and supplies and shall be responsible for the efficient, effective, economical, and satisfactory operation, scheduled and unscheduled maintenance, and repair of equipment and systems for the facilities included herein (Appendix G). In general, the work shall include the following:

I. Buildings

1. Structural (Walls, Beams, Stairs, Floors)
2. Doors, Gates. (proper operation, conditions)
3. Roof. (Gutters, Fascia, etc.)
4. Windows. (Seals, operation, condition, etc.)
5. Child care center playground equipment (all facilities equipment associated with a child care center is included to the extent similar equipment is included for the main facility).

II. Parks

1. Structural (Walls, Beams, Stairs, Floors)
2. Doors, Gates. (proper operation, conditions)
3. Roof. (Gutters, Fascia, etc.)
4. Windows. (Seals, operation, condition, etc.)
5. Play Ground Equipment, Training Equipment, etc.
6. Benches, Tables, Grilles, Etc.

III. Garages

1. Structural (Walls, Beams, Stairs, Floors)
2. Doors, Gates. (proper operation, conditions)
3. Roof. (Gutters, Fascia, etc.)
4. Windows. (Seals, operation, condition, etc.)

IV. Beach

1. Lifeguard Stands (wood, hinges, structural)
2. Rope & Post (Condition, repairs, replacement)
3. Mobi-Mats (Condition, cleanliness, hazardous conditions)
4. Boardwalk (uplifting woods and nails, handrails, etc.)

5. Beachwalk (Sunken or uneven pavers, planters, columns, etc.)
6. Paper and soap dispensing equipment in restrooms.
7. Dune fencing

V. *General:*

- a. Cut wood pieces for the board walk, piers and other structures.
- b. Repairing of the city wide benches.
- c. Mold and cast pieces to repair several wall and floor treatment.
- d. Installation and Repair of bicycle stands and signs.
- e. Construct and repair all kind of furniture like conference tables, desks, shelving and cabinets.
- f. Welding, assemble and repair of fence sections.
- g. Molding and fabrication of sand interceptors.
- h. Maintain the life guard stands.
- i. Construction of access ramps and small bridges.
- j. Repair and installation of mobi-mats.

The City reserves the right to add or delete facilities. Additional services may be ordered at the discretion of the Property Management for work relating to the operations, maintenance and repair or upgrade of the covered facilities, but not covered in the basic services of the contract, as described in this document.

In compliance with all terms and conditions of this Agreement, the Contractor shall provide those services relating to facilities maintenance as specified herein and in any resulting agreement. As a material inducement to the City entering into any Agreement, Contractor represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the work and services contemplated herein. Contractor shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Contractor covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be of good quality, fit for the purpose intended. The phrase "highest professional standards" shall mean those standards of practice recognized by any applicable national standard (e.g., ASTM) or one or more first-class firms performing similar work under similar circumstances.

All work products are subject to review and acceptance by the City, and must be revised by the Contractor without additional charge to the City until found satisfactory and accepted by City.

C2.1 Contractor will perform the following Maintenance Services:

- A. Interior building maintenance and repair
- B. Exterior building maintenance and repair (including but not limited to roofs)
- C. Building painting (exterior and interior)
- D. Plumbing repairs and restorations
- E. Electrical repairs and restoration
- F. HVAC repairs and rehabilitation

C2.2 Project Costs. Any project resulting from this solicitation shall be priced in one of the following manners.

- C2.2.1 **Time & Materials.** Proposers shall provide hourly cost, for the categories of labor as identified on the Cost Proposal Form. Proposer shall also provide the mark-up for any materials (e.g., building materials, supplies or equipment) necessary for the project(s). For the purposes of this section, materials shall be defined only as those materials which are applied to or installed as part of the project (e.g., paint,

replacement pumps, lighting, etc.) and shall remain the property of the City. Materials shall not be defined as any equipment (e.g., hand or power tools) necessary for the contractor to complete the work. The cost of the latter shall be borne by the Contractor.

- a. **Regular Hours.** Regular hours shall be defined as any work performed between 7:00 a.m. and 7:00 p.m.
- b. **Non-Regular Hours.** Non-Regular hours shall be defined as any work required by the City to be performed between 7:00 p.m. and 7:00 a.m.

C2.2.2 Lump Sum Plus Administrative Mark-Up. For small construction or multi-discipline construction projects, the City may require the contractor to provide project pricing based on lump sum plus mark-up. In doing so, the contractor shall solicit at least three (3) quotes for each trade or discipline required. The contractor shall select the lowest priced quote meeting all requirements. When the lowest priced quote is not selected, the reasons for doing so must be substantiated and provided to the contract manager. The project cost shall be defined as the sum of all trades or disciplines plus the Administrative Mark-up. No further charges will be allowed for the project unless a change order is issued by the City. The Administrative Mark-up shall be applied in accordance with the following project complexity matrix:

1. **Greater Than Average Complexity:** Complex repairs or renovations that will involve major systems or sensitive site conditions.
2. **Average Complexity:** Routine maintenance and repairs with some major systems involvement or possible sensitive site conditions.
3. **Less Than Average Complexity:** Routine maintenance and repairs without major systems involvement or other sensitive site conditions.

The Contractor and the City's Contract Manager shall consider each site condition prior to the determination of complexity. The City's Contract Manager decision as to the level of complexity shall be final and binding on both parties.

C2.3 Approval Thresholds for Lump Sum Plus Administrative Mark-up Projects.

- Project with costs equal to or less than \$25,000 may be approved by the Project Manager.
- Project with costs equal to or less than \$250,000 may be approved by the City Manager.
- Projects with cost exceeding \$250,000 must be approved by the City Commission.

C2.4 Exclusions. The following items are excluded from the scope of this project, unless approved in writing by the City.

1. Fire protection and life safety systems and equipment.
2. Maintenance of landscape irrigation systems. Locks, keycard systems, and static and dynamic bollard systems.
3. Elevator and vertical transportation systems, including locks, keycard systems, and static and dynamic bollard systems.
4. Security systems.
5. Telecommunication systems.
6. Equipment owned and operated by tenant agencies.
7. Furnishings (not installed as fixtures).
8. Kitchen appliances and equipment (but ductwork above the ceiling, grease traps with associated piping, and any fire suppression or fire alarm equipment are included in the scope).
9. Equipment owned by servicing public utilities.

10. Fitness center equipment.
11. Lawn sprinkler heads.
12. Locksmith services

C3. SPECIAL TERMS AND CONDITIONS.

- C3.1 **TERM OF CONTRACT.** The term of this contract will be for three (3) years, with the City having the sole option to renew the contract with the contractor for one-year extensions for an additional two years. The contract is subject to and contingent upon funds being appropriated by the City Council for each fiscal year. If such appropriations are not made, the contract shall automatically terminate without penalty to the City.
- C3.2 **ASSIGNMENT AND SUBCONTRACTORS.** The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of City.
- C3.3 **NOTICE OF LABOR DISPUTE.** Whenever Contractor has knowledge that any actual or potential labor dispute may delay the award of this RFP, Contractor shall immediately notify and submit all relevant information to the City of Bell. Contractor shall insert the substance of this entire clause in any subcontract hereunder.
- C3.4 **PERFORMANCE DURING DISPUTES.** Unless otherwise directed by the City Manager, successful Contractor shall continue performance under the Agreement while matters in dispute are being resolved.
- C3.5 **ASSUMPTION OF RISK OF LOSS.** Unless otherwise provided, Contractor shall have title to and bear the risk of loss of or damage to the items purchased hereunder until they are delivered in conformity as outlined in the RFP at the F.O.B. point specified herein, and upon such delivery Contractor's responsibility for loss or damage shall cease, except for loss or damage resulting from Contractor's negligence.
- C3.6 **ANNUAL COST ADJUSTMENT.** At the request of the Contractor, the City may consider cost adjustments for the second and subsequent years will be made to the Contractors annual prices using the annual indexes of the "Consumer Price Index for Miami Area as published by the U.S. Department of Labor, Bureau of Labor Statistics. This adjustment may be made in first month of each new contract year if agreed to by the City. If the City denies a request for cost adjustment, the Contractor shall be obligated to continue work at the then current rates.
- C3.7 **Records.**
- a. Cost Records. Contractor shall maintain all books, documents, papers, employee time sheets,

accounting records, and other evidence pertaining to the costs while performing under this agreement and shall make such materials available at its office at all reasonable times during the term of this agreement and for three (3) years from the date of final payment for inspection by the City and copies of thereof shall be promptly furnished to the City upon request.

- b. Environmental Compliance Records. Contractor shall also maintain adequate records to demonstrate compliance with Best Management Practices and established environmental standards.
- c. Inspection of Records. The City reserves the right to audit all of the Contractor's records related to the work performed under this contract.

C3.8 **Reports and Communications**

- a. Incident Reports. The successful contractor shall be required to complete "Incident Reports" arising out of any unusual occurrences during performance of this contract. Such reports must be submitted to City of Bell for review within forty-eight (48) hours and shall be submitted after incidents such as complaints, requests, damaged personal and/or public property, or environmentally sensitive discharges and observations within the public right of way.
- b. Accident Reports. Any vehicle accidents or personal injury occurring during or as a result of this contract shall be reported to City of Bell by telephone immediately during normal business hours or not later than 8:00 a.m. the following day (regardless of the amount of damage or lack thereof) and a police report must be immediately obtained from law enforcement agency that responded to accident. The Contractor must submit written Accident Reports to the City within twenty-four (24) hours of any accident.
- c. Management Reports. The Contractor shall furnish a report with each month's billing giving the amount and type of work completed, the location of the work completed, and any and all materials and equipment utilized in the completion of the work. The contractor will also provide any additional reports requested by the City.
- d. Criticism and Initiative. The Contractor shall work closely with the City to make the service as responsive, cost effective, and complaint-free as possible. Contractor shall also make recommendations to the City for maintenance work that may be required as part of maintenance and operations of the public infrastructure.
- e. Complaints. The contractor shall institute a procedure for receiving, logging and resolving customer and citizen complaints by collecting pertinent information and deriving a resolution. Complaints and their resolution shall be reported to the City of Bell within 10 days of their receipt.

C3.9 **Personnel Practices**

- a. Fair Employment Practices. The Contractor must not discriminate in its recruitment, hiring, promotion, demotion or termination practices on the basis of race, religious creed, color, national origin, ancestry, gender, age or physical disability in the performance of any Agreement with the City, and shall comply with the provisions of the State Fair Employment Practices Act, the Federal Rights Act of 1964 and all amendments thereto, and the Americans with Disabilities Act of 1990. Proposal shall include a brief statement of intent to comply with the aforementioned laws.
- b. Safety and Training. Proposal shall include a description of a comprehensive safety plan that the Contractor has adopted and that demonstrates the Contractor's commitment to work safety.
- c. Contractor shall also comply with California Department of Motor Vehicles (DMV) " Pull Notice" Practices Program if applicable to the operating of all equipment.
- d. Contractor shall comply with any mandatory drug testing procedures required by the California

Department of Transportation for any employee operating a vehicle requiring a commercial driver's license used in the provision of the services specified in this Request for Proposals.

C3.10 Equipment

- a. Contractor shall furnish sufficient Equipment to permit the proper completion of the work as specified in this Request for Proposals. Such Equipment shall comply with the rules and standards established by the South Coast Air Quality Management District section 1186 and 1186.1 and any rules adopted during the term of the contract.
- b. Contractor shall furnish sufficient materials to complete each maintenance, restoration, or rehabilitation project to the standards acceptable to the City and to the Standards and Specifications as identified in the latest Edition of the Uniform Building Code, Uniform Electric Code, and Uniform Plumbing Code.
- c. Telephone. Contractor shall furnish a telephone number to receive customer comments and requests regarding the Services required in this Request for Proposals. Personnel shall be available to answer this telephone from 7:00 AM to 6:00 PM Monday through Friday except those days designated by the City of Bell as official Holidays.

C3.11 Penalties and Incentives

- a. Service Complaint Penalties. Contractor will be allowed no more than three substantiated complaints per month regarding work that has been completed by the contractor. The City will levy a \$100.00 penalty for each substantiated complaint above that threshold.
- b. Service Incentives.
 - i. The City desires that the Contractor seek to optimize the provision of the services specified herein. Should the Contractor furnish the services at a fixed unit cost less than the bid amount, then the City and the Contractor shall split the amount of the cost reduction fifty-fifty thereby providing the Contractor with an incentive for any efficiency achieved.
 - ii. The above referred efficiency shall not cause any reduction in the quality of the work to be completed, or the safety of the public during the completion of the work.

C3.12 Equipment To Be Furnished. The Contractor is responsible to provide and maintain all equipment needed to furnish the services specified herein comparable with the equipment currently being used in the industry.

C3.13 Work Plan And Budget. Contractor shall meet with the Designated City Representative weekly to discuss and establish the work schedule and priorities for the week. The work schedule may be adjusted throughout the week to meet changing demands and budget.

C3.14 Contractor Availability. Contractor and the Contractor's crews/personnel are to act as an extension of City staff, and as such, must be available to work nights and weekends if required.

C3.15 Licenses, Permits, Fees And Assessments. Contractor shall obtain at its sole cost and expense such licenses and certifications as may be required by law for the performance of the services required by this Agreement. Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of

City, against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against City hereunder. Contractor shall obtain all permits, to be reimbursed by the City, as may be required by law for the performance of the services required by this Agreement.

- C3.16 **Care Of Work.** The Contractor shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.
- C3.17 **Warranty.** Contractor warrants all Work under the Agreement (which for purposes of this Section shall be deemed to include unauthorized work which has not been removed and any non-conforming materials incorporated into the Work) to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees that for a period of one year (or the period of time specified elsewhere in the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the Work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the City of any defect in the Work or non-conformance of the Work to the Agreement, commence and prosecute with due diligence all Work necessary to fulfill the terms of the warranty at his sole cost and expense. Contractor shall act sooner as requested by the City in response to an emergency. In addition, Contractor shall, at its sole cost and expense, repair and replace any portions of the Work (or work of other contractors) damaged by its defective Work or which becomes damaged in the course of repairing or replacing defective Work. For any Work so corrected, Contractor's obligation hereunder to correct defective Work shall be reinstated for an additional one year period, commencing with the date of acceptance of such corrected Work. Contractor shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Agreement. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstatement of equipment and materials necessary to gain access, shall be the sole responsibility of the Contractor. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the Work, whether express or implied, are deemed to be obtained by Contractor for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Contractor agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Contractor fails to perform its obligations under this Section, or under any other warranty or guaranty under this Agreement, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming Work and any work damaged by such work or the replacement or correction thereof at Contractor's sole expense. Contractor shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand. This provision may be waived if the services hereunder do not include construction of any improvements or the supplying of equipment or materials.
- C3.18 **Additional Services.** City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that is specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Agreement Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor. Any increase in compensation of up to five percent (5%) of the Agreement Sum or \$25,000, whichever

is less; or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City Manager.

- C3.19 **Schedule of Performance.** Contractor shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "C" and incorporated herein by this reference. When requested by the Contractor, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding one hundred eighty (180) days cumulatively.
- C3.20 **Force Majeure.** The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the Agency, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Contractor be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.
- C3.21 **Inspection and Final Acceptance.** City may inspect and accept or reject any of Contractor's work under this Agreement, either during performance or when completed. City shall reject or finally accept Contractor's work within forth five (45) days after submitted to City. City shall accept work by a timely written acceptance, otherwise work shall be deemed to have been rejected. City's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, Section X, pertaining to indemnification and insurance, respectively.
- C3.22 **Status of Contractor.** Contractor shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Contractor shall not at any time or in any manner represent that Contractor or any of Contractor's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Contractor, nor any of Contractor's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Contractor expressly waives any claim Contractor may have to any such rights.
- C3.23 **Contract Manager.** The Contract Manager shall be the City's representative for any resulting agreement. It shall be the Contractor's responsibility to assure that the Contract Manager is kept informed of the progress of the performance of the services and the Contractor shall refer any decisions which must be made by City to the Contract Manager. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Manager.

- C3.24 **Independent Contractor.** Neither the City nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Contractor shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Contractor in its business or otherwise or a joint venturer or a member of any joint enterprise with Contractor.
- C3.25 **Prohibition against Subcontracting or Assignment.** The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the Agency to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the Agency. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of Agency. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of Agency.
- C3.26 **Reports.** Contractor shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Contractor hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Contractor agrees that if Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Contractor is providing design services, the cost of the project being designed, Contractor shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.
- C3.27 **Ownership of Documents.** All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Contractor, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Contractor shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted documents without specific written authorization by the Contractor will be at the City's sole risk and without liability to Contractor, and Contractor's guarantee and warranties shall not extend to such

use, revise or assignment. Contractor may retain copies of such documents for its own use. Contractor shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Contractor fails to secure such assignment, Contractor shall indemnify City for all damages resulting therefrom.

APPENDIX D

MIAMI BEACH

Cost Proposal Form

FACILITIES MAINTENANCE SERVICES

2015-090-JR

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

Miami Beach ITN 2015-090-JR Appendix D – Page 1

COST PROPOSAL FORM (APPENDIX D)

Failure to submit Section 5, Bid Price Form, in its entirety and fully executed by the deadline established for the receipt of proposals will result in Proposal being deemed non-responsive and being rejected.

Bidder affirms that the prices stated on the proposal price form below represents the entire cost of the items in full accordance with the requirements of this ITN, inclusive of its terms, conditions, specifications and other requirements stated herein, and that no claim will be made on account of any increase in wage scales, material prices, delivery delays, taxes, insurance, cost indexes or any other unless a cost escalation provision is allowed herein and has been exercised by the City Manager in advance. The Bid Price Form (Section 5) shall be completed mechanically or, if manually, in ink. **Cost Proposal Forms completed in pencil shall be deemed non-responsive.** All corrections on the Cost Proposal Forms shall be initialed.

GROUP 1					
PROJECT COSTS – TIME AND MATERIAL (SEE SECTION 2.2.1)					
Group Item	Description (A)	Estimated Annual Service Hours (B)	U/M	Unit Cost	Total (A X B)
1A	Hourly Rate - Regular	5,000	Hourly Rate	\$	\$
1B	Hourly Rate – Non-Regular	1,000	Hourly Rate	\$	\$
Group Item	Description	Estimated Annual Gross Costs (A)	Administrative Mark-up for Equipment and Supplies (B)		Net Cost for Materials (A X B)
1C	Materials	\$50,000	%		\$
Total Group 1(1A + 1B + 1C)					\$

GROUP 2					
PROJECT COSTS – LUMP SUM PLUS ADMINISTRATIVE MARK-UP (SEE SECTION 2.2.2)					
Group Item	Description	Estimated Annual Aggregate Project Costs (A)	Administrative Mark-up for Equipment and Supplies (B)		Net Cost for Materials (A X B)
2A	Projects with Less than Average Complexity	\$250,000	%		\$
2B	Projects with Average Complexity	\$500,000	%		\$
2C	Projects with Greater than Average Complexity	\$250,000	%		\$
Total Group 2(2A + 2B + 2C)					\$

Total Proposed Costs (Group 1 Cost + Group 2 Cost) * \$

* Total Proposed Cost shall be the basis for the calculation of cost points during the evaluation process.

Bidder's Affirmation
Company:
Authorized Representative:
Address:
Telephone:
Email:
Authorized Representative's Signature:

APPENDIX E

MIAMI BEACH

Insurance Requirements

FACILITIES MAINTENANCE SERVICES

2015-090-JR

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

APPENDIX F

MIAMI BEACH

Listing of Facilities

FACILITIES MAINTENANCE SERVICES

2015-090-JR

PROCUREMENT DIVISION
1700 Convention Center Drive
Miami Beach, Florida 33139

APPENDIX F
Property Management Locations Addresses & Hours of Operation

BEACH MAINT RESTROOMS	L-2200-1ST ST-RESTROOMS	1ST ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2201-3RD ST-RESTROOMS	3RD ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2202-6TH ST-RESTROOMS	6TH ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2203-10TH ST-RESTROOMS	10TH ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2204-14TH ST-RESTROOMS	14TH ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2205-21ST ST-RESTROOMS	21ST ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2206-46TH ST-RESTROOMS	46TH ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2207-53RD ST-RESTROOMS	53RD ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2208-64TH ST-RESTROOMS	64TH ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2209-73RD ST-RESTROOMS	73RD ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2210-81ST ST-RESTROOMS	81ST ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2211-83RD ST-RESTROOMS	83RD ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2212-85TH ST-RESTROOMS	85TH ST & OCEAN DR-RESTROOMS	
BEACH MAINT RESTROOMS	L-2213-15TH ST RESTROOM	15TH ST & OCEAN DR-RESTROOMS	
MIAMI CITY BALLET	L-2122-MIAMI CITY BALLET	2200 LIBERTY AVENUE	?????
PM 1755 MERIDIAN	1ST-FLOOR-1755 MERIDIAN	1755 MERIDIAN AVE-1-4 FLOORS	Nam-5pm
PM 21ST COMM CENTER	L-1100-2100 WASHINGTON AVE-REC CULTURE	REC CULTURE-PARKS 2100 WASHINGTON AVE-OFFICE	Nam-4pm
PM 21ST COMM CENTER	L-1160-2100 WASHINGTON AVE-OFFICE	2100 WASHINGTON AVE-OFFICE	
PM 21ST COMM CENTER	L-1160A-2100 WASHINGTON AVE-BANDSHELL	2100 WASHINGTON AVE-BANDSHELL	
PM 21ST COMM CENTER	L-1160B-2100 WASHINGTON AVE-ACORN THEATER	2100 WASHINGTON AVE-ACORN THEATER	
PM 21ST COMM CENTER	L-1160C-2100 WASHINGTON AVE-CHESS CLUB	2100 WASHINGTON AVE-CHESS CLUB	
PM 21ST COMM CENTER	L-1160D-2100 WASHINGTON AVE-LITTLE STAGE	2100 WASHINGTON AVE-LITTLE STAGE	
PM 21ST COMM CENTER	L-1160E-2100 WASHINGTON AVE-AUDITORIUM	2100 WASHINGTON AVE-AUDITORIUM	
PM 555 BUILDING	1ST-FLOOR-555 17TH ST	555 17TH ST-1ST FLOOR	7am-5pm:CC 24/7
PM 555 BUILDING	L-0355A-COMMUNITY AFFAIRS	555 17TH STREET-1ST FLOOR	
PM 777 BUILDING	2ND-FLOOR-777 17TH ST	777 17TH ST-2ND FLOOR	7am-7pm
PM 777 BUILDING	3RD-FLOOR-777 17TH ST	777 17TH ST-3RD FLOOR	
PM 777 BUILDING	4TH-FLOOR-777 17TH ST	777 17TH ST-4TH FLOOR	
PM 777 BUILDING	5TH-FLOOR-777 17TH ST	777 17TH ST-5TH FLOOR	
PM ADMIN	L-1400A-PM-CARP/ELECTSHOP	1245 MICHIGAN AVE-CARP/ELECT SHOP	7am-7pm
PM ADMIN	L-1400B-PM-TRAILER	1245 MICHIGAN AVE-TRAILER	
PM ADMIN	L-1400C-PM AC/PAINT/PL SHOPS	1245 MICHIGAN AVE AC/PAINT/PLUMB SHOPS	
PM ADMIN	L-1400D-PM-CITYWIDE	1245 MICHIGAN AVE-CITYWIDE	
PM ADMIN	L-1400E-PM-COMMONAREAS	1245 MICHIGAN AVE-COMMON AREAS	
PM ADMIN	L-1400F-PM HURRICANE	1245 MICHIGAN AVE CITYWIDE HURRICANE PREP	
PM ADMIN	L-1400G-PM-OFFICE	1245 MICHIGAN AVE-OFFICE	
PM ADMIN	L-1400-PM	1245 MICHIGAN AVE	
PM ADMIN	L-1401-PM LEAVE TIME	1245 MICHIGAN AVE LEAVE TIME ONLY	
PM ART FILMS	L-0303A-ARTS-FILM 1755	1755 MERIDIAN AV-3TH FLOOR	
PM ART FILMS	L0303-ARTS-FILM 555	555 17TH ST-1ST FLOOR	
PM BASS MUSEUM	L-1901A-BM-BASSARTSCHOOL-CFISHER	2121 PARK AVENUE-ART SCHOOL	Nam-4:30pm
PM BASS MUSEUM	L-1901-BM-OFFICE	2121 PARK AVENUE-OFFICE	
PM BEACH PATROL	L-0800A-BEACH PTRL-MINI HQ	72ND ST & OCEAN DRIVE-OFFICE/STORAGE	Nam-5pm
PM BEACH PATROL	L-0800B-BEACH PATROL-SO PNT/PK	SOUTH POINTE PARK	Nam-4pm
PM BEACH PATROL	L-0800C-BEACH PATROL HQ	1001 OCEAN DRIVE-OFFICE	Nam-5pm
PM BEACH PATROL	L-0800D-BEACH PATROL-SO PNT/PK	SOUTH POINTE PARK	
PM BEACH PATROL	L-0860-BEACH PATROL-JETTY	JETTY LIFE GUARD STAND- BEACH PATROL	
PM BM CITYWIDE	L-2245-SEAWALL	CITYWIDE SEAWALL CORAL ROCK WALL	
PM BM CITYWIDE	L-2246-BEACH ENTRANCE	CITYWIDE BEACH ENTRANCE MAINT-ROPES 7 POSTS	
PM BM CITYWIDE	L-2247-MOB MAT MAINT	CITYWIDE MOBI MAT MAINT ON BEACHES	
PM BM SHOWER	L-2214-1ST ST-SHOWER	1ST STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2215-3RD ST-SHOWER	3RD STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2216-4TH ST-SHOWER	4TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2217-6TH ST-SHOWER	6TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2218-7TH ST-SHOWER	7TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2219-8TH ST-SHOWER	8TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2220-9TH ST-SHOWER	9TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2221-10TH ST-SHOWER	10TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2222-11TH ST-SHOWER	11TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2223-12TH ST-SHOWER	12TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2224-13TH ST-SHOWER	13TH ST-SHOWER/FOOTBATH	
PM BM SHOWER	L-2225-14TH ST-SHOWER	14TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2226-16TH ST-SHOWER	16TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2227-21TH ST-SHOWER	21TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2228-27TH ST-SHOWER	27TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2229-29TH ST-SHOWER	29TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2230-35TH ST-SHOWER	35TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2231-43TH ST-SHOWER	43TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2232-53TH ST-SHOWER	53TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2233-64TH ST-SHOWER	64TH STREET-SHOWER/FOOTBATH	

Property Management Locations - Hours of Operation

Location Name	Location #	Location Address	Hours of Operation
PM BM SHOWER	L-2234-46TH ST-SHOWER	46TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2235-18TH ST-SHOWER	18TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2236-69TH ST-SHOWER	69TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2237-71ST ST-SHOWER	71ST STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2238-73RD ST-SHOWER	73RD STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2239-74TH ST-SHOWER	74TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2240-76TH ST-SHOWER	76TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2241-83RD ST-SHOWER	83RD STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2242-85TH ST-SHOWER	85TH STREET-SHOWER/FOOTBATH	
PM BM SHOWER	L-2243-87TH ST-SHOWER	87TH STREET-SHOWER/FOOTBATH	
PM CHAMBERS	L-0332A-CH-A-C-CHAMBERS	1700 CONVENTION CENTER DR-1ST FL	
PM CHAMBERS	L-0332B-CH-A-C-CHAMBERS	1700 CONVENTION CENTER DR-2ND FL	
PM CHAMBERS	L-0332C-CH-A-C-CHAMBERS	1700 CONVENTION CENTER DR-3RD FL	
PM CHAMBERS	L-0332-CH-A-C-CHAMBERS	1700 CONVENTION CENTER DR-1-4 FL	
PM CHAMBERS	L-0332D-CH-A-C-CHAMBERS	1700 CONVENTION CENTER DR-4TH FL	
PM CHAMBERS	L-0333A-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-1ST FL	
PM CHAMBERS	L-0333B-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-1ST FL MECH ROOM	
PM CHAMBERS	L-0333C-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-2ND FL	
PM CHAMBERS	L-0333-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-1-4 FL	
PM CHAMBERS	L-0333D-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-3RD FL	
PM CHAMBERS	L-0333E-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-4TH FL	
PM CHAMBERS	L-0333F-CH-PLUMB-CHAMBERS	1700 CONVENTION CENTER DR-OUTSIDE	
PM CHAMBERS	L-0334-CH-ELECT-CHAMBERS	1700 CONVENTION CENTER DR-1-4 FL	
PM CHAMBERS	L-0335-CH-MAINT-CHAMBERS	1700 CONVENTION CENTER DR-1-4 FL	
PM CHAMBERS	L-0335-CH-PAINT-CHAMBERS	1700 CONVENTION CENTER DR-1-4 FL	
PM CITY HALL	L-0100-MAYORS OFFICE	MAYORS OFFICE	Nam-5pm
PM CITY HALL	L-0200-CITY CLERK	CITY CLERK	
PM CITY HALL	L-0201-MEDIA RELATIONS	1700 CONVENTION CENTER DR-1ST FLOOR	
PM CITY HALL	L-0210-CITY CLERK,SPEC.	CITY CLERK/SPECIAL M 1ST FLOOR	
PM CITY HALL	L-0300-CITY MANAGER-S OFFICE	1700 CONVENTION CENTER DR-4TH FLOOR	
PM CITY HALL	L-0303A-ARTS-FILM/SPC EVENTS	1755 MERIDIAN AVE-5TH FLOOR	
PM CITY HALL	L-0303-ARTS-FILM/SPC EVENTS	555 17TH ST-1ST FLOOR	
PM CITY HALL	L-0304-MANAGEMENT-BUDGET	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0305-COMM/ECO DEVELOPMENT	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0306-FINANCE/ADMIN (360)	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0307-RISK MANAGEMENT	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0308-FIN/RESORT	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0309-DADE CNTY COMMISSIONER	1700 CONVENTION CENTER DR-1ST FLOOR	
PM CITY HALL	L-0310-ORGANIZATIONAL DEVELPMT	1700 CONVENTION CENTER DR-2ND FLOOR	
PM CITY HALL	L-0320-PLAN-HIST PRES D	1700 CONVENTION CENTER DR-2ND FLOOR	
PM CITY HALL	L-0322-BUILDING DEPT	1700 CONVENTION CENTER DR-2ND FLOOR	
PM CITY HALL	L-0326-PROCUREMENT	1700 CONVENTION CENTER DR-2ND FLOOR	
PM CITY HALL	L-0327A-CODE COMPLIANCE	555 17TH ST-2ND FLOOR	
PM CITY HALL	L-0327-CODE COMPLIANCE	555 17TH ST-1ST FLOOR	
PM CITY HALL	L-0327-COMM/FCO	1700 CONVENTION CENTER-3RD FLOOR	
PM CITY HALL	L-0330-CITY ATTORNEY/LEGAL	1700 CONVENTION CENTER DR-4TH FLOOR	
PM CITY HALL	L-0331-HR/PERSONNEL	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0340-GENERAL PENSION	1700 CONVENTION CENTER DR-1ST FLOOR	
PM CITY HALL	L-0350-FIN/ACCTG(362)-PAY	1700 CONVENTION CENTER DR-3RD FLOOR	
PM CITY HALL	L-0351A-FIN/REV-UTBILLING	1755 MERIDIAN AVE-1ST FLOOR	
PM CITY HALL	L-0351-FIN/REV-UTBILLING	1700 CONVENTION CTR DR-1ST FLOOR	
PM CITY HALL	L-0352-INTERNAL AUDIT	1700 CONVENTION CENTER-3RD FLOOR	
PM CITY HALL	L-0353-P WORKS/ADMIN	1700 CONVENTION CENTER DR-4TH FLOOR	
PM CITY HALL	L-0354-P WORKS/ENGINEERING	1700 CONVENTION CENTER DR-4TH FLOOR	
PM CITY HALL	L-0355A-COMMUNITY AFFAIRS	555 17TH ST-1ST FLOOR	
PM CITY HALL	L-0355-COMMUNITY AFFAIRS	1700 CONVENTION CENTER DR-1ST FLOOR	
PM CITY HALL	L-0356-CONSTRUCTION MGMT-CIP	1700 CONVENTION CTR DR-4TH FLOOR	
PM CITY HALL	L-0357-TRANSPORT/CONCURRENCY	1700 CONVENTION CENTER DR-4TH FLOOR	
PM CITY HALL	L-0359-LABOR RELATIONS	1700 CONVENTION CENTER DR-4TH FLOOR	
PM CITY HALL	L-2115-PM-NEIGHBORHOOD SERV	555 17TH ST	
PM CITYWIDE	L-0405-PW-BRIDGES	CITYWIDE	
PM CITYWIDE	L-0890-SEAWALL CORAL ROCK WALL	CITYWIDE	
PM CITYWIDE	L-0906-WELCOME SIGNS	CITYWIDE	
PM CITYWIDE	L-1187-FLAG POLES	CITYWIDE	
PM CITYWIDE	L-1300-BUS BENCHES	CITYWIDE	
PM CITYWIDE	L-2105-CITY OWNED HOTELS	CITYWIDE	
PM COMPUTERS	L-1800-1100 WASH AVE-4FL	1100 WASHINGTON AVE-4TH FLOOR	24/7
PM COMPUTERS	L-1800A-1700 CONCTR	1700 CONVENTION CENTER DR	
PM COMPUTERS	L-1800B-1130 WASH AVE-3-5FLOORS	1130 WASHINGTON AVE-3RD - 5TH FLOORS	Nam-5pm
PM COMPUTERS	L-1800C-1755 MERIDIAN AVE-5F	1755 MERIDIAN AVE-5TH FLOOR	
PM FIRE STATION	L-0700-FIRE ADMIN	1701 MERIDIAN AVE	
PM FIRE STATION	L-0701-FIRE STATION 1	1051 JEFFERSON AVENUE	24/7
PM FIRE STATION	L-0702A-FIRE STATION 2	2300 PINETREE DRIVE 1ST FLOOR	24/7
PM FIRE STATION	L-0702-FIRE STATION 2	2300 PINETREE DRIVE	
PM FIRE STATION	L-0703-FIRE STATION 3	5303 COLLINS AVENUE	24/7
PM FIRE STATION	L-0704A-FIRE STATION 4-1ST FL	6880 INDIAN CREEK DRIVE-1ST FLOOR	24/7
PM FIRE STATION	L-0704-FIRE STATION 4	6880 INDIAN CREEK DRIVE	
PM FLAMINGO PARK	L-1101-11-15 ST-MICH AVE-ALL	11TH-15TH ST/MICH AVE-ALL OF FLAMINGO	
PM FLAMINGO PARK	L-1101A-11-15 ST-MICH AVE-OFFICE	11TH-15TH ST/MICH AVE-OFFICE	
PM FLAMINGO PARK	L-1101B-11-15 ST-MICH AVE-BASEBALL	11TH-15TH ST/MICH AVE-BASEBALL	
PM FLAMINGO PARK	L-1101C-11-15 ST-MICH AVE-SOCCER	11TH-15TH ST/MICH AVE-SOCCER	
PM FLAMINGO PARK	L-1101D-11-15 ST-MICH AVE-STADIUM	11TH-15TH ST/MICH AVE-ABEL HOLTZ STADIUM	
PM FLAMINGO PARK	L-1101E-11-15 ST-MICH AVE-HANDBALL	11TH-15TH ST/MICH AVE-HANDBALL	
PM FLAMINGO PARK	L-1101F-11-15 ST-MICH AVE-BASKETBALL	11TH-15TH ST/MICH AVE-BASKETBALL	
PM FLAMINGO PARK	L-1101G-11-15 ST-MICH AVE-TENNIS	11TH-15TH ST/MICH AVE-TENNIS	

Property Management Locations - Hours of Operation

Location Name	Location #	Location Address	Hours of Operation
PM FLAMINGO PARK	L-1101H-11-15 ST-MICH AVE-POOL	11TH-15TH ST/MICH AVE-POOL	
PM FLAMINGO PARK	L-1101I-11-15 ST-MICH AVE-SHOWERS	11TH-15TH ST/MICH AVE-SHOWERS	
PM FLAMINGO PARK	L-1101J-11-15 ST-MICH AVE-ACTIVITY BLDG	11TH-15TH ST/MICH AVE-ACTIVITY BLDG	
PM FLAMINGO PARK	L-1101K-11-15 ST-MICH AVE-ATHLETIC LEAGUE	11TH-15TH ST/MICH AVE-POLICE ATHLETIC LEAGUE	
PM FLAMINGO PARK	L-1101L-11-15 ST-MICH AVE-FOOTBALL	11TH-15TH ST/MICH AVE-MEMORIAL FOOTBALL FIELD	
PM FLAMINGO PARK	L-1101M-11-15 ST-MICH AVE-TOT LOT	11TH-15TH ST/MICH AVE-TOT LOT	
PM FLAMINGO PARK	L-1101N- 13TH-MERIDIAN-FRIENDSHIP 3	13TH-MERIDIAN-FRIENDSHIP #3	
PM FLEET MGMT	L-1200-WAREHOUSE	140 MACARTHUR CSWY	8am-6pm
PM FLEET MGMT	L-1201A-FLEET-CAUSEWAY BAYS	140 MACARTHUR CSWY-BAYS	
PM FLEET MGMT	L-1201B-FLEET-ELECTRIC SHUTTLE	140 MACARTHUR CSWY-ELECTRIC SHUTTLE	
PM FLEET MGMT	L-1201-FLEET-OFFICE/WAREH	140 MACARTHUR CSWY-OFFICE/WAREH	
PM FOUNTAINS	L-0903A-LINCOLN WING FOUNTAIN	WING FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0903B-LINCOLN 500 FOUNTAIN	500 BLK FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0903C-LINCOLN 600 FOUNTAIN	600 BLK FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0903D-LINCOLN 700 FOUNTAIN	700 BLK FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0903E-LINCOLN 800 FOUNTAIN	800 BLK FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0903F-LINCOLN 900 FOUNTAIN	900 BLK FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0903G-LINCOLN	1000 BLK FOUNTAIN - LINCOLN ROAD MALL	
PM FOUNTAINS	L-0904A-21ST FOUNTAIN	21ST STREET/ALTON ROAD	
PM FOUNTAINS	L-0904B-41ST FOUNTAIN	41ST STREET/PINETREE DRIVE	
PM FOUNTAINS	L-0904C-71ST FOUNTAIN	71ST STREET	
PM FOUNTAINS	L-0904D-PALM ISLAND FOUNTAIN	PALM ISLAND FOUNTAIN	
PM FOUNTAINS	L-0904E-STAR ISLAND FOUNTAIN	STAR ISLAND	
PM FOUNTAINS	L-0906-WELCOME SIGN FOUNTAIN	WELCOME SIGN FOUNTAIN	
PM HISTORIC CITY HALL	L-2001A-HCH-1ST FLOOR	1130 WASHINGTON AVENUE-1ST FLOOR	8am-5pm
PM HISTORIC CITY HALL	L-2001B-HCH-3RD FLOOR	1130 WASHINGTON AVENUE-1ST, 3RD, 5TH FLOOR	
PM HISTORIC CITY HALL	L-2001-HCH-ALL FLOORS	1130 WASHINGTON AVENUE-ALL FLOORS	
PM LOG CABIN	L-1001A-EDUCATION BLDG	8128 COLLINS AVENUE-EDUCATION BLDG	8am-5pm
PM LOG CABIN	L-1001B-LOUNGE BLDG	8128 COLLINS AVENUE-LOUNGE BLDG	
PM LOG CABIN	L-1001-MAIN BLDG	8128 COLLINS AVENUE-MAIN BLDG	8am-5pm
PM NON-DIRECT	L-1502-1245 MICHIGAN	1245 MICHIGAN AVE	
PM NON-DIRECT	L-1502A-1901 CONVENTION CTR	1901 CONVENTION CENTER DR	
PM NON-DIRECT	L-1502B-TOPA	1700 WASHINGTON AVE	
PM NON-DIRECT	L-1502C-777 17TH ST	777 17TH ST	
PM NORMANDY ISLE PARK	L-1166-1765 71ST ST	1765 71ST ST	
PM NORMANDY ISLE PARK	L-1166A-1765 71ST ST-TENNIS	1765 71ST ST-TENNIS	
PM NORMANDY PARK	L-1137-765 71ST ST-PARK	NORMANDY PARK 1765-71ST ST	
PM NORMANDY PARK	L-1147-7030 TROUVILLE ESPLANADE-POOL	NORMANDY POOL 7030 TROUVILLE ESPLANADE	
PM NORTH SHORE PARK	L-1115-501-72ND ST-OFFICE	501-72ND ST-OFFICE	
PM NORTH SHORE PARK	L-1115A-501-72ND ST-TENNIS	501-72ND ST-TENNIS	
PM NORTH SHORE PARK	L-1115B-501-72ND ST-TEEN CENTER	501-72ND ST-TEEN CENTER	
PM NORTH SHORE PARK	L-1115C-501-72ND ST-CERAMICS	501-72ND ST-CERAMICS	
PM NORTH SHORE PARK	L-1115D-501-72ND ST-BASEBALL	501-72ND ST-BASEBALL	
PM NORTH SHORE PARK	L-1115E-501-72ND ST-BASKETBALL	501-72ND ST-BASKETBALL	
PM NORTH SHORE PARK	L-1164A-7252 COLLINS AVE-FRIENDSHIP 4	7252 COLLINS AVE-FRIENDSHIP 4	
PM NORTH SHORE PARK	L-1164B-7253 COLLINS AVE-BANDSHELL	7253 COLLINS AVE-BANDSHELL	
PM NORTH SHORE PARK	L-1164C-7254 COLLINS AVE-ACTIVITY BLDG	7254 COLLINS AVE-ACTIVITY BLDG	
PM NORTH SHORE PARK	L-1164D-7255 COLLINS AVE-HISPANIC CENTER	7255 COLLINS AVE-HISPANIC COMM. CENTER	
PM NORTH SHORE PARK	L-1164E-501-72ND ST-FIELD HOUSE	7256 COLLINS AVE-FIELD HOUSE	
PM OTHER PARKS	L-0300A-2401 BIARRITZ DR-GOLF COURSE	NORMANDY GOLF COURSE 2401 BIARRITZ DR-GOLF COURSE	
PM OTHER PARKS	L-1122-200 FAIRWAY DR-FAIRWAY PARK	FAIRWAY PARK 200 FAIRWAY DR-ALL OF FAIRWAY	
PM OTHER PARKS	L-1126-4400 CHASE AVE-MUSS PARK	MUSS PARK 4400 CHASE AVE	
PM OTHER PARKS	L-1130-8440 HAWTHORNE AVE-STILLWATER	STILLWATER PARK 8440 HAWTHORNE AVE	
PM OTHER PARKS	L-1133-802-42ND ST-POLO PARK	POLO PARK 802-42ND ST	
PM OTHER PARKS	L-1137-NORMANDY PARK	NORMANDY PARK-1765 71ST ST	
PM OTHER PARKS	L-1141-7800 CRESPI BLVD-CRESPI PARK	CRESPI PARK 7800 CRESPI BLVD	
PM OTHER PARKS	L-1144-8050 BYRON AVE-TATUM PARK	TATUM PARK 8050 BYRON AVE	
PM OTHER PARKS	L-1148-159 PALM ISLAND PARK	PALM ISLAND PARK 159 PALM ISLAND	
PM OTHER PARKS	L-1157-OCEAN FRONT AUDITORIUM	1001 OCEAN DR	
PM OTHER PARKS	L-1166A-NORMANDY ISLE PARK TENNIS	NORMANDY ISLE PARK TENNIS	
PM OTHER PARKS	L-1166-NORMANDY ISLE PARK	NORMANDY ISLE PARK-1765 71ST ST	
PM OTHER PARKS	L-1167-NORMADNY SHORES	NORMANDY SHORES PARK-2401 BIARRITZ DR-BOYS MARINA	
PM OTHER PARKS	L-1167-NORMANDY SHORES PARK	NORMANDY SHORES PARK-2401 BIARRITZ DR-BOYS MARINA	
PM OTHER PARKS	L-1168-2301 ALTON RD-BAYSHORE TENNIS	BAYSHORE TENNIS COURTS 2301 ALTON RD	
PM OTHER PARKS	L-1173-63RD-INDIAN CRK DR-BRITTANY PARK	BRITTANY PARK 63RD-INDIAN CRK DR	
PM OTHER PARKS	L-1174-54TH ST-COLLINS AVE-CARRIAGE HOUSE	CARRIAGE HOUSE PARK 54TH ST-COLLINS AVE	
PM OTHER PARKS	L-1176-51ST ST-ALTON RD-FISHER	FISHER PARK 51ST ST-ALTON RD	
PM OTHER PARKS	L-1177-LA GORCE PARK	LA GORCE PARK	
PM OTHER PARKS	L-1178-45TH ST-PINE TREE DR	PINE TREE PARK 45TH ST-PINE TREE DR	
PM OTHER PARKS	L-1181-DADE BLVD-PURDY AVE-ISLAND VIEW	ISLAND VIEW PARK DADE BLVD-PURDY AVE	
PM OTHER PARKS	L-1182-BISCAYNE BAY-MONUMENT	FLAGLER MONUMENT BISCAYNE BAY	
PM OTHER PARKS	L-1184-STAR ISLAND DR-GUARD HOUSE	STAR ISLAND MACARTHUR-STAR ISLAND DR-GUARD HOUSE	
PM OTHER PARKS	L-1185-PALM ISL DR-GUARD HOUSE	PALM-HIBISCUS ISLAND MACARTHUR-PALM ISL DR-GUARD HOUSE	
PM OTHER PARKS	L-1186-3RD ST-OCEAN DR-OCEAN BEACH	OCEAN BEACH PARK 3RD ST-OCEAN DR	
PM OTHER PARKS	L-1187-CITYWIDE-FLAG POLES	FLAG POLES CITY WIDE	
PM OTHER PARKS	L-1189-77TH ST-BISCAYNE PT-GUARD HOUSE	BISCAYNE POINTE 77TH ST-BISCAYNE PT-GUARD HOUSE	
PM OTHER PARKS	L-1190-53RD ST-COLLINS AVE-BEACH VIEW	BEACH VIEW PARK 53RD ST-COLLINS AVE	
PM OTHER PARKS	L-1191-210-2ND ST-WOMB	WOMB 210-2ND ST	
PM OTHER PARKS	L-1192-21ST ST-COLLINS AVE-GUARD HOUSE	COLLINS PARK 21ST ST-COLLINS AVE-GUARD HOUSE	
PM OTHER PARKS	L-1194-LA GORCE DR-GUARD HOUSE	LAGORCE ISLAND LAGORCE DR-GUARD HOUSE	
PM OTHER PARKS	L-1195-73RD-DICKENS AVE-PARK VIEW	PARK VIEW ISLAND 73RD-DICKENS AVE (WEST SIDE)	
PM OTHER PARKS	L-1196-3RD ST & OCEAN DR-TOT LOT	OCEAN PARK 3RD ST & OCEAN DR-TOT LOT	
PM OTHER PARKS	L-1197-BELLE ISLE PAR	BELLE ISLE PARK BELLE ISLAND	
PM OTHER PARKS	L-2120-2301 ALTON RD-GOLF COURSE	MIAMI BEACH GOLF COURSE 2301 ALTON RD	

Property Management Locations - Hours of Operation

Location Name	Location #	Location Address	Hours of Operation
PM OTHER PARKS	L-2121-226 2ND ST-VICTORY GARDENS	VICTORY GARDENS 226 2ND ST	
PM PARKING 1-15	L-0516-11TH ST GARAGE	13TH-COLLINS AVE	24/7
PM PARKING 1-15	L-0517-PARKING LOT	11TH ST-LENOX AVE PAL	
PM PARKING 1-15	L-0518-7TH ST GARAGE 7 STORY	7TH ST-COLLINS AVE	
PM PARKING 1-15	L-0519-PENROD S-BISCAYNE-OCEAN	BISCAYNE ST-OCEAN DR	
PM PARKING 1-15	L-0520-15TH ST-MICHIGAN AVE	15TH ST-MICHIGAN AVE	
PM PARKING 1-15	L-0521-SOUTH POINTE PARK	SOUTH POINTE RESTAURANT	
PM PARKING 1-15	L-0522-1ST ST PARKING LOT	1ST ST-OCEAN DR	
PM PARKING 1-15	L-0523-12TH ST PARKING GARAGE	12TH ST-DREXEL AVE	
PM PARKING 1-15	L-0524-6TH ST PARKING LOT	6TH ST-MERIDIAN AVE	
PM PARKING 1-15	L-0534-11TH ST-COLLINS AVE	11TH ST-COLLINS AVE	
PM PARKING 1-15	L-0536-9TH ST PARKING LOT	19TH ST-WASHINGTON AVE	
PM PARKING 1-15	L-0537-10TH ST PARKING LOT	10TH ST-WASHINGTON AVE	
PM PARKING 1-15	L-0562-13TH ST PROVISIONAL	13TH ST PROVISIONAL	
PM PARKING 1-15	L-0563-13TH ST PARKING LOT	13TH ST-COLLINS AVE	
PM PARKING 16-22	L-0510-PREFERRED PARKING LOT	19TH ST-CONVENTION CENTER	
PM PARKING 16-22	L-0512-PARKING DEPT	1837 BAY ROAD	
PM PARKING 16-22	L-0514-C-1755 MERIDIAN	1755 MERIDIAN AVE	
PM PARKING 16-22	L-0515-17TH ST GARAGE 5 STORY	17TH ST-MERIDIAN COURT	
PM PARKING 16-22	L-0525-17TH ST PARKING LOT EPICURE	17TH ST-WEST AVE EPICURE	
PM PARKING 16-22	L-0526-16TH ST-WEST AVE	16TH ST-WEST AVE	
PM PARKING 16-22	L-0527-18TH ST-PURDY AVE S	18TH ST-PURDY AVE SOUTH	
PM PARKING 16-22	L-0528-18TH ST-PURDY AVE N	18TH ST-PURDY AVE NORTH	
PM PARKING 16-22	L-0529-18TH ST-CONV CTR DR	18TH ST-CONV CTR DR	
PM PARKING 16-22	L-0530-18TH ST-MERIDIAN AVE	18TH ST-MERIDIAN AVE	
PM PARKING 16-22	L-0531-19TH ST PARKING LOT	19TH ST-MERIDIAN AVE	
PM PARKING 16-22	L-0532-22ND ST PARKING LOT	22ND ST-PARK AVE	
PM PARKING 16-22	L-0533-21ST ST PARKING LOT	21ST ST-COLLINS AVE	
PM PARKING 16-22	L-0547-LINCOLN LN N-LENOX W	LINCOLN LN N-LENOX AVE WEST	
PM PARKING 16-22	L-0548-LINCOLN LN N-MICHIGAN	LINCOLN LN N-MICHIGAN AVE	
PM PARKING 16-22	L-0549-LINCOLN LN N-MERIDIAN	LINCOLN LN N-MERIDIAN AVE	
PM PARKING 16-22	L-0550-LINCOLN LN S-JEFFERSON W	LINCOLN LN S-JEFFERSON AVE WEST	
PM PARKING 16-22	L-0551-LINCOLN LN S-JEFFERSON E	LINCOLN LN S-JEFFERSON AVE EAST	
PM PARKING 16-22	L-0552-LINCOLN LN S-EUCLID	LINCOLN LN S-EUCLID AVE	
PM PARKING 16-22	L-0553-LINCOLN LN S-MICHIGAN	LINCOLN LN S-MICHIGAN AVE	
PM PARKING 16-22	L-0554-LINCOLN LN N-LENOX E	LINCOLN LN N-LENOX AVE EAST	
PM PARKING 16-22	L-0558-16TH ST-WASHINGTON AVE	16TH ST-WASHINGTON AVE FEDCO	
PM PARKING 16-22	L-0559-16TH ST-COLLINS AVE	16TH ST-COLLINS AVE	
PM PARKING 16-22	L-0579-1755 MERIDIAN GAR	1755 MERIDIAN AVE GARAGE	
PM PARKING 16-22	L-0580-1666 PENNSYLVANIA	1666 PENNSYLVANIA AVE GARAGE	
PM PARKING 16-22	L-0581-1557 WASHINGTON AVE	16TH STREET PARKING GARAGE	
PM PARKING 16-22	L-0582-1900 BAY RD	SUNSET HARBOR GARAGE	
PM PARKING 23-61	L-0513-42ND ST-SHERIDAN AVE	42ND ST-SHERIDAN AVE	
PM PARKING 23-61	L-0535-42ND ST-ROYAL PALM AVE	42ND ST-ROYAL PALM AVE	
PM PARKING 23-61	L-0536-40TH ST-CHASE AVE	40TH ST-CHASE AVE	
PM PARKING 23-61	L-0537-47TH ST PARKING LOT	47TH ST-SHERIDAN AVE	
PM PARKING 23-61	L-0538-41ST ST PARKING LOT	41ST ST-ALTON ROAD	
PM PARKING 23-61	L-0540-40TH ST-PRAIRE AVE	40TH ST-PRAIRE AVE	
PM PARKING 23-61	L-0560-34TH ST PARKING LOT	34TH ST-COLLINS AVE	
PM PARKING 23-61	L-0561-36TH ST PARKING LOT	36TH ST-COLLINS AVE	
PM PARKING 23-61	L-0566-053RD ST PARKING LOT	53RD ST-COLLINS AVE	
PM PARKING 23-61	L-0567-46TH ST PARKING LOT	46TH ST-COLLINS AVE	
PM PARKING 23-61	L-0568-27TH ST PARKING LOT	27TH ST-COLLINS AVE	
PM PARKING 23-61	L-0578-40TH ST-ROYAL PALM AVE	40TH ST-ROYAL PALM AVE	
PM PARKING 62-87	L-0541-71ST ST PARKING LOT	71ST ST-HARDING AVE WEST	
PM PARKING 62-87	L-0542-72ND ST PARKING LOT	72ND ST-COLLINS AVE	
PM PARKING 62-87	L-0543-71ST ST PARKING LOT	71ST ST-CARLYLE AVE	
PM PARKING 62-87	L-0544-71ST ST PARKING LOT	71ST ST-BONITA DR	
PM PARKING 62-87	L-0545-71ST ST PARKING LOT	71ST ST-HARDING AVE	
PM PARKING 62-87	L-0546-75TH ST PARKING LOT	75TH ST-COLLINS AVE	
PM PARKING 62-87	L-0564-64TH ST PARKING LOT	64TH ST-COLLINS AVE	
PM PARKING 62-87	L-0565-65TH ST PARKING LOT	65TH ST-INDIAN CREEK	
PM PARKING 62-87	L-0569-72ND ST PARKING LOT	72ND ST-CARLYLE AVE	
PM PARKING 62-87	L-0570-83RD ST PARKING LOT	83RD ST-ABBOTT AVE	
PM PARKING 62-87	L-0571-NORMANDY DR-BAY RD N	NORMANDY DR-BAY ROAD NORTH	
PM PARKING 62-87	L-0572-NORMANDY DR-VENDOME	NORMANDY DR-VENDOME	
PM PARKING 62-87	L-0573-NORMANDY DR-BAY RD S	NORMANDY DR-BAY ROAD SOUTH	
PM PARKING 62-87	L-0574-80TH ST PARKING LOT	80TH ST-COLLINS AVE	
PM PARKING 62-87	L-0575-84TH ST PARKING LOT	84TH ST-COLLINS AVE	
PM PARKING 62-87	L-0576-79TH ST PARKING LOT	79TH ST-COLLINS AVE	
PM PARKING 62-87	L-0577-83RD ST PARKING LOT	83RD ST-COLLINS AVE	
PM PARKS	L-0900-2100 MERIDIAN	2100 MERIDIAN AVENUE	
PM PARKS	L-0900A-PARK DEPT OFFICE	1701 Meridiam Avenue Suite 401 (777 bldg)	
PM PARKS	L-0901-1900 GARDEN CNTR DR	1900 GARDEN CNTR DR	24/7
PM PARKS	L-0902-40TH/PINETREE DR	INDIAN CHIEF STATUE OR MONUMENT 40TH/PINETREE DR	
PM PARKS	L-0903A-WING FOUNT-LINCOLN RD	WING FOUNTAIN-LINCOLN RD MALL	
PM PARKS	L-0903B-500 BLK -LINCOLN DR	500 BLK FOUNTAIN-LINCOLN DR MALL	
PM PARKS	L-0903C-600 BLK -LINCOLN DR	600 BLK FOUNTAIN-LINCOLN DR MALL	
PM PARKS	L-0903D-700 BLK -LINCOLN DR	700 BLK FOUNTAIN-LINCOLN DR MALL	
PM PARKS	L-0903E-800 BLK -LINCOLN DR	800 BLK FOUNTAIN-LINCOLN DR MALL	
PM PARKS	L-0903F-900 BLK -LINCOLN DR	900 BLK FOUNTAIN-LINCOLN DR MALL	
PM PARKS	L-0903G-1000 BLK -LINCOLN DR	1000 BLK FOUNTAIN-LINCOLN DR MALL	
PM PARKS	L-0903-LINCOLN RD	LINCOLN RD MALL	
PM PARKS	L-0904A-21ST ST-ALTON RD	21ST FOUNTAIN-ALTON RD	
PM PARKS	L-0904B-41ST -PINETREE	41ST FOUNTAIN-PINETREE DR	

Property Management Locations - Hours of Operation

Location Name	Location #	Location Address	Hours of Operation
PM PARKS	L-0904C-71ST FOUNTAIN	71ST ST FOUNTAIN	
PM PARKS	L-0904D-PALM ISLAND FOUNTAIN	PALM ISLAND	
PM PARKS	L-0904E-STAR ISLAND FOUNTAIN	STAR ISLAND	
PM PARKS	L-0905-BOARDWALK 21ST-47TH ST	BOARDWALK 21ST-47TH ST OCEAN	
PM PARKS	L-0906-WELCOME SIGNS-CITYWIDE	WELCOME SIGNS-CITYWIDE	
PM PARKS	L-0907A-79TH-87TH ST-G HOUSE	OPEN SPACE PARK 79TH-87TH ST-GUARD HOUSE	
PM PARKS	L-0907-OPEN SPACE PARK	OPEN SPACE PARK 79TH-87TH ST-PARK	
PM PARKS	L-0908-LUMMUS PARK	13TH STREET & OCEAN DR	
PM PARKS	L-0909-CHAMBER-LINCOLN RD	CHAMBER INFO BOOTH LINCOLN ROAD MALL	
PM PARKS	L-0910-BEACHWALK 17TH-21ST	BEACHWALK 17TH-21ST BEACH	
PM PARKS	L-0911-PUBLIC LIBRARY	PUBLIC LIBRARY 21ST STREET COLLINS	
PM PARKS	L-0912-ALLISON PARK	64TH ST & COLLINS AVE	
PM PARKS	L-0913-SOUNDSCAPE PARK	17TH ST & WASHINGTON AVE	
PM PARKS	L-1147-NORMANDY POOL	NORMANDY POOL 7030 TROUVILLE BSPANADE	
PM PARKS	L-1151A-FRIENDSHIP	201 2ND ST-FRIENDSHIP #2	
PM PARKS	L-1151-WASHINGTON PARK	WASHINGTON PARK-201 2ND ST-LIBRARY	
PM PARKS	L-1179-1ST ST-ALTON RD	1ST ST-ALTON-SOUTH SHORE PARK	
PM POLICE	L-0602-MARINE PATROL	1790 PURDY AVE	Nam-5pm
PM POLICE	L-0602-POLICE/SUB STATION	USE 0606 FOR POLICE/SUB STATION	
PM POLICE	L-0605A-SIU-1130 WASH-1ST FL	SIU 1130 WASHINGTON AVE-1ST FLOOR	Nam-5pm
PM POLICE	L-0605B-SIU-777 17TH ST	SIU-777 17TH ST BLDG	
PM POLICE	L-0605C-SIU-225 WASHINGTON AVE	SIU-225 WASHINGTON AVE	Nam-5pm
PM POLICE	L-0605-SIU-1837 BAY RD-2ND FL	SIU 1837 BAY ROAD-2ND FLOOR	
PM POLICE	L-0606-6840 INDIAN CREEK DR	POLICE/SUB STATION 6840 INDIAN CREEK DR	24/7
PM POLICE	L-0607-6899 INDIAN CREEK DR	OUTREACH PROGRAM 6899 INDIAN CREEK DR	
PM POLICE	L-0608-PAL BLDG	POLICE ATHLETIC LEAGUE BUILDING	Nam-6pm
PM POLICE	L-0620-1100 WASHINGTON-1-5FL	1100 WASHINGTON AVE-1-5 FLOORS	
PM POLICE	L-0620A-1100 WASHINGTON-7TH FL	INTERNAL AFFAIR 1100 WASHINGTON AVE-7TH FLOOR	
PM POLICE	L-0620B-1100 WASHINGTON-2ND FL	1100 WASHINGTON AVE-2ND FLOOR	
PM POLICE	L-0620C-1100 WASHINGTON-3RD FL	1100 WASHINGTON AVE-3RD FLOOR	
PM POLICE	L-0620D-1100 WASHINGTON-4TH FL	1100 WASHINGTON AVE-4TH FLOOR	
PM POLICE	L-0620E-1100 WASHINGTON-5TH FL	1100 WASHINGTON AVE-5TH FLOOR	
PM POLICE	L-0620G-POLICE STATION	1100 WASHINGTON AVE-1-5TH FLOOR	24/7
PM POLICE	L-0620H-210 2ND ST	MINI STATION 210 2ND ST - RDA	
PM PUBLIC WORKS	L-0402-PW-STREETS-CITYWIDE	PW-STREETS 36" CITYWIDE	
PM PUBLIC WORKS	L-0403-PW-WATER	PW-WATER- 451 DADE BLVD	
PM PUBLIC WORKS	L-0403A-PINE TREE DR-PW/WATER	PW-WATER-PINE TREE DR & 25TH ST	
PM PUBLIC WORKS	L-0403B-BELLE ISLE	PW/WATER BELLE ISLE	
PM PUBLIC WORKS	L-0403C-3950 ALTON RD	PW/WATER 3950 ALTON RD	
PM PUBLIC WORKS	L-0403D-71ST ST	PW/WATER 71ST ST & FOUNTAIN	
PM PUBLIC WORKS	L-0403E-DICKENS AVE-75TH ST	PW/WATER DICKENS AVE & 75TH ST	
PM PUBLIC WORKS	L-0403F-8690 COLLINS AVE	PW/WATER 8690 COLLINS AVE	
PM PUBLIC WORKS	L-0404-451 DADE BLVD-SEWER	PW SEWERS 451 DADE BLVD	
PM PUBLIC WORKS	L-0404A-JEFFERSON AVE-11TH ST	PW SEWERS JEFFERSON AVE & 11TH ST	
PM PUBLIC WORKS	L-0404B-35TH STAR ISLAND	PW SEWERS 35TH STAR ISLAND	
PM PUBLIC WORKS	L-0404C-231 S HIBISCUS DR	PW SEWERS 231 S HIBISCUS DR	
PM PUBLIC WORKS	L-0404D-195 PALM AVE	PW SEWERS 195 PALM AVE	
PM PUBLIC WORKS	L-0404E-229 E SAN MARINO DR	PW SEWERS 229 E SAN MARINO DR	
PM PUBLIC WORKS	L-0404F-428 W DILIDO DR	PW SEWERS 428 W DILIDO DR	
PM PUBLIC WORKS	L-0404G-228 W RIVO ALTO RD	PW SEWERS 228 W RIVO ALTO RD	
PM PUBLIC WORKS	L-0404H-BELLE ISLE-VENITIAN CSWY-ST10	PW SEWERS BELLE ISLE-VENITIAN CSWY-STATION #10	
PM PUBLIC WORKS	L-0404I-1710 WASHINGTON AVE-ST11	PW SEWERS 1710 WASHINGTON AVE-STATION #11	
PM PUBLIC WORKS	L-0404J-2730 SUNSET DR	PW SEWERS 2730 SUNSET DR	
PM PUBLIC WORKS	L-0404K-2270 SUNSET DR	PW SEWERS 2270 SUNSET DR	
PM PUBLIC WORKS	L-0404L-PINETREE DR-51ST STR	PW SEWERS PINETREE DR & 51ST STR	
PM PUBLIC WORKS	L-0404M-6120 LA GORCE DR	PW SEWERS 6120 LA GORCE DR	
PM PUBLIC WORKS	L-0404N-6590 PINETREE LN	PW SEWERS 6590 PINETREE LN	
PM PUBLIC WORKS	L-0404O-6850 INDIAN CREEK DR-ST19	PW SEWERS 6850 INDIAN CREEK DR-STATION # 19	
PM PUBLIC WORKS	L-0404P-BAY DR-71ST ST	PW SEWERS BAY DR & 71ST ST	
PM PUBLIC WORKS	L-0404Q-HAGEN ST-GOLF COURSE	PW SEWERS HAGEN ST ON GOLF COURSE	
PM PUBLIC WORKS	L-0404R-DICKENS AVE-75TH ST-ST23	PW SEWERS DICKENS AVE & 75TH ST-STATION #2	
PM PUBLIC WORKS	L-0404S-8100 HAWTHORNE AVE-ST24	PW SEWERS 8100 HAWTHORNE AVE-STATION #24	
PM PUBLIC WORKS	L-0404T-5400 COLLINS AVE-ST27	PW SEWERS 5400 COLLINS AVE-STATION	
PM PUBLIC WORKS	L-0404U-28TH ST & PINETREE DR-ST28	PW SEWERS 28TH ST & PINETREE DR-STATION #28	
PM PUBLIC WORKS	L-0404V-INDIAN CREEK DR-63RD ST-ST29	PW SEWERS INDIAN CREEK DRIVE & 63RD ST-STATION #29	
PM PUBLIC WORKS	L-0404W-TERMINAL ISLAND	PW SEWERS TERMINAL ISLAND	
PM PUBLIC WORKS	L-0404X-290 WASHINGTON AVE	PW SEWERS 290 WASHINGTON AVE	
PM PUBLIC WORKS	L-0404Y-SO SHORE DR-ST22	PW SEWER SO SHORE DR-STATION #22	
PM PUBLIC WORKS	L-0405-BRIDGES CITYWIDE	PW-BRIDGES CITYWIDE	
PM PUBLIC WORKS	L-0406-451 DADE BLVD	PW-YARD 451 DADE BLVD-COMMON AREAS	
PM SANITATION	L-1600-140 MACARTHUR CSWAY	140 MACARTHUR CSWAY	
PM SANITATION	L-1600A-140 MACARTHUR CSWAY-2F	140 MACARTHUR CSWAY-2ND FLOOR	
PM SANITATION	L-1600B-140 MACARTHUR CSWAY	140 MACARTHUR CSWAY	
PM SOUTH POINTE PARK	L-1180-1ST ST-WASHINGTON AVE	1ST ST-WASHINGTON AVE	
PM SOUTH POINTE PARK	L-1180A-1ST ST-WASHINGTON AVE-RESTROOMS	1ST ST-WASHINGTON AVE-RESTROOMS	
PM SOUTH POINTE PARK	L-1180B-1ST ST-WASHINGTON AVE-NATURE CENTER	1ST ST-WASHINGTON AVE-NATURE CENTER	
PM SOUTH SHORE PARK	L-1155-833 6TH ST	833 6TH ST	
PM SOUTH SHORE PARK	L-1155A-833 6TH ST-CHILD CARE	833 6TH ST-CHILD CARE	
PM SOUTH SHORE PARK	L-1155B-833 6TH ST-HISPANIC	833 6TH ST-HISPANIC	
PM SPEC PROGRAM	1130 WASHINGTON AVE-3RD FL	DOMESTIC VIOLENCE-JUD 1130 WASHINGTON AVE-3RD FLOOR	
PM SPEC PROGRAM	225 WASHINGTON AVE	CLERKS OFFICE 225 WASHINGTON AVE	
PM SPEC PROGRAM	555 17TH ST	PAN ARTS-CREDIT UNION 555 17TH ST	
PM SPEC PROGRAM	777 17TH ST	777 BLDG 777 17TH ST	

Property Management Locations - Hours of Operation

Location Name	Location #	Location Address	Hours of Operation
PM SPEC PROGRAM	777 17TH ST STE 402A	VCA OFFICE-CONCERT 777 17TH ST SL1TE 402A	
PM SPEC PROGRAM	CITY WIDE	CITY OWNED HOTELS CITY WIDE CB	
PM SPEC PROGRAM	L-2100-NORMANDY ISLE	NORMANDY ISLE 79TH ST-NORMANDY SHORES GUARD HOUSE	
PM SPEC PROGRAM	L-2102-COLONY THEATRE	COLONY THEATRE 1040 LINCOLN RD	
PM SPEC PROGRAM	L-2103-FLORIDA ENTERTAINMENT	505 17TH ST	
PM SPEC PROGRAM	L-2104-P.A.N. ARTS-CULTURE	555 17TH ST	
PM SPEC PROGRAM	L-2105-CITY OWNED HOTELS	CITY WIDE	
PM SPEC PROGRAM	L-2106A-CREDIT UNION	555 17TH ST	
PM SPEC PROGRAM	L-2106B-CREDIT UNION	555 17TH ST	
PM SPEC PROGRAM	L-2106-CREDIT UNION	777 17TH ST	
PM SPEC PROGRAM	L-2107-HIGHWAY PATROL BLD	8720 COLLINS AVE	
PM SPEC PROGRAM	L-2108-1130 WASHINGTON AVE-2ND FL	OLD CITY HALL-COUNTY CO/ JUDICIAL 1130 WASHINGTON AVE-2ND FLOOR	
PM SPEC PROGRAM	L-2108-OLD CITY HALL JUDICIAL	1130 WASHINGTON AVE-2ND FL	
PM SPEC PROGRAM	L-2109A-CLERKS OFFICE	225 WASHIGTON AVE	
PM SPEC PROGRAM	L-2109-OLD CITY HALL COUNTY CO	1130 WASHINGTON AVE-2ND FL	
PM SPEC PROGRAM	L-2110-PROPERTY MANAGEMENT	MIDDLE BEACH	
PM SPEC PROGRAM	L-2111-PROPERTY MANAGEMENT	NORTH BEACH	
PM SPEC PROGRAM	L-2112-WOMB BLD	210 2ND ST	
PM SPEC PROGRAM	L-2113 DOMESTIC VIOLENCE/JUD	1130 WASHINGTON AVE-3RD FL	
PM SPEC PROGRAM	L-2114A-BYRON CARLYLE THEATRE	500 71ST STREET	TBD
PM SPEC PROGRAM	L-2114-BYRON CARLYLE THEATRE	500 71ST ST	
PM SPEC PROGRAM	L-2116-555 BLD	555 17TH ST	
PM SPEC PROGRAM	L-2116A-555 BLD	555 17TH ST	
PM SPEC PROGRAM	L-2116B-555 BLD	555 17TH ST	
PM SPEC PROGRAM	L-2117A-VCA OFFICE/CONCERT	1130 WASHINGTON AVE, STE 402A	
PM SPEC PROGRAM	L-2117-VCA OFFICE/CONCERT	1130 WASHINGTON AVE-5TH FL	
PM SPEC PROGRAM	L-2118-777 BLD	777 17TH ST	
PM SPEC PROGRAM	L-2119-777 BLD	777 17TH ST-RENOVATION	
PM SUNSHINE PIER	L-1175A-S POINTE FISHING PIER-RESTROOMS	SUNSHIRE PIER S POINTE FISHING PIER-RESTROOMS	
PM SUNSHINE PIER	L-1175-S POINTE FISHING PIER	SUNSHINE PIER S POINTE FISHING PIER	
PM TELECOM	L-1700A-COMM-CITY HALL	1700 CONVENTION CTR DR-CITY HALL	
PM TELECOM	L-1700B-COMM-REBECCA TOWERS	150 ALTON ROAD REBECCA TOWERS	
PM TELECOM	L-1700C-COMM-HIST CITY HALL	1130 WASHINGTON AVE-HIST CITY HALL	
PM TELECOM	L-1700-COMM-FIRE STATION 2	2300 PINETREE DRIVE-FIRE STATION #2	
PM TELECOM	L-1700D-COMM-TOWER 4I	4101 PINETREE DR-TOWER 4I	
PM TELECOM	L-1700E-COMM-LA GORCE PALACE	6301 COLLINS AVE-LA GORCE PALACE	
PM TELECOM	L-1700F-COMM-RADIO SITE	1040 COLLINS AVENUE	
PM TELECOM	L-1700G-COMM-777 BUILDING	IT CLOSET-2ND FLOOR	
PM TELECOM	L-1700H-COMM-73RD DICKENS	73RD & DICKENS AVENUE	
PM UTBILLING	L-0351-1700 CONV CTER-1FLOOR	1700 CONVENTION CENTER DR	
PM UTBILLING	L-0351A-1755 MERIDIAN-1FLOOR	1755 MERIDIAN AVE-1ST FLOOR	
PM VITA COURSE	L-1170A-S POINTE PARK-ALTON RD-EXIT	VITA COURSE S POINTE PARK-ALTON RD-EXIT	
PM VITA COURSE	L-1170-PINE TREE DR	VITA COURSE PINE TREE DR	
PM WASHINGTON PARK	L-1151-201-2ND STREET-LIBRARY	2ND STREET-LIBRARY	
PM WASHINGTON PARK	L-1151A-201-2ND STREET-FRIENDSHIP 2	2ND STREET-FRIENDSHIP #2	
PM YOUTH CENTER	L-1169-2700 SHERIDAN AVE	2700 SHERIDAN AVE	
PM YOUTH CENTER	L-1169A-2700 SHERIDAN AVE-1ST FLOOR	2700 SHERIDAN AVE-1ST FLOOR	
PM YOUTH CENTER	L-1169B-2700 SHERIDAN AVE-2ND FLOOR	2700 SHERIDAN AVE-2ND FLOOR	
PM CONCESSIONSTAND	L-0850-23RD ST-CON STAND	23RD ST & OCEAN-CONCESSION STAND	
PM CONCESSIONSTAND	L-0851-46TH ST-CON STAND	46TH ST & OCEAN-CONCESSION STAND	
PM CONCESSIONSTAND	L-0852-53RD ST-CON STAND	53RD ST & OCEAN-CONCESSION STAND	
PM CONCESSIONSTAND	L-0853-73RD ST-CON STAND	73RD ST & OCEAN-CONCESSION STAND	
PM CONCESSIONSTAND	L-0854-79TH ST-CON STAND	79TH ST & OCEAN-CONCESSION STAND	
PM CONCESSIONSTAND	L-2249-21ST ST-CON STAND	21ST ST & OCEAN-CONCESSION STAND	
PM LIFEGUARD	L-0860A-JETTY-LIFEGUARD STAND	JETTY-LIFEGUARD STAND A	
PM LIFEGUARD	L-0860-JETTY-LIFEGUARD STAND	JETTY-LIFEGUARD STAND	
PM LIFEGUARD	L-0861-1ST ST-LIFEGUARD	1ST ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0862-3RD ST-LIFEGUARD	3RD ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0863-6TH ST-LIFEGUARD	6TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0864-8TH ST-LIFEGUARD	8TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0865-10TH ST-LIFEGUARD	10TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0866-12TH ST-LIFEGUARD	12TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0867-14TH ST-LIFEGUARD	14TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0868-17THST-LIFEGUARD	17THST-LIFEGUARD STAND	
PM LIFEGUARD	L-0869-21ST ST-LIFEGUARD	21ST ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0870-29TH ST-LIFEGUARD	29TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0871-35TH ST-LIFEGUARD	35TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0872-46TH ST-LIFEGUARD	46TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0873-53RD ST-LIFEGUARD	53RD ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0874-64THST ST-LIFEGUARD	64THST ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0875-72ND ST-LIFEGUARD	72ND ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0876-74TH ST-LIFEGUARD	74TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0877-76TH ST-LIFEGUARD	76TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0878-79TH ST-LIFEGUARD	79TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0879-81ST ST-LIFEGUARD	81ST ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0880-83RD ST-LIFEGUARD	83RD ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0881-16TH ST-LIFEGUARD	16TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0882-15TH ST-LIFEGUARD	15TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0883-13TH ST-LIFEGUARD	13TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0884-20TH ST-LIFEGUARD	20TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0885-85TH ST-LIFEGUARD	85TH ST-LIFEGUARD STAND	
PM LIFEGUARD	L-0886-41ST ST-LIFEGUARD	41ST ST-LIFEGUARD STAND	

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**COMMISSION COMMITTEE
ASSIGNMENTS**

C4



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE REGARDING FIRST CLASS PARKING VALET PARKING CONCESSION AGREEMENT**

BACKGROUND

On February 25, 2009, the Mayor and Commission approved Resolution No. 2009-27017, awarding a concession agreement to First Class Parking, Inc., to provide valet parking services to the Miami Beach Convention Center; Fillmore Miami Beach at the Jackie Gleason Theater; Lincoln Road; and other City property, as required. The initial term commenced on October 1, 2010 and expired on September 30, 2013. A two-year renewal option was exercised and commenced on October 1, 2013, and expires on September 30, 2015.

ANALYSIS

Valet parking is an integral component on the menu of parking options. The two-year renewal option with First Class Parking is set to expire on September 30, 2015, and there are no renewal options available.

As we know, the Miami Beach Convention Center (MBCC) will experience an unprecedented multiple year renovation project. The Administration is seeking guidance as to how to proceed with regard to valet parking service during MBCC's renovation. The options available are: (1) issue a Request for Proposals (RFP) for valet parking services in order to award timely and ensure continuous service; (2) approve a waiver of competitive bidding and award the current provider with a term consistent with the substantial completion the MBCC renovation project.

CONCLUSION

The Administration is seeking direction from the Finance and Citywide Projects Committee regarding this item.

JLM/KGB/SF

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Agenda Item CYA
Date 1-14-15

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Deede Weithorn, Commissioner
DATE: January 5, 2015
SUBJECT: Referral to Finance – Discussion Re: Implementation of a Contractor Prequalification Program to Expedite Infrastructure Improvements

Please place an item on the January 14, 2015 commission agenda for referral to the February 2, 2015 Finance & Citywide Projects Committee to discuss implementing a contractor prequalification program in an effort to expedite infrastructure improvements.

Contractor prequalification programs are used extensively by public sector agencies to provide a formal, comprehensive method of assuring contractors meet certain required criteria (e.g., licensure, financial capacity, satisfactory past performance, etc.) prior to the receipt of bids. Prequalification programs help expedite projects because much of the necessary due diligence is completed prior to the receipt of bids.

If you have any questions please contact Lauren Carra at extension 6528 or LaurenCarra@miamibeachfl.gov.

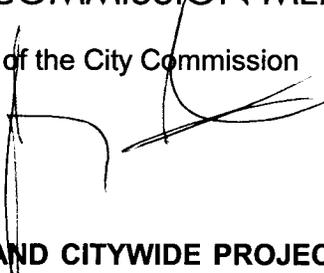
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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: January 14, 2015

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE –
CHANGES TO THE RESORT TAX QUALITY OF LIFE FUNDING ALLOCATIONS**

As part of the FY 2013/14 budget adoption, a fifth category for Transportation was created from the Quality of Life resort tax funds in addition to the existing allocations for arts and tourism-related capital projects in North, Mid, and South Beach. Currently, the allocations for each category are 20%. Administration is proposing potential changes to the allocations to provide additional funding for Transportation to increase the capacity of the trolley system.

This item is proposed to be discussed at the next Finance and Citywide Projects Committee meeting scheduled for February 5th.

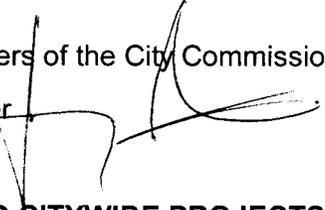
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COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager 
DATE: January 14, 2015
SUBJECT: **REFERRAL TO FINANCE AND CITYWIDE PROJECTS COMMITTEE – VACATION OF LIBERTY AVENUE (PALM AVENUE) BETWEEN 22ND STREET (OCEAN AVENUE) AND 23RD STREET (ATLANTIC AVENUE)**

BACKGROUND

On May 3, 2012, the City of Miami Beach entered into an architectural design contract with premier architect Zaha Hadid Limited and Berenblum Busch Architecture Inc., for these firms to design the proposed Collins Park Garage. The Garage has been designed with retail on the first floor, and upper levels with public parking spaces. The City owns the properties upon which the garage will be built, including lots 7, 9, and 11 of Block 2 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7); and Lots 1, 3, 5, 7 and 9 of Block 1 of the Amended Map of the Ocean Front Property of the Miami Beach Improvement Company (Plat Book 5, Page 7). Between blocks 1 and 2 is Liberty Avenue, a 50 foot wide public right-of-way consisting of approximately 12,500 square feet (Exhibit A).

ANALYSIS

The City's Capital Improvement Projects Office reviewed the proposed architectural plans with planning, public works, the fire department, and the building department. The architectural design includes the development of a pedestrian plaza within Liberty Avenue between 22nd Street and 23rd Street. The parking garage structure also encroaches into Liberty Avenue and the air rights above Liberty Avenue are being utilized by the parking structure to cross over from Block 1 onto Block 2 (Exhibit B). In order for the proposed parking garage structure be able to obtain a building permit, the right-of-way needs to be vacated. As Liberty Avenue has been contemplated to be a pedestrian public plaza, with no vehicular access, and as the City owns all the parcels adjacent to Liberty Avenue between 22nd and 23rd Streets (the City owns lots 1-10 on Block 1 and owns lots 7, 9, 11, 4, 6, 8, 10 and 12 of Block 2), should Liberty Avenue be vacated, title to the vacated right-of-way would transfer to the adjacent property owners, which would be the City of Miami Beach, and if required, utility easements could be granted.

Pursuant to Section 82-36 through 82-40, of the City Code, the City Commission is to hold two separate meeting dates, one of which is to be accompanied with a duly noticed public hearing in order to obtain citizen input into the proposed vacation, and also requires the review of the Finance and Citywide Projects Committee (FCWPC). As such, the first step is to refer the vacation to the FCWPC.

CONCLUSION

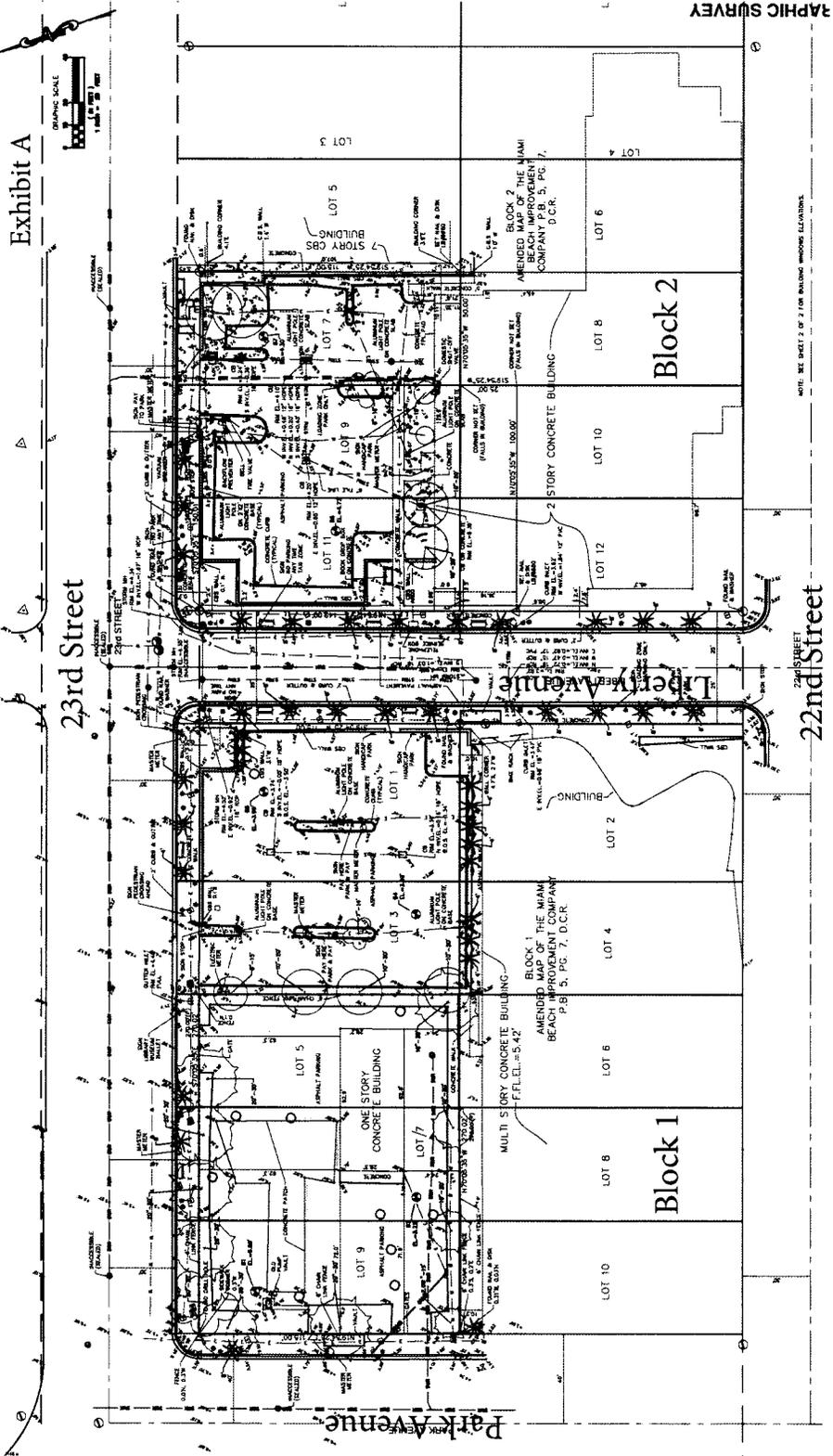
The Administration recommends referral to the Finance and Citywide Projects Committee meeting of February 2, 2015 for review.

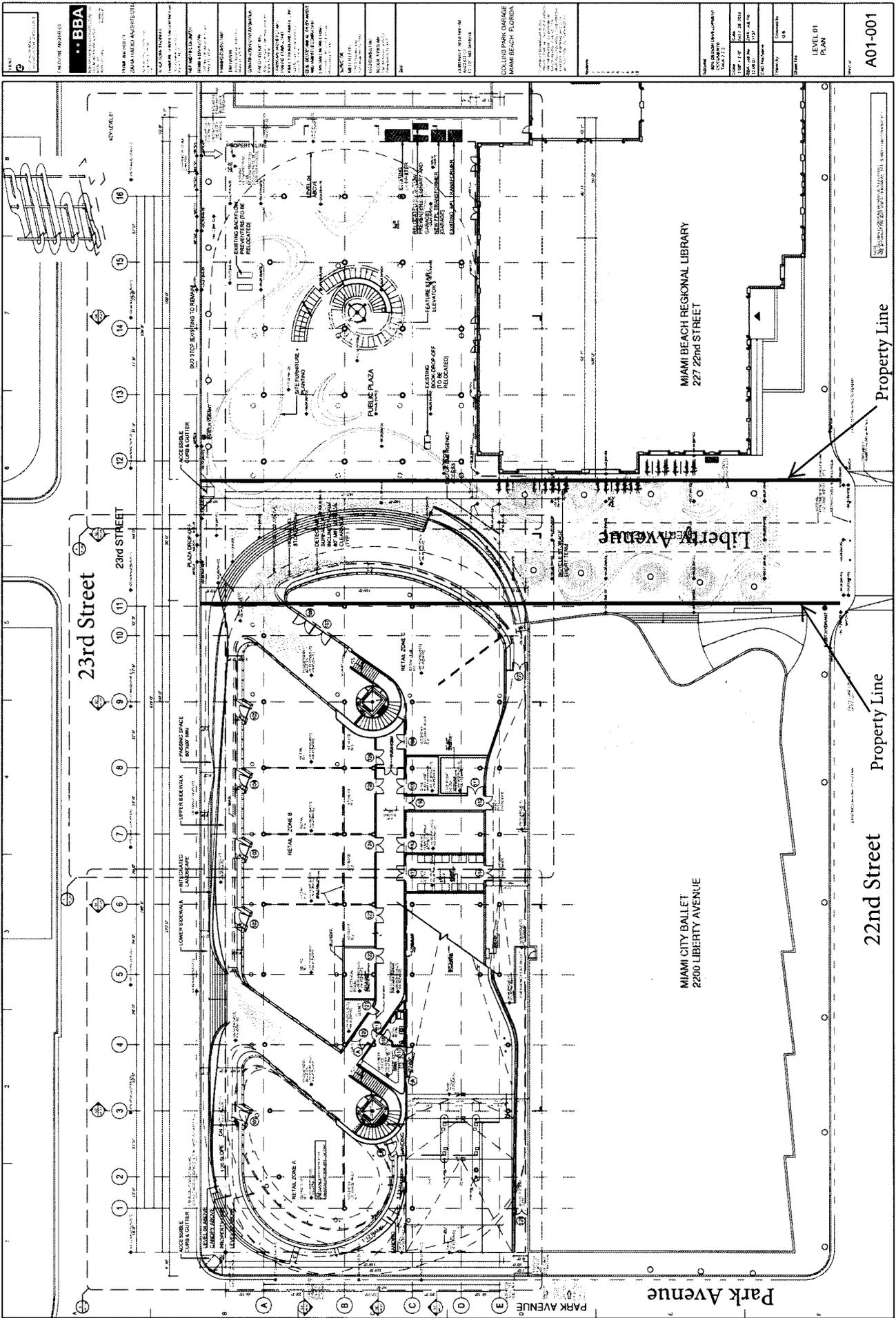
Exhibit A – Project Survey

Exhibit B – Proposed Project Ground Floor Plan

JLM/MT/DM

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





<p>BBA</p> <p>BRUNNEN BROS. ARCHITECTS, P.A.</p> <p>1000 BAYVIEW DRIVE, SUITE 1000</p> <p>MIAMI BEACH, FLORIDA 33139</p> <p>TEL: 305.673.1100</p> <p>FAX: 305.673.1101</p> <p>WWW.BBA-ARCHITECTS.COM</p>		<p>PROJECT: MIAMI CITY BALLET AND MIAMI BEACH REGIONAL LIBRARY</p> <p>DATE: 07/20/2011</p> <p>SCALE: AS SHOWN</p> <p>DESIGNER: BBA</p> <p>CLIENT: MIAMI CITY BALLET AND MIAMI BEACH REGIONAL LIBRARY</p> <p>PROJECT NO.: 1100000000</p> <p>DATE: 07/20/2011</p> <p>SCALE: AS SHOWN</p> <p>DESIGNER: BBA</p> <p>CLIENT: MIAMI CITY BALLET AND MIAMI BEACH REGIONAL LIBRARY</p> <p>PROJECT NO.: 1100000000</p>	
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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A REFERRAL TO THE FEBRUARY 27, 2015 NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE MEETING TO DISCUSS CONCEPTUAL IDEAS RELATING TO MONUMENT ISLAND**

The Administration is requesting a discussion item be referred to the February 27, 2015 Neighborhood/Community Affairs Committee meeting concerning conceptual ideas for the future of Monument Island.


JLM/MTJ/R/OMG

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Grieco, Commissioner

DATE: December 30th, 2014

SUBJECT: Referral to the Neighborhoods/Community Affairs Committee "Mind Your Block" Program

Please place on the January 14th City Commission Meeting Agenda a Referral to the Neighborhoods/Community Affairs Committee "Mind Your Block" program. The program is an initiative to encourage residents and businesses to take ownership of their specific block. This would include among other things trash, dog waste, noise, suspicious vehicles and activity.

If you have any questions please do not hesitate to contact Danila Bonini at extension 6457.

MG/db

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TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: January 6, 2015
SUBJECT: Request for a Discussion to Include Restrooms and Storage Building in the First Phase of the Altos Del Mar Park Plan for Referral to the next Neighborhoods/ Community Affairs Meeting

Please place the above item on the January 14, 2015 City Commission Meeting Agenda.

If you have any questions, please contact my Aide, Bonnie Stewart at extension 6722.

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

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **REFERRAL TO THE PLANNING BOARD –
PROPOSED AMENDMENTS TO CHAPTER 6, CHAPTER 114, AND CHAPTER
142 OF THE CITY CODE MODIFYING AND CLARIFYING DEFINITIONS,
REGULATIONS AND REQUIREMENTS FOR ALCOHOLIC BEVERAGE
ESTABLISHMENTS AND ACCESSORY USES, AND MODIFYING THRESHOLD
STANDARDS FOR NEIGHBORHOOD IMPACT ESTABLISHMENTS**

ADMINISTRATION RECOMMENDATION

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

BACKGROUND

On July 9, 2014, the Land Use and Development Committee (LUDC) proposed amendments to the City Code pertaining to allowable Accessory Uses and Neighborhood Impact Establishments as part of a discussion of the following items:

1. Alcoholic Beverage Establishments (Chapter 6);
2. Requirements for determining the size and square footage of "Accessory Uses" in relation to the main permitted use; and
3. The clarification of threshold standards for Neighborhood Impact Establishments.

On July 23, 2014, the Mayor and the City Commission referred to the Land Use and Development Committee (Item C4K) for further discussion proposed amendments to the City Code pertaining to the items listed above. On December 10, 2014, the Land Use Committee recommended that the City Commission refer the subject Ordinance Amendments to the Planning Board.

The current sponsor of the proposed Ordinances is Commissioner Joy Malakoff.

BACKGROUND / ANALYSIS

Staff has identified areas of the alcoholic beverage section of the City Code (Chapter 6) that are in need of updating and clarification. As part of this analysis, the applicable sections of Chapter 142, pertaining to zoning districts and accessory use regulations were examined. The changes proposed herein would eliminate contradictions within Chapter 6 regarding hours of operation and would better coordinate with existing regulations located in the Land Development Regulations (LDR's). Finally, standard language for all alcoholic beverage establishments has been proposed regarding neighborhood compatibility, as well as extra security requirements in commercial areas

and mixed use entertainment zoning districts.

In addition to consolidating all the provisions for alcoholic beverage establishments into Chapter 6 in regards to location, hours, and areas, the proposed legislation also relocates the applicable alcoholic beverage sections from the LDR's to Chapter 6. For clarification purposes, permitted alcoholic beverage uses have been included in each individual zoning district in Chapter 142 of the LDR's.

In the process of identifying additional definitions that needed updating and clarification in Chapter 6, staff also identified definitions to update and clarify in Chapter 114 of the LDR's. Finally, language that clarifies thresholds for accessory uses, and neighborhood impact establishments by their overall size, instead of the occupant content, and provides criteria to be used when there are multiple establishments on the same property is also proposed.

SUMMARY

Below is a summary of the proposed changes within the attached Ordinances:

1. Consolidating all alcoholic beverage regulations into one chapter (Chapter 6);
2. Adding applicable alcoholic beverage establishment uses in the individual zoning districts (Chapter 142);
3. Adding a definition of accessory use based on a percentage of the floor area of the main use (Chapter 142);
4. Clarifying the thresholds for neighborhood impact establishments (Chapter 142);
5. Providing criteria for multiple alcoholic beverage establishments and/or entertainment establishments on one property;
6. Adding neighborhood compatibility requirements for all alcoholic beverage establishments instead of only having extra requirements for projects that go before a land use board;
7. Adding extra security requirements for alcoholic beverage establishments in commercial and mixed use districts;
8. Modifying the hours of operation for all alcoholic beverage establishments operating South of Fifth Street and within close proximity to residential uses;
9. Adding a prohibition on retail alcohol sales in residential districts;
10. Clarifying the accessory use percentages applied to outdoor areas;
11. Creating a waiver for NIE's in the Convention Center zoning district (CCC);
12. Clarifying the definitions for certain types of transient uses that have allowable accessory uses (e.g. 'Apartment-Hotel').
13. Better defining what types of 'Accessory Uses' are permitted within hotels located in residential districts.

In addition to the foregoing, the draft Ordinances attached also include modifications recommended by the Land Use Committee on December 10, 2014.

CONCLUSION

In accordance with the December 10, 2014 recommendation of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached Ordinance Amendments to the Planning Board.


JLM/UM/TRM

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, CHAPTER 6 "ALCOHOLIC BEVERAGES" OF THE CODE OF THE CITY OF MIAMI BEACH, AMENDING SUBPART B - LAND DEVELOPMENT REGULATIONS CHAPTER 142 ARTICLE II. - DISTRICT REGULATIONS, DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS, ARTICLE V. - ARTICLE V. - SPECIALIZED USE REGULATIONS DIVISION 4. ALCOHOLIC BEVERAGES TO ENSURE THAT ALL REGULATIONS RELATING TO ALCOHOL REGULATION ARE IN ONE LOCATION; REMOVING ALL REGULATION OF ALCOHOLIC BEVERAGE ESTABLISHMENTS FROM CHAPTER 142 AND PLACING THOSE PROVISIONS IN CHAPTER 6; PROVIDING FOR DEFINITIONS; HOURS OF OPERATION; DISTANCE SEPARATION; MINIMUM SEATS AND HOTEL ROOMS; PROVIDING FOR NEIGHBORHOOD COMPATIBILITY CRITERIA; PROVIDING FOR ENHANCED SECURITY PROVISIONS FOR CERTAIN DISTRICTS WITH ALCOHOL ESTABLISHMENT USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Alcoholic Beverages are addressed in Chapters 6, entitled "Alcoholic Beverages," and in Chapter 142 entitled "Zoning District Regulations"; and

WHEREAS, to ensure that all regulations relating to alcoholic beverages are clear and concise and in one location of the code that is logical and convenient to user; and,

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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

SECTION 1. Chapter 6, "Alcoholic Beverages" is amended, as follows:

* * *

Section 6-1. Purpose.

To achieve the purposes of this Chapter and to provide for the general welfare and safety of the public, it is necessary that regulations be established relating to the location, size and hours of operation, and patron age of uses that permit the sale and consumption of alcoholic beverages.

Section 6-2. Licenses.

(a) No vendor shall sell or distribute any alcoholic beverages without securing a license from the Florida Division Of Alcoholic Beverages And Tobacco Of The Department Of Business And Professional Regulation ~~of the state~~ ("State License"). A service charge as specified in Appendix A shall be paid by an applicant requesting the review of an application to the state for an ~~alcoholic beverage~~ State License. The purpose of this charge is to defray the cost to the City for the ~~verification of a correct occupational license, parking impact fees, and proximity to places of worship and/or schools~~ review of the regulations enumerated in herein Chapter 6, and an area and establishment inspection and any other zoning inspection and/or review that may be applicable to the review of such an application.

~~(b) Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191 et seq.~~

Sec. 6-3. Hours of Sale/Violations.

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a State License, and shall be according to the following schedule, except as may be otherwise provided pursuant to subsection ~~(7)~~ (6):

(1) Retail stores for package sales only ~~off premises consumption, either as permitted main or accessory uses.~~ Vendors having a license from the state Division of alcoholic beverages and tobacco for the sale of liquor and other alcoholic beverages for consumption ~~off the premises shall only offer for sale alcoholic beverages within~~ may make sales of alcohol between the hours of 8:00 a.m. and midnight, ~~on any day of the week.~~

(2) Retail stores, including grocery, ~~and convenience stores, and gasoline service/filling stations~~ off premises consumption, either as permitted main or accessory uses, which primarily offer for sale products other than alcoholic beverages may make sales of beer and wine ~~in sealed containers between the hours of 8:00 a.m. and midnight, on any day of the week.~~

(3) All establishments with state licensure licensed as an alcoholic beverage establishments ~~(midnight to 5:00 a.m.)~~ on premise consumption only, either as permitted main or accessory uses, shall only offer for sale ~~the on premises consumption of alcoholic beverages within~~ may make sales of alcohol between the hours of 8:00 a.m. and 5:00 a.m. ~~on any day of the week.~~

a. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ but not operating as dance halls or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m.

b. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ and also operating as dance halls, or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m., and dancing and entertainment shall not be conducted between the hours of 5:00 a.m. and 10:00 a.m.

c. Other alcoholic beverage establishments ~~(midnight to 5:00 a.m.),~~ not containing restaurants with full kitchen facilities, shall close at 5:00 a.m. and keep remain closed, the place of business and not allow any ~~No patron or other persons, other than those employed by the vendor may, to remain on the premises therein~~ between the hours of 5:00 a.m. and 8:00 a.m.

~~Note: For purposes of this section, full kitchen facilities shall mean having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to~~

~~accommodate the occupancy content of the establishment. Full kitchen facilities must contain grease trap interceptors, and meet all applicable City, county and state codes.~~

~~(4) Off-premises package sales associated with alcoholic beverage establishments other than retail stores shall be permitted between the hours of 8:00 a.m. and 11:00 p.m., midnight, for all establishments licensed as alcoholic beverage establishments.~~

~~(5) Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191 et seq. Private clubs, either as a permitted main or accessory use, shall be considered pursuant to subsection 6-2(a). Hours of operation and the consumption of alcoholic beverages will be considered between the hours of 8:00 a.m. and 5:00 a.m., Monday through Sunday, provided that service is made only to members and guests of members as provided under the pursuant to Florida Statutes. However, any private club permitted to remain open after 2:00 a.m. shall ~~purchase an extra hours license and~~ must provide for security in its premises by hiring private security guards or off-duty police officers between the hours of 2:00 a.m. and 5:00 a.m. each day. Private clubs securing a State License from the state Division of alcoholic beverages and tobacco by complying with the requirements of Florida Statute, § 561.20 for racquetball, tennis or golf course facilities may admit members at any time for use of such facilities, but may not serve alcoholic beverages after 2:00 a.m. each day unless such private club is the holder of an extra-hours license Business Tax Receipt and complies with the above requirements.~~

~~(6) Upon a finding by the special master that a violation of this section has occurred, the City may initiate proceedings to revoke the Certificate of Use, occupational license or Certificate of Occupancy of the violator. In addition, this section may be enforced and violations may be punished as second degree misdemeanors, as provided in F.S. §§ 775.082 and 775.083.~~

(6) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages (i) until 7:00 a.m. on January 1 (New Year's Day) or, if January 1 is on a Sunday, until 7:00 a.m. on Monday if the day that is observed as a national holiday for New Year's Day is on Monday, and (ii) until 7:00 a.m. during certain major event days or weekends as may be designated by the City Commission or as may be designated by the City Manager following approval by the City Commission, under the following conditions:

- a. The police department and the code compliance Division of the City must be notified by a letter, received no later than 15 business days prior to either (a) January 1 or (b) the day on which alcohol sales are to be extended, stating that the alcoholic beverage establishment intends to serve alcoholic beverages for on-premises consumption until 7:00 a.m.;
- b. If deemed reasonably necessary by the police chief, or the police chief's designee, off-duty police officers must be provided at the alcoholic beverage establishment until 7:00 a.m.;
- c. There are no pending City Code violations against the alcoholic beverage establishment;
- d. No delinquent or past due monies are owed to the City;

- e. Outdoor entertainment or open-air entertainment is not allowed;
- f. No violation of the City's noise ordinance shall be permitted;
- g. No violation of the approved fire code occupancy load shall be permitted;
- h. All required City permits and licenses are current;
- i. ~~The State of Florida alcoholic beverage~~ License is current; and
- j. Any other conditions required by the City Manager in order to protect the public health, safety, or welfare.

(7) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages until 6:00 a.m. on the first day of daylight savings time in the spring.

(8) Alcoholic beverage establishments located in the Performance Standard Districts south of Fifth Street shall comply with the area and hours restrictions listed hereinafter unless a Conditional Use is obtained pursuant to the section 118-191, et seq.:

a. Any open area above the ground floor shall not operate within the hours of 8:00 p.m. and 10:00 a.m.

b. Any ground floor outdoor or open area of an alcoholic beverage establishment in a Residential Performance Standard District shall not operate within the hours of 11:00 p.m. and 8:00 a.m., Sundays through Thursdays; and within the hours of 12:00 p.m. midnight and 8:00 a.m., Fridays and Saturdays. Sidewalk cafes may not operate within the hours of 8:00 p.m. and 8:00 a.m., Sundays through Thursdays; and within the hours of 10:00 p.m. and 8:00 a.m., Fridays and Saturdays.

c. Any ground floor outdoor or open area of an alcoholic beverage establishment or sidewalk café in a Commercial Performance Standard District shall not operate within the hours of 2:00 a.m. and 8:00 a.m.

d. Any ground floor outdoor or open area of an alcoholic beverage establishment in a Commercial Performance Standard District that is within 100 feet of a property with a residential unit shall not operate within the hours of 11:00 p.m. and 8:00 a.m. Sundays through Thursdays, and within the hours of 12:00 p.m. midnight and 8:00 a.m. Fridays and Saturdays, and sidewalk cafes within the hours of 8:00 p.m. and 8:00 a.m. Sundays through Thursdays, and within the hours of 10:00 p.m. and 8:00 a.m. Fridays and Saturdays.

(9) Alcoholic beverage establishments located in the North Beach Town Center and shall not offer for sale the on-premises consumption of alcoholic beverages within the areas and during the hours listed hereinafter unless a Conditional Use is obtained pursuant to the section 118-191, et seq.:

a. In the TC-1 district, any accessory outdoor bar counters shall not be operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m. However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may

be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).

b. In the TC-3 (c) district, any alcoholic beverage establishment shall be limited to beer and wine and close no later than 12 midnight, subject to limitations established in the Conditional Use Process.

(10) The City Manager may suspend the provisions of subsection (6) at any time to protect the public health, safety, or welfare.

(b) Violations/Special Master. Upon a finding by the special master that a violation of this section has occurred, the City may initiate proceedings to revoke the Certificate of Use, occupational license business tax receipt, or Certificate of Occupancy of the violator. In addition, this section may be enforced and violations may be punished as second degree misdemeanors, as provided in Florida Statutes §§ 775.082 and 775.083.

Section 6-4. Location and use restrictions.

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcoholic beverages for consumption:

(1) *Educational facilities.* ~~No alcoholic beverage shall be sold or offered for consumption in an alcoholic beverage establishment, including bottle clubs, in a commercial use, within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (CCC) district, hospital (HD) district or within 300 feet of a marina, provided, however, for the following exceptions:~~

- a. Restaurants operating with full kitchens and serving full meals for consumption on the premises;
- b. Civic and Convention Center (CCC) district;
- c. Hospital (HD) district; and
- d. Within 300 feet of a marina.

(2) *Places of worship.* ~~No alcoholic beverage shall be sold or offered for consumption in a commercial use, except in restaurants for consumption on the premises, in a alcoholic beverage establishment, including bottle clubs, within 300 feet of any property used as a place of worship, except in restaurants operating with full kitchens and serving full meals for consumption on the premises.~~

* * *

(5) *Filling station.* No liquor as defined by Florida Statute § 568.01 shall be sold or offered for consumption on or off the premises of any filling station.

* * *

~~(8) *Bottle clubs.* There shall be no bottle clubs within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning or place of worship.~~

* * *

(b) *Determination of minimum distance separation.*

(1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcoholic beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcoholic beverages for consumption on or off the premises other than a public or private school, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.

(2) When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning ~~and zoning~~ director that the minimum distance separation has been met.

(c) *Variances.* Variances to the provisions of this section may be granted pursuant to the procedure in section 118-351, et seq.

* * *

Section 6-6. Minimum seats and hotel room requirements:

Vendors shall be permitted to sell alcoholic beverages within zoning districts if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, hall for hire or golf clubhouse pursuant to the following standards:

(1) *Permitted main uses:*

a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.

b. Outdoor cafes, when visible from or facing a public street and associated with (a) above, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.

c. Outdoor cafes, when not visible from or on a public street, alley, or way, and associated with (a) above, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.

d. Golf clubhouse located on a golf course shall be permitted to sell alcoholic beverages only for consumption on the premises.

(2) *Accessory uses.* Hotels, apartment-hotels, or apartments, shall be permitted to have accessory uses on site, which sell alcoholic beverages pursuant to the following minimum standards:

- a. Bars, alcoholic beverage establishments, restaurants, or private clubs which have a minimum of 40 seats shall be permitted to sell alcoholic beverages for consumption on or off the premises.
- b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.
- c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.
- d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.
- e. Hotels, when requesting a "S" Class State License shall be required to demonstrate that they comply with all applicable Florida Statutes.

Section 6-7. Exemptions.

(a) Notwithstanding any other provision of this Chapter, the sale of beer for off-premises consumption by a vendor licensed by the State shall be exempt from the regulations in Section 6-4, and Section 6-6. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-premises consumption shall be conducted in accordance with the provisions of Section 6-6.

(b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the Civic and Convention Center District or Government Use Districts.

Section 6-8. Neighborhood Compatibility Requirements.

Under the provisions of this Chapter, a new Certificate of Use and/or Business Tax Receipt shall not be issued for any alcoholic beverage establishment, without submitting evidence of complying with the following requirements:

- (1) All alcoholic beverage establishments shall have a litter abatement program, certified by the Division of Sanitation. Such program shall include the following items:
 - a. All trash receptacles, excluding dumpsters, shall be located inside of a structure and shall be placed in the public right-of-way on pick-up days only;
 - b. All garbage pickups and service deliveries shall not take place between 5 p.m. and 8 a.m.;
 - c. All litter shall be cleared from the site, the adjacent public right-of-way and any accessory parking lot on a daily basis;
 - d. The establishment shall sweep the public right-of-way adjacent to the petitioned site and any accessory parking lot daily and shall periodically clear it with a pressure washing hose as needed;

- (2) The establishment shall screen any dumpster used in conjunction with site, which is visible from the public right-of-way or parking area with a six-foot opaque fence with gates. No dumpster is permitted to be placed within the public right-of-way.
- (3) Equipment and supplies shall not be stored in areas visible from adjacent streets, alleys or nearby buildings.
- (4) If installing a kitchen, the establishment shall install an exhaust system, as required by Code, that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels.
- (5) Any outdoor or rooftop areas utilized as part of the alcoholic beverage establishment shall comply with the following operational and noise attenuation requirements and limitations:
- a. Outdoor bar counters within 100 feet of a property with a residential use shall require Conditional Use approval.
 - b. No exterior loudspeakers are permitted except those necessary for fire and life safety purposes, unless approved pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191, et seq.;
 - c. All entertainment is prohibited in the exterior spaces of the property unless approved pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191, et seq.;
 - d. Rooftop accessory bar counters shall require either Design Review or Historic Preservation Board approval;
 - e. All rooftop food and beverage services shall cease no later than 8:00 p.m., unless hours of operation are extended pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191, et seq.;

Section 6-9. Security Requirements for Commercial Districts and the Mixed Use Entertainment Districts

- (a) Conditions for approval in the specified districts above. Whenever an alcoholic beverage establishment is located within a Commercial District and the Mixed Use Entertainment District and the establishment is approved for alcoholic beverage sales for on-site consumption, the establishment shall comply with the following:

- (1) Security. If, at any time, the property use is a alcoholic beverage establishment and/or an entertainment establishment as defined in this Chapter and Chapter 142, the following shall be provided, on site:
- a. Exterior security officers consisting of off-duty (extra-duty) sworn law enforcement officers, of a number as determined appropriate in an application to

the law enforcement agency requesting the same, which number shall not be less than two (2); provided however, one (1) exterior security officer may be permitted in the event two (2) immediately adjacent establishments mutually utilize the same two (2) officers, and said arrangement is approved by the City of Miami Beach Police Department. Exterior security officers shall only be required if the establishment is an entertainment establishment.

b. Interior security personnel of a number equaling one (1) security officer per one hundred (100) occupants, for establishments with an occupant load in excess of 99 persons.

c. When required, interior and exterior security personnel shall be provided for all hours the premises is open to the public.

ARTICLE II. CONDUCT

Section. 6-36. Definitions.

The following words, terms and phrases, when used in this ~~article~~ Chapter, shall have the meanings ascribed to them in this section or if not defined in this Chapter, the meaning ascribed to them in Chapters 114 and 142, except where the context clearly indicates a different meaning:

* * *

Alcoholic beverage sales—On premises means the sale of beverages in open containers for consumption on the premises only.

Alcoholic beverage sales—Package means the sale of beverages in sealed containers for consumption off the premises.

* * *

Full kitchen facilities means having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchen facilities must contain grease trap interceptors, and meet all applicable City, county and state codes.

* * *

Primarily means that more than fifty (50) percent of the floor area of a retail establishment shall be dedicated to the sale of alcoholic beverages. And in the instance of a restaurant, at least fifty-one (51) percent of the gross income of the restaurant must be derived from the sale of prepared food.

School means a facility providing a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and comparable private schools.

* * *

Section 6-37. Violations and penalties.

Upon a finding by the appropriate administrative official or agency that a violation of this article has occurred, the City shall initiate proceedings to revoke the Business Tax Receipt, Certificate

of Use, occupational license or Certificate of Occupancy, whichever is appropriate. Additionally, this article may be enforced and violations may be punished as follows:

* * *

Subpart B - LAND DEVELOPMENT REGULATIONS

Chapter 142 - ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. - DISTRICT REGULATIONS

DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS

Sec. 142-736. Main permitted uses, Conditional Uses, accessory uses, and prohibited uses.

(a) Land uses in the TC-1, Town Center Core District shall be regulated as follows:

(1) The main permitted uses in the TC-1 District are commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6; apartments; apartments/hotels; hotels. The ground story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). ~~The provisions of subsection 6-4(a)(1) concerning distance separation for consumption of alcoholic beverages on premises in restaurants shall not apply to this district.~~

* * *

(3) The accessory uses in the TC-1 District are those uses permitted in Article IV, Division 2 of this Chapter; alcoholic beverage establishments and accessory outdoor bar counters pursuant to the regulations set forth in Chapter 6; ~~and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.~~

(4) The prohibited uses in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations), except as provided in this Division. ~~However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).~~

* * *

(c) Land uses in the TC-3 Town Center Residential Office District shall be regulated as follows:

* * *

(2) The Conditional Uses in the TC-3 District are hotel, adult congregate living facility; day care facility; nursing home; religious institutions; private and public

institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).

a. In areas designated TC-3(c) on the zoning map, the following uses may be permitted as Conditional Uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in Chapter 6. ~~with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the Conditional Use process.~~ In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in Chapter 6 ~~or~~ and with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.

(3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, Division 2 of this Chapter, except that hotels may have accessory uses based upon the criteria below:

* * *

b. Hotels in the TC-3(c) district may include accessory restaurants or ~~bars~~ alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6 when approved as part of the Conditional Use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and ~~bars that serve alcohol~~ alcoholic beverage establishments on the entire site shall not exceed 1.5 persons, per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. ~~Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the premises and shall be limited to closing no later than 12 midnight subject to limitations established in the Conditional Use process.~~

* * *

ARTICLE V. - SPECIALIZED USE REGULATIONS

* * *

DIVISION 4. - ALCOHOLIC BEVERAGES

* * *

~~Sec. 142-1302. Permitted main and accessory uses.~~

~~Vendors shall be permitted to sell alcoholic beverages within the zoning districts listed in section 142-1301 if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, or golf clubhouse pursuant to the following standards:~~

~~(1) — Permitted main uses.~~

~~a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.~~

~~b. Outdoor cafes, when visible from or facing a public street, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.~~

~~c. Outdoor cafes, when not visible from or on a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~

~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(2) Accessory uses. Hotels, apartment hotels, or apartments, or any mixed use having a minimum of 100 apartment units or a minimum of 100 hotel units or which are located in the MXE district shall be permitted to have accessory uses which sell alcoholic beverages pursuant to the following minimum standards:~~

~~a. — Bars, alcoholic beverage establishments, restaurants, or private clubs which have a minimum of 40 seats shall be permitted to sell alcoholic beverages for consumption on or off the premises.~~

~~b. — Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.~~

~~c. — Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~

~~d. — Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(3) — [Accessory uses which sell alcoholic beverages.] Accessory uses which sell alcoholic beverages in the TC-1, TC-2 and TC-3 districts shall be governed by the district use regulations in section 142-746.~~

Sec. 142-1303. Exemption.

~~(a) — Notwithstanding any other provision of this Division, the sale of beer for off-premises consumption by a vendor licensed for such sale from that location by the Division of alcoholic beverages and tobacco of the department of business and professional regulation of the state shall be exempt from the regulations in section 6-4, and sections 142-1301 and 142-1302. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-~~

~~premises consumption shall be conducted in accordance with the provisions of sections and 142-1302.~~

~~(b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the civic and convention center district or government use district.~~

SECTION 2. CODIFICATION.

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

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

SECTION 4. SEVERABILITY.

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

SECTION 5. EXCEPTIONS.

This Ordinance shall not apply to an application filed for Land Use Board Approval with the Planning Department on or before February 24th, 2015.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: March ____, 2015
Second Reading: April ____, 2015

Verified by: _____
Thomas Mooney, AICP
Planning Director

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

T:\AGENDA\2015\January\Referral to Planning Board - Chapter 6 ORD.docx

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS;" ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS" DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT" DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT" DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT" DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT" DIVISION 8, "GC GOLF COURSE DISTRICT" DIVISION 9, "GU GOVERNMENT USE DISTRICT" DIVISION 10, "HD HOSPITAL DISTRICT" DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT" DIVISION 12, "MR MARINE RECREATION DISTRICT;" DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT;" DIVISION 16, "WD-1 WATERWAY DISTRICT" DIVISION 17, "WD-2 WATERWAY DISTRICT" DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT" TO MODIFY, CLARIFY AND EXPAND MAIN PERMITTED, CONDITIONAL, AND PROHIBITED USES RELATED TO ALCOHOLIC BEVERAGES; BY AMENDING ARTICLE V, "SPECIALIZED USE REGULATIONS" BY DELETING DIVISION 4, "ALCOHOLIC BEVERAGES," BY AMENDING DIVISION 6, "ENTERTAINMENT ESTABLISHMENTS" TO MODIFY AND CLARIFY REGULATIONS RELATING TO ALCOHOL BEVERAGES; BY AMENDING THE NEIGHBORHOOD IMPACT ESTABLISHMENT THRESHOLD REQUIREMENTS AND CREATING NEW DEFINITIONS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," includes specialized use regulations that address alcoholic beverageS; and

WHEREAS, Chapter 6 of the City Code entitled "Alcoholic Beverages", which regulates the hours of operation of and size of such establishments; and

WHEREAS, Chapter 142 shall be amended to ensure that each districts lists whether alcoholic beverage establishments are permitted, not permitted or conditional uses; and

WHEREAS, to ensure that all regulations relating to alcoholic beverages are clear, concise and in one location of the code that is logical and convenient to the user; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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

SECTION 1. That Chapter 142, "Zoning Districts and Regulations" is amended, as follows:

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

* * *

Sec. 142-214. - Accessory uses.

The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in article IV, division 2 of this chapter and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~ RM-2 properties within the Palm View, or West Avenue corridors may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a legal conforming use as of May 28, 2013, shall have the right to apply for and receive special event permits that contain entertainment uses.

* * *

Sec. 142-215. - Prohibited uses.

The prohibited uses in the RM-2 residential multifamily, medium intensity district are accessory outdoor entertainment establishment, accessory open air entertainment establishment, as set forth in article V, division 6 of this chapter; off-premise package sales of alcoholic beverages, and accessory outdoor bar counter; and for properties located within the Palm View, and West Avenue corridors, hotels and apartment-hotels, except to the extent preempted by F.S. § 509.032(7), and unless they are a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

* * *

Subdivision V. - RM-3 Residential Multifamily, High Intensity

* * *

Sec. 142-244. - Accessory uses.

The accessory uses in the RM-3 residential multifamily, high intensity district are as follows:

* * *

- (2) ~~Uses that serve a~~ Alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.

Sec. 142-245. - Prohibited uses.

The prohibited uses in the RM-3 residential multifamily, high intensity district ~~is~~ are off-premise package sales of alcoholic beverages and accessory outdoor bar counters, except as provided

in Section 142-244. For properties located within the West Avenue Corridor, hotels and apartment-hotels, except to the extent preempted by Florida Statutes § 509.032(7), and unless a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

* * *

DIVISION 4. - CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

* * *

Sec. 142-272. - Main permitted uses.

The main permitted uses in the CD-1 commercial, low intensity district are commercial uses; apartments; bed and breakfast inn (pursuant to Section 142-1401); religious institutions with an occupancy of 199 persons or less, and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages pursuant to the regulations set forth in Chapter 6.~~

* * *

DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-302. - Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; religious institutions with an occupancy of 199 persons or less and ~~uses that serve alcoholic beverages establishments as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages (alcoholic beverages) pursuant to the regulations set forth in Chapter 6.~~

Sec. 142-303. - Conditional uses.

(a) 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 institution;
- (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;
- (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 Marshall) 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.
- (4) Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the Fire Marshall) in excess of 125, but less than 199 persons and a floor area in excess of 3,500 square feet.

* * *

DIVISION 6. - CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

Sec. 142-332. - Main permitted uses.

The main permitted uses in the CD-3 commercial, high intensity district are commercial uses; apartments; apartment/hotels; hotels, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, and religious institutions with occupancy of 199 persons or less. Oceanfront properties in the architectural district shall not be permitted to have new retail and/or office areas totaling more than 250 square feet unless the building is rehabilitated according to the South Florida Building Code, the city property maintenance standards, and fire prevention and safety codes and if it is a historic structure the U.S. Secretary of the Interior

Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures. Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is located in a mezzanine, or at least 75 feet back from the storefront; also apartments, apartment/hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335. Dance halls and entertainment establishments (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 and entertainment establishment is located within a hotel with a minimum of 100 hotel units.

* * *

DIVISION 7. CCC CIVIC AND CONVENTION CENTER DISTRICT

* * *

Sec. 142-362. - Main permitted uses.

The main permitted uses in the CCC civic and convention center district are parking lots, garages, performing arts and cultural facilities; hotel; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, merchandise mart; commercial or office development; landscape open space; parks. Any use not listed above shall only be approved after the City Commission holds a public hearing. See section 142-367 for public notice requirements.

* * *

Sec. 142-363. - Conditional uses.

Conditional use approval for a neighborhood impact establishment may be waived by the City Commission, otherwise there are no conditional uses in the CCC, Civic and Convention Center District

* * *

DIVISION 8. - GC GOLF COURSE DISTRICT

* * *

Sec. 142-394. - Accessory uses.

The accessory uses in the GC golf course district are as required in article IV, division 2 of this chapter and the sale or distribution of alcoholic beverages pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 9. - GU GOVERNMENT USE DISTRICT

* * *

Sec. 142-422. - Main permitted uses.

The main permitted uses in the GU, Government Use District, are government buildings and uses, including but not limited to parking lots and garages; parks and associated parking; schools; performing arts and cultural facilities; alcoholic beverage establishments pursuant to

the regulations set forth in Chapter 6, monuments and memorials. Any use not listed above shall only be approved after the city commission holds a public hearing. See subsection 142-425(e) for public notice requirements.

* * *

DIVISION 10. - HD HOSPITAL DISTRICT

* * *

Sec. 142-452. - Permitted uses.

In the HD, Hospital District, no land, water or structure may be used, in whole or in part, except for one or more of the following permitted uses. ~~Permitted uses that sell, serve or otherwise distribute alcoholic beverages in this district shall comply with the standards and regulations found in article V, division 4 of this chapter~~ The sale of alcohol within the HD shall be regulated pursuant to the requirements of Chapter 6.

* * *

DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT

* * *

Sec. 142-482. - Main permitted uses.

The main permitted uses in the I-1, Urban Light Industrial District, are those uses that are consistent with the district purpose including the following:

* * *

- 13) Commercial uses that provide support services to the light industrial uses and to the adjacent RM-3 residents, including but not limited to retail sales, photocopying, coffee shop, ~~standard~~ restaurant, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, video rental, bank;

* * *

DIVISION 12. - MR MARINE RECREATION DISTRICT

* * *

Sec. 142-514. - Accessory uses.

The accessory uses in the MR, Marine Recreation District, are as required in article IV, division 2 of this chapter. Accessory uses in this district shall be any use that is customarily associated with a main permitted use; including but not limited to alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 13. - MXE MIXED USE ENTERTAINMENT DISTRICT

* * *

Sec. 142-543. - Accessory uses.

The accessory uses in the MXE, Mixed Use Entertainment District, are as follows. See also Article IV, Division 2, of this Chapter. ~~Note: Uses that serve alcoholic beverages are also subject to the regulations of article V, division 4 of this chapter.~~ set forth in Chapter 6.

* * *

Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

In the MXE, Mixed Use Entertainment District, permitted uses in existing buildings at the time of adoption of this section with two stories or less fronting on Ocean Drive or Ocean Terrace and any building fronting on Collins Avenue from Sixth Street to 16th Street shall comply with the following:

* * *

- (2) The buildings may contain offices, retail, ~~eating or drinking uses~~ food service establishments, alcoholic beverage establishments and residential uses or any combination thereof. Medical and dental office shall be prohibited uses in the MXE districts. Commercial uses located above the ground floor shall only have access from the interior of the building; no exterior access shall be permitted, unless a variance from this requirement is granted.

* * *

DIVISION 16. - WD-1 WATERWAY DISTRICT

* * *

Sec. 142-634. - Accessory uses.

The accessory uses in the WD-1, Waterway District, are as required by Article IV, Division 2 of this Chapter and as delineated in Chapter 6, as it relates to alcoholic beverage establishments.

* * *

DIVISION 17. - WD-2 WATERWAY DISTRICT

* * *

Sec. 142-664. - Accessory uses.

The accessory uses in the WD-2, Waterway District, are as required in Article IV, Division 2 of this Chapter and as delineated in Chapter 6, as it relates to alcoholic beverage.

* * *

DIVISION 18. PS PERFORMANCE STANDARD DISTRICT

Sec. 142-693. Permitted uses.

(a)

The following uses are permitted in the performance standard districts:

General Use Category	R-PS 1, 2	R-PS 3, 4	C-PS 1, 2, 3, 4	RM-PS1
Single-family; townhome; apartment; apartment/hotel	P	P	P	P Apartment/hotel not permitted
Hotel	N	P	P	N
Commercial	N	N	P	P 8% of floor area
Institutional	C	C	C	C 1.25% of floor area
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 counters shall not be permitted within 100 feet of a residential use 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.	N	N However, accessory outdoor bar counters are permitted in oceanfront hotels with at least 100 hotel units in the R-PS4 district*.	P*	N
Outdoor entertainment establishments and open air entertainment establishments	N	N	N	N
Neighborhood impact establishments	N	N However, in the R-PS4 district, this use is permitted, as an accessory use in oceanfront hotels with 250 or more hotel	C	N

		units, as a conditional use. Access to the establishment shall be only from the interior lobby of the hotel and not from the street.		
Accessory	P*	P*	P*	P*

The following uses are permitted in the performance standard district:

P—Main permitted use C—Conditional use N—Not permitted

* — Accessory use only

Floor area in the RM-PS1 district refers to total floor area in project. Commercial uses in RM-PS1 are limited to stores and restaurants.

In districts that allow commercial and hotel uses above, alcoholic beverage establishments are permitted pursuant to the regulations set forth in Chapter 6.

* * *

DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS

* * *

Sec. 142-736. - Main permitted uses, conditional uses, accessory uses, and prohibited uses.

(a) Land uses in the TC-1, Town Center Core District shall be regulated as follows:

(1) The main permitted uses in the TC-1 District are commercial uses; alcoholic beverage establishments pursuant to requirements in Chapter 6; apartments; apartments/hotels; hotels. The ground story frontage along 71st Street and Collins Avenue shall be governed by subsection 142-737(c). ~~The provisions of subsection 6-4(a)(1) concerning distance separation for consumption of alcoholic beverages on premises in restaurants shall not apply to this district.~~

* * *

(3) The accessory uses in the TC-1 District are those uses permitted in Article IV, Division 2 of this Chapter; alcoholic beverage establishments and accessory outdoor bar counters pursuant to the regulations set forth in Chapter 6; ~~and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.~~

(4) The prohibited uses in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor (any area that is not included in the FAR calculations), except as provided in this Division. ~~However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor~~

venues may be permitted in any open area above the ground floor until 8:00 p.m. with no background music (amplified or nonamplified).

* * *

- (c) Land uses in the TC-3 Town Center Residential Office District shall be regulated as follows:

* * *

- (2) The Conditional Uses in the TC-3 District are hotel, adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages (with accessory commercial uses) in accord with subsection 130-68(9).

- a. In areas designated TC-3(c) on the zoning map, the following uses may be permitted as Conditional Uses in addition to the uses in paragraph (2) above: neighborhood-oriented retail and services uses, limited to 2,500 square feet or less per establishment, located on the ground floor of buildings. Such neighborhood-oriented retail and service uses shall be limited to antique stores; art/craft galleries; artist studios; bakery or specialty food stores; barber shops and beauty salons; coffee shop or juice bar; dry cleaner or laundry with off-site processing (dry cleaning receiving station); newspapers, magazines and books; photo studio; shoe repair; tailor or dressmaker; and food service establishments with 30 seats or less (including outdoor cafe seating) pursuant to the regulations set forth in Chapter 6. ~~with alcohol limited to beer and wine and closing no later than 12 midnight subject to limitations established in the Conditional Use process.~~ In addition, full service restaurants serving alcoholic beverages pursuant to the regulations set forth in Chapter 6 ~~or and~~ with 30 seats or more may be permitted only on waterfront properties with a publicly accessible waterfront walkway in the area located south of 71st Street.

- (3) The accessory uses in the TC-3 district are those uses customarily associated with the district purpose, as set forth in article IV, Division 2 of this Chapter, except that hotels may have accessory uses based upon the criteria below:

* * *

- b. Hotels in the TC-3(c) district may include accessory restaurants or ~~bars~~ alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6 when approved as part of the Conditional Use. Such accessory restaurants or bars that serve alcohol shall be limited to a maximum of 1.25 seats per hotel or apartment unit for the entire site. The patron occupant load, as determined by the planning director or designee, for all accessory restaurants and ~~bars that serve alcohol~~ alcoholic beverage establishments on the entire site shall not exceed 1.5 persons, per hotel and/or apartment unit. For a hotel or apartment property of less than 32 units, the restaurant or bar may have a maximum of 40 seats in the aggregate on the site. The number of units shall be those that result after any renovation. ~~Accessory restaurants and bars shall be permitted to sell alcoholic beverages for consumption only on the~~

~~premises and shall be limited to closing no later than 12 midnight subject to limitations established in the Conditional Use process.~~

* * *

Sec. 142-901. - General provisions.

Accessory uses shall comply with the following general provisions:

- (1) Accessory uses shall be located on the same lot as the main permitted use, except for required parking which may be located within 1,200 feet of the property. The distance separation shall be measured by following a straight line from the lot on which the main permitted use is located to the lot where the parking lot or garage is located.
- (2) Accessory uses shall be incidental to and customarily associated with the main permitted use, ~~in accordance with the regulations herein. In making the determination, the planning and zoning director may require the applicant to provide evidence that such use meets this criteria. The planning and zoning director may also make use of and require the applicant to provide planning reports and studies and other investigations to support the applicant's request.~~
- (3) Accessory uses in residential districts shall comply with the following, whether covered or uncovered:
 - a. In the RM-1 zoning district, individual accessory uses, or the total aggregate area of multiple accessory uses, shall not occupy more than twenty (20) percent of the floor space of the total primary use.
 - b. In the RM-2 zoning district, individual accessory uses, or the total aggregate area of multiple accessory uses, shall not occupy more than thirty (30) percent of the floor space of the total primary use.
 - c. In the RM-3 zoning, individual accessory uses, or the total aggregate area of multiple accessory uses, shall not occupy more than forty (40) percent of the floor space of the total primary use.
 - d. Any outdoor, unenclosed or uncovered accessory use serving alcohol and located in an RM-2 district shall require Conditional Use approval.
- (4) Off-street parking and loading spaces shall be considered as accessory uses in all districts.
- ~~(5) A use other than those listed in this division may be considered as an accessory use if it is customarily associated with one of the main permitted uses and if the planning and zoning director finds that the use complies with the below mandatory criteria:~~
 - ~~a. The use complies with subsections (1) and (2) of this section.~~

- ~~b. The use is consistent with the purpose of the zoning district in which it is located.~~
 - ~~c. That the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values.~~
 - ~~d. That the public health, safety, morals and general welfare of the community will not be adversely affected.~~
 - ~~e. It is consistent with the comprehensive plan and neighborhood plan if one exists.~~
- (6) ~~An occupational license~~ A business tax receipt or building permit, whichever is being requested, shall only be approved for an accessory use if the building complies with all of the following mandatory requirements.
- a. All structures shall conform to the South Florida Building Code, the property maintenance standards and the fire prevention and life safety code.
 - b. The existing building and the proposed improvements shall be built in a manner that is substantially consistent with the design recommendations in a neighborhood plan for the area if one exists, and if the building is a historic structure, then the U.S. Secretary of the Interior Standards for Rehabilitation of Historic Buildings as amended shall be used.
 - c. The minimum and average floor area requirements for the units as set forth in article II, division 13 of this chapter shall be met.
- (7) Appeal of the planning and zoning director's decision pertaining to any finding shall be to the board of adjustment as provided in chapter 118, article IX, and shall be considered as an appeal of an administrative decision.

* * *

Sec. 142-902. - Permitted accessory uses.

The following are permitted accessory uses:

- (1)
 - a. Hotels not located in the RM-1 or RM-2 district are permitted to have any accessory restaurants, drinking establishments, outdoor and sidewalk cafés, hotel management offices, and retail uses ~~use~~ in accordance with the regulations herein, as well as accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only. ~~that is customarily associated with the operation of a hotel or apartment building.~~
 - b. Hotels located in the RM-2 district are permitted to have any accessory restaurants, and hotel management offices ~~use in accordance with the regulations herein that is customarily associated with the operation of a hotel or apartment building,~~ except for ~~d~~Dance halls, entertainment establishments, neighborhood impact establishments,

outdoor entertainment establishments or open air entertainment establishments shall be prohibited in an RM-2 district.

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

1. A dining room operated solely for registered hotel visitors and their guests, located inside the building and not visible from the street, with no exterior signs, entrances or exits except as required by the South Florida Building Code.
2. Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.

ARTICLE V. - SPECIALIZED USE REGULATIONS

~~DIVISION 4. ALCOHOLIC BEVERAGES~~

~~Sec. 142-1301. Permitted districts.~~

~~Vendors may be permitted to sell or distribute alcoholic beverages, either for consumption on or off the premises only in the following zoning districts:~~

- ~~(1) RM-2 multiple family, medium intensity.~~
- ~~(2) RM-3 multiple family, high intensity.~~
- ~~(3) CD-1 commercial, low intensity.~~
- ~~(4) CD-2 commercial, medium intensity.~~
- ~~(5) CD-3 commercial, high intensity.~~
- ~~(6) CCC convention center district.~~
- ~~(7) HD hospital district.~~
- ~~(8) I-1 industrial, light.~~
- ~~(9) MR marine recreational.~~
- ~~(10) MXE mixed use entertainment.~~
- ~~(11) WD-1 waterway district.~~
- ~~(12) WD-2 waterway district.~~
- ~~(13) R-PS2 residential medium density.~~
- ~~(14) R-PS3 residential medium high density.~~
- ~~(15) R-PS4 residential high density.~~
- ~~(16) C-PS1 commercial limited mixed use.~~
- ~~(17) C-PS2 commercial general mixed use.~~
- ~~(18) C-PS3 commercial intensive mixed use.~~
- ~~(19) C-PS4 commercial intensive phased bayside.~~
- ~~(20) RM-PS1 residential limited mixed use development.~~
- ~~(21) TC-1 North Beach Town Center core.~~
- ~~(22) TC-2 North Beach Town Center mixed use.~~
- ~~(23) TC-3 North Beach Town Center residential/office.~~

~~Sec. 142-1302. Permitted main and accessory uses.~~

~~Vendors shall be permitted to sell alcoholic beverages within the zoning districts listed in section 142-1301 if such district permits as a permitted main use or accessory use one of the following: Restaurant, bar, alcoholic beverage establishment, outdoor cafe, private club, or golf clubhouse pursuant to the following standards:~~

~~(1) *Permitted main uses.*~~

- ~~a. Restaurants, alcoholic beverage establishments, and private clubs shall be permitted to sell alcoholic beverages for consumption on the premises based upon the following; when beer and wine are served a minimum of 30 seats shall be provided; and when, beer, wine and liquor are served, a minimum of 60 seats shall be provided.~~
- ~~b. Outdoor cafes, when visible from or facing a public street, shall have a minimum of 20 seats in order to be permitted to sell alcoholic beverages for consumption on the premises.~~
- ~~c. Outdoor cafes, when not visible from or on a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~
- ~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(2) *Accessory uses.* Hotels, apartment hotels, or apartments, or any mixed use having a minimum of 100 apartment units or a minimum of 100 hotel units or which are located in the MXE district shall be permitted to have accessory uses which sell alcoholic beverages pursuant to the following minimum standards:~~

- ~~a. Bars, alcoholic beverage establishments, restaurants, or private clubs which have a minimum of 40 seats shall be permitted to sell alcoholic beverages for consumption on or off the premises.~~
- ~~b. Outdoor cafes when visible from a public street which have a minimum of 20 seats are permitted to sell alcoholic beverages for consumption only on the premises.~~
- ~~c. Outdoor cafes when not visible from a public street, alley, or way, shall have no minimum seating requirement and shall be permitted to sell alcoholic beverages only for consumption on the premises.~~
- ~~d. Golf clubhouse; when located on a golf course, the sale of alcoholic beverages is permitted only for consumption on the premises.~~

~~(3) *[Accessory uses which sell alcoholic beverages.]* Accessory uses which sell alcoholic beverages in the TC-1, TC-2 and TC-3 districts shall be governed by the district use regulations in section 142-746.~~

Sec. 142-1303. -- Exemption.

- ~~(a) Notwithstanding any other provision of this division, the sale of beer for off-premises consumption by a vendor licensed for such sale from that location by the division of alcoholic beverages and tobacco of the department of business and professional regulation of the state shall be exempt from the regulations in section 6-4, and sections 142-1301 and 142-1302. However, the sale by such vendor of alcoholic beverages other than beer and of beer for on-premises consumption shall be conducted in accordance with the provisions of sections 142-1301 and 142-1302.~~
- ~~(b) Nothing herein shall be construed to restrict sales of alcoholic beverages in the civic and convention center district or government use district.~~

DIVISION 6. ENTERTAINMENT ESTABLISHMENTS AND NEIGHBORHOOD IMPACT ESTABLISHMENTS

* * *

Sec. 142-1361. Definitions.

* * *

~~*Entertainment* means any live show or live performance or music amplified or nonamplified. Exceptions: Indoor movie theater, big screen television and/or background music, amplified or nonamplified, played at a volume that does not interfere with normal conversation.~~

Entertainment establishment means a commercial establishment including, but not limited to, restaurants, bars, and alcoholic beverage establishments that include live entertainment, patron dancing, and/or recorded entertainment. Entertainment does not include television, radio and/or recorded background music, played at a volume that does not interfere with normal conversation, and indoor movie theater operations.

Hours of operation of entertainment establishments. Entertainment establishments may not operate between the hours of 5:00 a.m. and 10:00 a.m.

Live entertainment shall mean and include all shows, live music, games of sport and performances of any kind but shall not include adult entertainment.

Neighborhood impact establishment means:

(1) An alcoholic beverage establishment, place of assembly, hall for hire or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 300 or more persons as determined by the chief fire marshal 6,000 square feet of gross floor area inclusive of outdoor areas associated with food and beverage services; or

(2) An alcoholic beverage establishment, place of assembly, hall for hire or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 200 or more persons as determined by the chief fire marshal 3,500 square feet of gross floor area inclusive of outdoor areas associated with food and beverage services.

(3) For purposes of this section, an alcoholic beverage establishment shall include multiple establishments in one building site unless both criteria (a) and (b) below are met:

a. The alcoholic beverage establishments have separate Business Tax Receipts.

b. The alcoholic beverage establishments are completely self-contained and do not share any ingress or egress points.

* * *

Patron dancing shall mean dancing by patrons or guests of an establishment or business.

Recorded entertainment means recorded music or recorded vocal entertainment or both, amplified or non-amplified, but shall not include adult entertainment.

* * *

Sec. 142-1365. Discontinuance of a Neighborhood Impact Establishment, Outdoor Entertainment Establishment, Open Air Entertainment Establishment, or After-Hours Dance Hall.

No building, structure, land, or portion thereof, used in whole or in part for a Neighborhood Impact Establishment, Outdoor Entertainment Establishment, Open Air Entertainment Establishment, or After-Hours Dance Hall, which remains idle or unused for a continuous period of six months, or for 18 months during any three (3)-year period shall automatically discontinue the use. A new Conditional Use pursuant to the section 118-191 et seq. and 142-1362 et seq. may be applied for.

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. EXCEPTIONS.

This Ordinance shall not apply to an application filed for Land Use Board Approval with the Planning Department on or before February 24th, 2015.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: March ____, 2015

Second Reading: April ____, 2015

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes removed language

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART B - LAND DEVELOPMENT REGULATIONS, CHAPTER 114 "GENERAL PROVISIONS" , AMENDING SECTION 114-1, DEFINITIONS, BY MODIFYING AND ADDING DEFINITIONS TO CLARIFY ALCOHOLIC BEVERAGE AND USE REQUIREMENTS OF THE CODE OF THE CITY OF MIAMI BEACH, PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 114 of the City Code, entitled "General Provisions," provides definitions; and

WHEREAS, to ensure that the all the definitions are clear and concise and are located in one area of the code that is logical and convenient to the user; and

WHEREAS, the amendment set forth below is 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 114, entitled "General Provisions" is amended, as follows:

* * *

Sec. 114-1. Definitions.

(a). Interpretation of terms or words.

For the purpose of this chapter, certain terms or words used in this chapter shall be interpreted as follows:

- i. The word "shall" is always mandatory and the word "may" is permissive.
- ii. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.
- iii. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- iv. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

(b) The following words, terms and phrases when used in this Subpart B or Chapter 6 of Subpart A, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Apartment hotel means a building containing both apartment units and hotel units, with at least 25% being apartment units, under resident supervision, and having an inner lobby through which all tenants must pass to gain access. Apartment Hotel uses may contain suite hotel units.

* * *

Bottle club means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages brought onto the

premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises.

* * *

Business tax means the fees charged and the method by which the City grants the privilege of engaging in or managing any business, profession, or occupation within the City's jurisdiction (formerly known as an occupational license).

* * *

Certificate of use (CU) means a document issued by the fire department, department of code compliance City allowing the use of a building and certifying that the use is in compliance with all applicable City codes, regulations and ordinances.

* * *

Disc Jockey (abbreviated D.J., DJ or deejay) means a person who plays recorded music for an audience.

* * *

~~Entertainment establishment means a commercial establishment with any live or recorded, amplified or nonamplified performance, (excepting television, radio and/or recorded background music, played at a volume that does not interfere with normal conversation, and indoor movie theater operations). Entertainment establishments may not operate between the hours between the hours of 5:00 a.m. and 10:00 a.m., except as provided for under subsection 6-3(3)(b).~~

Entertainment establishment means a commercial establishment including, but not limited to, restaurants, bars, and alcoholic beverage establishments that include live entertainment, disc jockey, patron dancing, and/or recorded entertainment. Entertainment does not include television, radio and/or recorded background music, played at a volume that does not interfere with normal conversation, and indoor movie theater operations. Entertainment establishments may not operate between the hours between the hours of 5:00 a.m. and 10:00 a.m., except as provided for under subsection 6-3(3)(b).

* * *

Food service establishment includes but is not limited to any restaurant; bakery; bar; bistro; café; coffee shop; cafeteria; delicatessen; ice cream parlor; lounge; nightclub; pub; tavern; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

* * *

Full cooking facilities, residential and suite hotels shall mean having burners, ovens and refrigeration units. Cooking facilities in units of less than 550 square feet shall be limited to one microwave oven and one five-cubic-foot refrigerator except historic district suites hotels or apartments may have full cooking facilities in units with a minimum of 400 square feet.

Full kitchen facilities, commercial shall mean having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchens must contain grease trap interceptors, and meet all applicable City, county and state codes.

* * *

Hall for hire means an establishment which rents space, and may provide tables, chairs, catering, decor, sound systems, or other services in order to hold or host a private event.

* * *

Live entertainment shall mean and include all shows, live music, games of sport and performances of any kind but shall not include adult entertainment.

* * *

Loading, off-street means a loading space located on private property outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

* * *

~~Occupational license means the required license to conduct business within the City pursuant to chapter 18.~~

Office, business or professional means an establishment offering services or knowledge to the business community or to individuals, but excluding a medical office. Such activities would include but are not limited to accounting, brokerage, insurance, advertising, employment services, real estate services, lawyer and architect.

Office, medical means an establishment offering medical services and knowledge to the community or individuals. Such activities may include but shall not be limited to physician, dentist, psychologist, chiropractor, mental health therapist and physical therapists.

Operator means the person who conducts, manages, maintains or controls, either directly or indirectly, any business or commercial establishment.

Patron dancing shall mean dancing by patrons or guests of an establishment or business.

Personal service use means an establishment that provides services such as barbershops, beauty salons, tailor, shoe repair shops, dry cleaning, banks and financial service institutions.

Place of Assembly means an establishment that may have fixed seating, that is not used for retail sales and service, restaurant, office or hotel, and may include a "hall for hire" use whether for a private event or a public event.

* * *

Recorded entertainment means recorded music or recorded vocal entertainment or both, amplified or non-amplified, but shall not include adult entertainment.

~~Restaurant means a commercial establishment where refreshments or meals may be purchased by the public and which conducts the business of serving of food to be consumed on~~

or off the premises, an establishment whose principal business is the preparation, serving, and selling of food, to the customer for consumption on the premises or for take-out by customers. Food shall be continuously ready to be prepared, served, and sold during all business operational hours for a restaurant use. All restaurants shall be appropriately licensed as a restaurant or similar food service-type use by all applicable agencies.

Retail establishment means any store, merchant or organization selling merchandise to the general public.

* * *

School means a facility providing a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and comparable private schools.

~~Shall is mandatory, the word "may" is permissive.~~

Supper club means a restaurant having a minimum enclosed dining/entertainment area of 4,000 square feet and providing entertainment, but not adult entertainment. The dining/entertainment area shall be composed of restaurant tables and seating and an entertainment stage area and/or dance floor. The dining area must occupy a minimum of fifty (50) percent of the gross floor area of the establishment. A supper club must provide full and continual food service throughout the periods of its operation. No more than twenty (20) percent of the seating area, may be removed to accommodate special performances.

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. EXCEPTIONS.

This Ordinance shall not apply to an application filed for Land Use Board Approval with the Planning Department on or before February 24th, 2015.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION**

City Attorney

Date

First Reading: March ____, 2015

Second Reading: April ____, 2015

Verified by: _____
Thomas Mooney, AICP
Planning Director

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

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Micky Steinberg, Commissioner
DATE: January 6, 2015

SUBJECT: Referral to Land Use and Development Committee Regarding Charging Stations for Plug-in Vehicles

Please place on the January 14, 2015 City Commission agenda the above referenced item to the Land Use and Development Committee for discussion.

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

Thank you.

Tathiane Trofino
On behalf of Commissioner Micky Steinberg

MIAMIBEACH

Commissioner Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7103 / Fax: 305-673-7096 / www.miamibeachfl.gov

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

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Deede Weithorn, Commissioner
DATE: January 7, 2014
SUBJECT: Referral to Finance – Equal benefits for domestic partners [Sec. 2-373]

Please place an item on the January 14, 2015 Commission agenda for referral to the February 2, 2015 Finance and Citywide Projects Committee to discuss the requirement for city contractors to provide equal benefits for domestic partners.

If you have any questions please contact Lauren Carra at extension 6528 or LaurenCarra@miamibeachfl.gov.

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C6

COMMISSION COMMITTEE REPORTS

C6



OFFICE OF THE CITY MANAGER

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC)
MEETING ON FRIDAY, DECEMBER 19, 2014

A meeting of the Neighborhood/Community Affairs Committee was held on Friday, December 19, 2014 at 3:00pm in the Commission Chamber, 3rd Floor of City Hall. Commissioners in attendance: Commissioners Micky Steinberg, Deede Weithorn, Joy Malakoff, Michael Grieco and Ed Tobin. Members from the Administration and the public were also in attendance.

THE MEETING OPENED AT 3:07 P.M.

OLD BUSINESS

1. **Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden.**
Commission Item C4K, December 11, 2013
(Requested by Commissioner Tobin)

AFTER-ACTION

Liz Valera, Parks and Recreation Deputy Director presented the item. She inquired if the Committee would allow her to remove this item from the Neighborhood/Community Affairs pending list and bring it back at a later time once there is an action plan available for implementation.

Commissioner Tobin suggested Administration go to the senior centers and discuss with them if this is something that they would like to engage in. Between December and March, Commissioner Tobin suggested Administration survey the senior centers to see if this is something they are willing to participate in. If they do not want to participate in a community vegetable garden, Commissioner Tobin suggested removing this item.

DIRECTION: By Commissioner Tobin to have Administration come back in March with information on whether or not the senior centers are willing to participate in a community vegetable garden.

2. **Discussion Regarding Revisions To The Beachfront Concession Rules and Regulations.**
Commission Item CF, January 15, 2014
(Requested by Office of the City Manager)

AFTER-ACTION

Commissioner Tobin deferred this item until the January 30, 2015 NCAC meeting. Commissioner Weithorn suggested that Administration hold workshops with condo associations in order to hear their input and suggestions.

NO ACTION TAKEN

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

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, a review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (initiate your request. TTY users may also call 711 (Florida Relay Service).

Agenda Item CGA
Date 1-14-15

3. **Discussion Regarding The Purdy Boat Ramp.**

Commission Item R9P, October 22, 2014

(Requested by Commissioner Grieco)

AFTER-ACTION

Commissioner Grieco discussed the background of this item. This item was brought to the City Commission because the Purdy boat ramp is not monitored and it has become an issue for residents. This item has been heard at the Marine Authority and they have given input on how to resolve this issue at the Purdy boat ramp.

John Rebar, Parks and Recreation Director discussed this item. He suggested that a Dock Master position be created. The Dock Master would be the point person to handle the issues at the boat ramp. The Dock Master position would fall under the Parks and Recreation department; there would also be a request for part-time attendants at the dock due to the hours that the boat ramp is open. As for law enforcement issues, John Rebar and Police Chief Oates discussed having a Sergeant detail assigned to the Parks and Recreation department in order to have a linkage between the Parks and Recreation component and the code enforcement component. John Rebar stated that Administration should have a detailed position and salary created within the next 30 days. There is currently no fee schedule detailed for the Purdy Boat Ramp

Commissioner Grieco suggested that the Committee hear this item at the following NCAC meeting in January. Administration would then be able to provide a full proposal for the Committee to review.

Commissioner Steinberg suggested that the fee schedule discussion be heard at the next Marine Authority Committee meeting in order to have experts discuss and suggested a fee schedule. The Marine Authority Committee meetings on January 14th and John Rebar has agreed to be present in order to discuss the details of this proposal.

DIRECTION: By Commissioner Tobin to have this item brought back to the Committee in January with a full proposal detailing the Dock Master position and a fee schedule for the Purdy boat ramp.

4. **Discussion Regarding Long Term Problems That Need To Be Addressed At 17th Street And Alton Road Intersection.**

Commission Item R9Q, July 23, 2014

(Requested by Commissioner Grieco)

AFTER-ACTION

Jose Gonzalez, Transportation Director presented this item. Jose Gonzalez explained upon the completion of Alton Road, the City will have a specific timing plan implemented on that intersection. There is also a transportation master plan in the works to improve the City's intersections. Jose Gonzalez stated the City is working on an Intelligent Transportation System to improve the traffic flow.

Commissioner Tobin inquired what can Administration do in order to relieve traffic concerns as soon as possible.

Commissioner Weithorn inquired how the Planning department and Transportation department work best would in order to be proactive as it relates to traffic congestions due to construction.

Kathie Brooks, Assistant City Manager stated that there have been meetings that coordinate planning, transportation, and public works so that it is more coordinated than in the past.

Commissioner Weithorn requested an LTC from Administration discussing the steps planning, transportation and public works take in order to coordinate and communicate issues that pertain to road closers and traffic congestions. Commissioner Weithorn would like to understand the process that Administration has in place.

DIRECTION: By Commissioner Tobin to have this item come back in January detailing what plan is being implemented to improve the intersections that are at a D, E, or F.

NEW BUSINESS

5. Discussion Regarding Stray Cats In Miami Beach.

*Commission Item C4C, November 19, 2014
(Requested by Commissioner Weithorn)*

AFTER-ACTION

Eric Carpenter, Public Works Director presented this item. Eric Carpenter stated that Lynn Bernstein has been working with Officer Mary to coordinate catch-and-release. In addition the grant application to the Cat Network has been submitted.

Commissioner Weithorn stated that this item does not need to come back to the Committee unless something with the program is not working.

NO ACTION TAKEN.

6. Discussion Regarding The Annual Review Of The City's List Of Deserving Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638.

Commission Item C4A, November 19, 2014

AFTER-ACTION

Max Sklar, Tourism, Culture, and Economic Development discussed this item.

Commissioner Weithorn stated that these tickets need to be monitored. She inquired if Administration has a system in place to monitor to whom and how frequently these tickets get distributed.

Max Sklar stated that Administration requires them to provide the names of the individuals that are receiving the tickets. Therefore, the same people do not get the tickets each time. Also the service partnership entities are the ones that are not listed within Miami Beach. These entities provide services in Miami Beach but are not located here.

Commissioner Weithorn would like those that receive the tickets sign a contract stating that they understand these tickets needs to be rotated and are not for resale.

RECOMMENDATION: By Commissioner Weithorn in addition to the names of the people receiving tickets, Administration have the individuals that retrieve the tickets sign an agreement that acknowledges that these tickets are to be rotated among residents within the building that are low income and to teachers that teach in Miami Beach as per the Education Compact.

7. Discussion On The Beautification Of The Alton Road Flyover Bridge At The Eastern End Of I-395.

*Commission Item R9M, October 22, 2014
(Requested by Commissioner Malakoff)*

AFTER-ACTION

Eric Carpenter, Public Works Director discussed that Public Works is working with FIU school of Architecture to create a conceptual design for the Flyover. In addition, FDOT has a contract to paint the flyover. If the City chooses any other color than grey, the City would have to take over maintenance of the color.

DIRECTION: By Commissioner Steinberg to bring this item back to NCAC in March with the FIU conceptual designs.

8. **Discussion Regarding Adding Pride/Rainbow Colors To The Street Signs From 10th To 12th Streets On Washington/Collins/Ocean, As Per The Recommendation Of The LGBT Business Enhancement Committee**
Commission Item C4P, July 23, 2014
(Requested by Commissioner Steinberg)

AFTER-ACTION

Jose Gonzalez, Transportation Director presented the item. In addition, he provided the Committee a rendering of what the street sign topper could look like. Jose Gonzalez stated that it is about \$125.00 per street sign topper. However, there is only one intersection that is not signalized; therefore, this would be the only intersection that could have the street sign topper. Commissioner Weithorn suggested that this item be discussed with Assistant City Manager Joe Jimenez in order to see if this can be incorporated for the Ocean Drive development. Commissioner Malakoff suggested that the rainbow pavers on Ocean Drive maybe best.

DIRECTION: By Commissioner Steinberg to bring this item back to the LGBT Committee for their input on Commissioner Malakoff's recommendation and the current issue with only one non-signalized intersection.

9. **Discussion Regarding An Update On The Plans For The Par 3 Park.**
Commission Item C4F, December 17, 2014
(Requested by Commissioner Weithorn)

AFTER-ACTION

DIRECTION: By Commissioner Weithorn to have this item come to NCAC in January with input from anyone in the community who should be involved.

MOTION: By Commissioner Steinberg to adjourn the meeting at 4:33PM.
Seconded by Commissioner Weithorn.



NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE MEETING
AFTER ACTION ATTACHEMENT

ATTACHED HANDOUT PROVIDED BY HENRY STOLAR
REFERNCING ITEM #2

BEACH CONCESSIONAIRES – IDENTIFICATION OF VEHICLES

Rules and Regulations for Beachfront Concession Operations

As Last Amended March 17, 2003 and Still In Effect

“25. Rules for Use of Motor Vehicles and Small Off-Road Vehicles on the Beach:

* * * * *

- E. All motor vehicles must have signage, on each side, **with the name of the Concession operator** in 4" high letters on a contrasting background, using a standard Helvetica type font. (emphasis supplied).
- F. All small off-road vehicles must have signage **with the name of the Concessionaire** in 4" high letters on a contrasting background, using a standard Helvetica type font.” (emphasis supplied).

Standard City Letters to Upland Owners – October 18, 2013 and November 12, 2014

* * * * *

“Please be advised, Sections 25(e), 25(f), and 25(g) of the Rules and Regulations, as contained below, will be strictly enforced by Code Enforcement and by the Office of Real Estate [“beginning on November 15, 2013” – appears only in the 2013 letter].

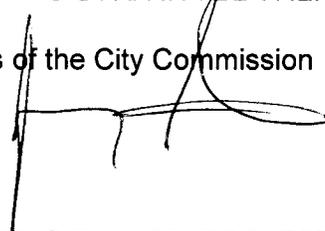
- “25. (e) All motor vehicles must have signage, on each side, **with the name of the Upland Owner** in 4” high letters on a contrasting background, using a standard Helvetica type font. (emphasis supplied).
- (f) All small off-road vehicles must have signage **with the name of the Upland Owner** in 4” high letters on a contrasting background, using a standard Helvetica type font.” (emphasis supplied).
- (g) [Omitted – concerns only limitation on number of vehicles.]



MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager 
DATE: January 14, 2015
SUBJECT: REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE
MEETING ON DECEMBER 12, 2014

The agenda is as follows:

OLD BUSINESS

1. Discussion regarding the Miami Beach Police Athletic League (PAL)

ACTION

The Committee recommended bringing this item back to the March Finance and Citywide Committee meeting with a resolution to the aforementioned issues between the Police Athletic League (PAL) and the City. There are scheduled meetings with members from the City Attorney's Office and the City Manager's office with PAL representatives.

2. Discussion regarding The Loans-At-Work Program

ACTION

The Committee recommended continuation of the BMG Money Loans-At-Work program on a permanent basis through calendar year 2015, as an alternative for individuals who would not otherwise have the ability to borrow from an institution.

NEW BUSINESS

3. Discussion regarding creating a Property Assessed Clean Energy (PACE) Program by resolution and joining the existing Interlocal Agreement between by Harbor Islands, Biscayne Park, and Surfside

ACTION

The Committee recommended moving forward with the PACE program and sending this item to the Commission.

4. Discussion regarding Parking Demand Analysis/Walker Parking Consultants

ACTION

The Committee took no action, but encouraged the Administration to return when potential solutions are identified.

5. Discussion Regarding The Management Agreement With SP Plus Municipal Services, A Division Of Standard Parking Corporation, For Parking Attendants, Specifically: (1) Not Exercising The City's Option To Renew The Agreement; (2) Extending The Agreement On A Month-To-Month Basis; And (3) Issuing A New RFP For Parking Attendants For The City's Parking Garages.

ACTION

The Committee had no recommendation of changing the management agreement. Advised staff will execute the one year renewal option with SP Plus Municipal Services while examining new technology and cost saving measures that could be used long term when the management agreement is up for renewal.

ITEMS REFERRED AT NOVEMBER 19, 2014 COMMISSION MEETING

6. Discussion To Amend The Living Wage Ordinance Insurance Provision In Light Of ObamaCare

ACTION

Item deferred to February.

7. Discussion To Waive Fees For The Dolphins Cycling Challenge Event Taking Place In Miami Beach On February 7th and 8th, 2015

ACTION

The Committee recommended waiving the fees as listed below for the Dolphins Cycling Challenge (DCC) that raises money for the Sylvester Comprehensive Cancer Center:

• App fee	\$250
• Permit fee	\$250
• Square footage	\$9,900 without tax (\$10,593 if taxed)
• Vehicle Access Passes	\$2,250 (15 x \$150)
• Lummus User Fee	\$1,275
• Police/Fire admin	\$1,570
Total:	\$15,495

8. Discussion Regarding The Live Nation Management Agreement For The Jackie Gleason Theater

ACTION

Item deferred to January.

9. Discussion To Review Options To Reintegrate The Baptist Hospital Network Among Providers Available To City Employees

ACTION

The Committee recommended moving forward with Av Med as a sole carrier if staff can negotiate terminating the Humana contract. If not, move forward with giving employees the option of going with either Humana or Av Med in the meantime with enrollment beginning in March 2015. The motion was amended to include an Invitation to Negotiate (ITN) to see if other carriers are interested.

10. Discussion Regarding A Public Private Partnership For A Two-Story Parking Structure To Be Erected Over Both City Parking Lot P62 And A Private Parking Lot, On 42nd Street, Between Jefferson Street And Meridian Avenue

ACTION

Item deferred to January.

11. Discussion Asking The Commission for \$10,000 for 2015 Senior Group Programs To Reach Out To Senior Citizens Throughout Miami Beach

ACTION

The Committee recommended bringing this item back to Finance and Citywide Committee no sooner than February 2015 after Stanley Shapiro meets with staff at the Office of Housing and Community Services regarding the variety of cultural, recreational and support programming available to elderly residents. The Committee would like the item to return with performance measures, outcomes and ensuring there is no duplication of efforts.

12. Discussion Regarding The Miami Beach Convention Center Booking Policy

ACTION

Item deferred to January.

13. Discussion Regarding Reevaluation Of City Of Miami Beach Tuition Assistance Policy For City Of Miami Beach Employees

ACTION

The Committee recommended for the Fiscal Year 2015-2016 a two-year pilot program where employees will receive tuition assistance based on the following level of achievement:

1. Grade A = 80% reimbursement
2. Grade B = 60% reimbursement
3. Grade C = 40% reimbursement

The employee will also be required to work at the City for 2 years after receiving this benefit or be required to pay back the funds received.

14. Discussion Regarding The Possible Addition Of Personal Watercrafts To Our Police Department's Fleet

ACTION

Item deferred to February.

C7

RESOLUTIONS

C7

Condensed Title:

A Resolution retroactively authorizing The City Manager or his designee to apply for and accept two (2) grants.

Key Intended Outcome Supported:

1) Ensure reliable stormwater management and resiliency against flooding by implementing select short and long-term solutions including addressing sea-level rise; 2) Induce public school accountability mainly at middle school.

Supporting Data: Community Satisfaction Survey: 1) 11% of residents stated that "Addressing flooding problems" would best improve the quality of life in Miami Beach; 2) Students who regularly attended high-quality after school programs over two years demonstrated gains of up to 20 percentiles and 12 percentiles in standardized math test scores respectively, compared to their peers who were routinely unsupervised during the afterschool hours. (Policy Studies Associates, Inc., 2007) (Afterschool Alliance); and 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:

Retroactively approve and authorize the following grant application submittals: 1) Florida Division of Emergency Management for the Hazard Mitigation Grant Program, for \$825,000 for emergency generators; 2) The Children's Trust Youth Enrichment Program for funding in the approximate amount of \$500,000 for the City's CHAMPS Program; approving and authorizing the appropriation of the above grants and funding requests, including any requisite matching funds and city expenses; and further authorizing the City Manager or his designee to take all necessary steps and execute all necessary documents in connection with the aforesated grants and funding requests, including, without limitation, applications and grant funding agreements and audits.

Financial Information:

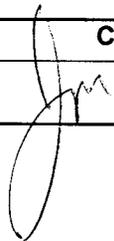
Source of Funds	#	Grant Name/Project	Approx. Award Amount	Approximate Match Amount/Source
	1	Florida Division of Emergency Management, Hazard Mitigation Grant Program/ Emergency Generators	\$825,000	\$275,000 - Matching stormwater funds will be requested through the FY 2015/16 capital budget process
	2	The Children's Trust, Youth Enrichment/ CHAMPS Program	\$500,000	N/A

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

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

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION RETROACTIVELY APPROVING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE FOLLOWING ACTIONS: 1) SUBMIT A GRANT APPLICATION FOR \$825,000 TO THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR THE HAZARD MITIGATION GRANT PROGRAM FOR EMERGENCY GENERATORS; 2) SUBMIT A GRANT APPLICATION TO THE CHILDREN'S TRUST YOUTH ENRICHMENT PROGRAM IN THE APPROXIMATE AMOUNT OF \$500,000, FOR THE CITY'S CHAMPS PROGRAM; AND FURTHER AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL NECESSARY STEPS AND EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE AFORESTATED GRANTS AND FUNDING REQUESTS, INCLUDING, WITHOUT LIMITATION, APPLICATIONS, GRANT AND/OR FUNDING AGREEMENTS AND AUDITS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Retroactive approval to submit a grant application to the Florida Division of Emergency Management for the Hazard Mitigation Grant Program, for \$825,000 for emergency generators

The Hazard Mitigation Grant Program (HMGP) assists in implementing long-term hazard mitigation measures. The goal of the program is to implement cost-effective hazard mitigation activities that complement comprehensive mitigation programs, reduce injuries, loss of life, and damage and destruction of property. The City has a FEMA-approved mitigation plan and is eligible to receive project grant funding under the Hazard Mitigation Grant program.

Emergency generators are needed for critical city facilities, pump stations and for the City's storm water systems. The City currently has 15 active pump stations and another five additional pump stations will be completed shortly. Additionally, six large pump stations for the Alton Road project will be online and the City plans to put on 38 additional pumps stations in the next five years. Generators are required to run the pump stations in the event of an emergency or power loss. A 25% match is required of this grant; matching stormwater funds in the amount of \$275,000 will be requested

through the FY 2015/16 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.

2. Retroactive approval to submit an application to The Children's Trust, Youth Enrichment Program, in the approximate amount of \$500,000 for the City's CHAMPS Program.

The Administration is applying for funding for two separate programs under the Children's Trust, Youth Enrichment Program. An application will be submitted to continue funding for the existing Miami Beach All Stars Program, which is a best practice program that seeks to promote academic success and personal development for 125 sixth and seventh grade economically and educationally disadvantaged students in the City of Miami Beach.

The second application will be for the newly created CHAMPS program. The CHAMPS program seeks to promote academic success and personal development for 50 high school economically and educationally disadvantaged students in the City of Miami Beach. The comprehensive program includes a structured design of activities and outcomes grounded in evidence-based services including: Life skills - (Botvin life Skills Curriculum); Service learning - including community service and civic engagement; Youth Career exploration and employment opportunities; STEM (Science, Technology, Engineering, and Math); Art & Music Programming. The program seeks to reduce risk factors and build protective factors by offering at-risk youth the opportunity to develop life-long interests and acquire social, emotional and cognitive skills that will help them make healthier life choices.

The Administration is requesting funding in the approximate amount of \$500,000. 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 retroactively approving and authorizing the City Manager or his designee to submit grant applications to: 1) The Florida Division of Emergency Management for the Hazard Mitigation Grant Program, in the approximate amount of \$825,000 for emergency generators; and, 2) The Children's Trust, Youth Enrichment Program for the City's CHAMPS Program, in the amount of approximately \$500,000; approving and authorizing the appropriation of the above grants and funding requests, including any requisite matching funds and city expenses; and further authorizing the City Manager or his designee to take all necessary steps and execute all necessary documents in connection with the aforesaid grants and funding requests, including, without limitation, applications, grant/funding agreements and audits.

JLM/JW/JMH
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RESOLUTION TO BE SUBMITTED

COMMISSION ITEM SUMMARY

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENCOURAGING BUSINESSES IN THE CITY TO ACQUIRE AND INSTALL AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) AND TO REGISTER THEIR AEDs WITH THE FIRE DEPARTMENT OF THE CITY OF MIAMI BEACH

Key Intended Outcome Supported:

Streamline The Delivery Of Services Through All Departments

Item Summary/Recommendation:

Public access to defibrillation (PAD) means making Automated External Defibrillators (AEDs) available in public places where large numbers of people gather or where people who are at high risk for heart attacks live, work and play. The goal of PAD programs is to reduce time between the onset of Sudden Cardiac Arrest (SCA) and shock delivery.

SCA is a frightening condition where the victim suddenly "falls down dead" due to heart stoppage. There is very little warning. Every year approximately 350,000 people die from SCA and often there are no warning signs. It kills nearly 1,000 people a day or one person every two minutes. Survival rates nationally for SCA are less than 8%. SCA can happen to anyone at any time. In a SCA emergency, the use of an AED is critical.

An AED is a portable electronic device that automatically diagnoses potentially life threatening cardiac arrhythmias and is able to treat them through defibrillation. Defibrillation is the application of electrical therapy which stops the arrhythmia, allowing the heart to reestablish an effective rhythm. SCA victims have a greater chance of survival if they receive immediate CPR and receive defibrillation from an AED within three to five minutes after a collapse. Even if CPR is performed, defibrillation with an AED is required to stop the abnormal rhythm and restore a normal heart rhythm. Although not everyone can be saved from SCA, studies show that early defibrillation can dramatically improve survival rates. Early defibrillation combined with CPR can improve survival rates to as high as 74% when defibrillation is provided within three minutes of collapse. For every minute without defibrillation, the victim's chance of survival decreases by 7 to 10 percent.

Publicly available AEDs are rarely retrieved and used because bystanders generally cannot see them and have no way to know if one is even available nearby. Statistics provided by the CARES (Cardiac Arrest Registry to Enhance Survival) Registry indicate that publicly available AEDs are used less than 3% of the time when needed and available.

Encouraging a voluntary registration program of AEDs with the Fire Department will assist the Department in creating an AED Registry that establishes a database of AED locations throughout the City of Miami Beach. This will facilitate the sharing of information about AED locations with the City's Public Safety Communications Unit and will allow the Fire Department to collaboratively work together to make the City of Miami Beach a Heart Safe Community. The Fire Department will further provide PAD Program guidance to businesses choosing to voluntarily register their AEDs in the form of literature and site visits.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Virgilio Fernandez, Fire Chief x2803

Sign-Offs:

Department Director	Assistant City Manager	City Manager
VF 		JLM 

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AGENDA ITEM C7B
DATE 1-14-15



MIAMI BEACH



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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENCOURAGING BUSINESSES IN THE CITY TO ACQUIRE AND INSTALL AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) AND TO REGISTER THEIR AEDs WITH THE FIRE DEPARTMENT OF THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

KEY INTENDED OUTCOME SUPPORTED

Streamline The Delivery Of Services Through All Departments

BACKGROUND

Public access to defibrillation (PAD) means making Automated External Defibrillators (AEDs) available in public places where large numbers of people gather or where people who are at high risk for heart attacks live, work and play. The goal of PAD programs is to reduce time between the onset of Sudden Cardiac Arrest (SCA) and shock delivery.

SCA is a frightening condition where the victim suddenly "falls down dead" due to heart stoppage. There is very little warning. Every year approximately 350,000 people die from SCA and often there are no warning signs. It kills nearly 1,000 people a day or one person every two minutes. Survival rates nationally for SCA are less than 8%. SCA can happen to anyone at any time. In a SCA emergency, the use of an AED is critical.

An AED is a portable electronic device that automatically diagnoses potentially life threatening cardiac arrhythmias and is able to treat them through defibrillation. Defibrillation is the application of electrical therapy which stops the arrhythmia, allowing the heart to reestablish an effective rhythm. SCA victims have a greater chance of survival if they receive immediate CPR and receive defibrillation from an AED within three to five minutes after a collapse. Even if CPR is performed, defibrillation with an AED is required to stop the abnormal rhythm and restore a

normal heart rhythm. Although not everyone can be saved from SCA, studies show that early defibrillation can dramatically improve survival rates. Early defibrillation combined with CPR can improve survival rates to as high as 74% when defibrillation is provided within three minutes of collapse. For every minute without defibrillation, the victim's chance of survival decreases by 7 to 10 percent.

Publicly available AEDs are rarely retrieved and used because bystanders generally cannot see them and have no way to know if one is even available nearby. Statistics provided by the CARES (Cardiac Arrest Registry to Enhance Survival) Registry indicate that publicly available AEDs are used less than 3% of the time when needed and available.

Encouraging a voluntary registration program of AEDs with the Fire Department will assist the Department in creating an AED Registry that establishes a database of AED locations throughout the City of Miami Beach. This will facilitate the sharing of information about AED locations with the City's Public Safety Communications Unit and will allow the Fire Department to collaboratively work together to make the City of Miami Beach a Heart Safe Community. The Fire Department will further provide PAD Program guidance to businesses choosing to voluntarily register their AEDs in the form of literature and site visits.

CONCLUSION

The Administration recommends the approval of this Resolution. The Resolution will encourage businesses to acquire and install AEDs and to register their AEDs with the Fire Department which will support the public health and welfare and assist the Department in supporting the City's Key Intended Outcome to Streamline The Delivery Of Services Through All Departments.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENCOURAGING BUSINESSES IN THE CITY TO ACQUIRE AND INSTALL AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) AND TO REGISTER THEIR AEDs WITH THE FIRE DEPARTMENT OF THE CITY OF MIAMI BEACH.

WHEREAS, the Mayor and the City Commission of the City of Miami Beach find that it is in the best interest of the citizens of Miami Beach to encourage the use of Automated External Defibrillators (AEDs) within the City; and

WHEREAS, the City of Miami Beach seeks to promote public policy and actions that protect the health and safety of Miami Beach residents and visitors; and

WHEREAS, each year, there are an estimated 360,000 out-of-hospital sudden cardiac arrests in the United States affecting every age, fitness level, gender, and race, resulting in more deaths than breast cancer, lung cancer, and AIDS combined; and

WHEREAS, it is estimated that, in the United States, only 5 to 10 percent of those who experience sudden cardiac arrest survive; and

WHEREAS, survival rates are reduced by approximately 10 percent for each minute that passes after the onset of sudden cardiac arrest; and

WHEREAS, sudden cardiac arrest is reversible in most victims if it is treated within a few minutes with defibrillation to restore a normal heartbeat; and

WHEREAS, the Mayor and the City Commission of the City of Miami Beach wish to encourage local businesses to acquire and install AEDs in order to promote the public health, safety, and general welfare of the City and to register their AEDs with the Fire Department of the City of Miami Beach.

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 encourage businesses in the City of Miami Beach to acquire and install Automated External Defibrillators and to register their AEDs with the Fire Department of the City of Miami Beach.

PASSED and ADOPTED this ___ day of January, 2015.

Philip Levine, Mayor

ATTEST:

Ralph Granado, City Clerk

T:\AGENDA\2015\January\AED Reso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
BT

1/9/15

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 continue offering the BMG Loans-at-Work program as a component of the employment benefits with the City of Miami Beach.

Key Intended Outcome Supported:

Streamline the delivery of services through all departments

Item Summary/Recommendation:

The BMG Money Loans-At-Work program is a direct-to-consumer loan, designed for employees who do not have access to traditional credit options. These loans are unsecured and based on the following: (1) borrower's employment; (2) borrower's bi-weekly net take-home pay; and (3) the ability to repay. The program does not verify the employee's credit worthiness but does provide the opportunity to build good credit, as the loans are reported to the credit reporting agencies when paid off.

Through the BMG Money Loans-At-Work program, employees with one year of service who are at least 21 years old may:

- Borrow up to 20% of their net take-home pay (minimum of \$500 to a maximum of \$5,000);
- Pay loan interest rates from 23.75% to 29.75%; loans are repaid using simple interest - interest is computed daily based on the loan outstanding loan balance;
- Qualify for loans which are based solely on take home pay, ability to repay and are not subject to credit worthiness;
- Pay a \$25 application fee (per loan);
- Select their repayment period, at either 6, 12, 18 or 24 months; and
- Pre-pay the outstanding loan amount at any time without penalty.

Should the employee default on the loans as they had either cancelled their payroll contribution or left the employment of the City, BMG Money would be responsible for collecting any outstanding loan balance directly from the employee. The City would not have any responsibility for collecting delinquent loan balances or be liable in any way.

Advisory Board Recommendation:

At the December 12, 2014, Finance and Citywide Projects Committee meeting, members unanimously voted to continue offering this benefit to employee and recommended that staff not call it a "pilot program" but review its performance every two to three years.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sylvia Crespo-Tabak, Human Resources Director

Sign-Offs:

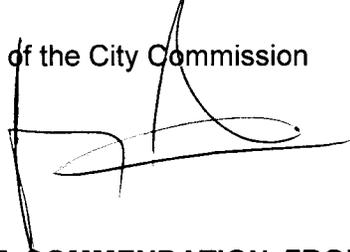
Department Director	ACM/CFO	City Manager
SC-T <u>ST</u>	KGB <u>[Signature]</u>	JLM <u>[Signature]</u>

T:\AGENDA\2015\January\Human Resources\BMG Money Loans-at-Work Summary.docx



COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: January 14, 2015

SUBJECT: **RESOLUTION ACCEPTING THE COMMENDATION FROM THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO CONTINUE THE BMG LOANS-AT-WORK PROGRAM OFFERING TO ACTIVE CITY OF MIAMI BEACH EMPLOYEES.**

BACKGROUND

The BMG Loans-At-Work Program was implemented on trial basis for the period January 1, 2012 through December 31, 2012. At the January 24, 2013, Finance and Citywide Projects Committee (FCWPC) meeting, the Committee recommended executing a month-to-month agreement with BMG Loans while the Administration researched loan options.

At the December 12, 2014 meeting, the FCWPC recommended that the City continue with the program as a benefit of employment and that staff review its performance and report back to the Committee every two to three years.

BMG Money

BMG Money provides active employees voluntary loans through their program called Loans-At-Work. The BMG Money Loans-At-Work program is a direct-to-consumer loan, designed for employees who do not have access to traditional credit options. These loans are unsecured and based on the following: (1) borrower's employment; (2) borrower's bi-weekly net take-home pay; and (3) the ability to repay. The program does not verify the employee's credit worthiness but does provide the opportunity to build good credit, as the loans are reported to the credit reporting agencies when paid off.

Through the BMG Money Loans-At-Work program, employees with one year of service who are at least 21 years old may:

- Borrow up to 20% of their net take-home pay (minimum of \$500 to a maximum of \$5,000);
- Pay loan interest rates from 23.75% to 29.75%; loans are repaid using simple interest - interest is computed daily based on the loan outstanding loan balance;
- Qualify for loans which are based solely on take home pay, ability to repay and are not subject to credit worthiness;
- Pay a \$25 application fee (per loan);
- Select their repayment period, at either 6, 12, 18 or 24 months; and
- Pre-pay the outstanding loan amount at any time without penalty.

In addition to their loan program, BMG Money also provides employees with financial education tools through their interactive website. Through their *Money Matters* education tool, employees can watch a step-by-step video on financial management, and access a "Spending Diary" and a "Debt Worksheet" when directed to help them create a budget. Through their "Other Resources" link, employees may access the FDIC's Money Smart programs. In addition, BMG Money will conduct financial management training sessions for employees, either directly or with their partner, though The United Way of Miami's Center for Financial Stability

The BMG Loans-At-Work program is currently offered to the several public employers including the City of Doral, City of Hialeah, City of Hialeah Gardens, Jacksonville Transportation Authority, Palm Beach County Clerk & Comptroller, Palm Beach County Tax Collector, Town of Surfside, City of Sweetwater, and City of Fort Lauderdale.

Should the employee default on the loans as they had either cancelled their payroll contribution or left the employment of the City, BMG Money would be responsible for collecting any outstanding loan balance directly from the employee. The City would not have any responsibility for collecting delinquent loan balances or be held liable in any way.

RECOMMENDATION

The Administration supports adoption of the FCWPC recommendation to continue the BMG Money Loans-At-Work program as an alternative for individuals who would not otherwise have the ability to borrow from an institution. Also based on the FCWPC's recommendation that staff report of the program's performance at regular intervals, the Administration further recommends that the report be placed on the Committee's meeting agenda for December 2016.


JLM/KGB/SC-T

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 APPROVE THE CONTINUATION OF THE BMG MONEY LOANS-AT-WORK PROGRAM AS A BENEFIT OF EMPLOYMENT WITH THE CITY OF MIAMI BEACH

WHEREAS, there City of Miami Beach has been offering a direct-to-consumer loan, designed for employees who do not have access to traditional credit options since January 2012; and

WHEREAS, between January 1, 2012 and November 30, 2014, 188 employees have made use of the program; and

WHEREAS, the program provides employees the opportunity to obtain funds they may need to cover unexpected or emergency expenses, such as medical bills, or home and vehicle repairs; and

WHEREAS, the Finance and Citywide Projects Committee members reviewed the options available to employees without access to traditional credit opportunities at the December 12, 2014 meeting; and

WHEREAS, a report will be provided to the Finance and Citywide Projects Committee at its December 2016 meeting;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMISSION 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 approve the continuation of the BMG Money Loans-at-Work Program as a benefit of employment with the City of Miami Beach.

PASSED AND ADOPTED this ____ day of _____, 2015.

ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

12/19/14

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 approve changes to the tuition assistance program.

Key Intended Outcome Supported:

Ensure that a universal culture of high quality customer-service is driving the conduct of the City Commission and all City employees

Item Summary/Recommendation:

The Tuition Assistance Program is an employment benefit, so long-term that the last time it was reviewed was ten years ago in October 2004. The purpose of the program is to encourage employees to further their education by taking approved or accredited courses which will improve their performance in the services they were hired to perform or would be relevant to the employees' career development and potential advancement within the City.

After significant discussion, the FCWPC recommended that the tuition assistant program be modified as follows, upon City Commission approval, for employees in the unclassified and "others" salary groups.

- Assistance based on a sliding scale directly related to the employee's performance in school, for approved coursework from accredited institutions of higher learning
- Six credit hour limit on the number eligible for tuition assistance per semester
- A repayment requirement if the employee separates within two years of having received assistance, with an exception for employees who are laid off or die

Undergraduate Programs

- 80% reimbursement for courses in which employees earn an "A"
- 60% reimbursement for courses in which employees earn a "B"
- 40% reimbursement for courses in which employees earn a "C"

Graduate Programs

- 80% reimbursement for courses in which employees earn an "A"
- 60% reimbursement for courses in which employees earn a "B"

Applicability of these changes to employees covered by a collective bargaining unit will be a subject to negotiations with representatives from the American Federation of State County and Municipal Employees (AFSCME), Communications Workers of America (CWA), Fraternal Order of Police (FOP), Government Supervisors Association of Florida (GSAF) and the International Association of Firefighters (IAFF) when current collective bargaining agreements expire.

Advisory Board Recommendation:

At the December 12, 2014, Finance and Citywide Projects Committee meeting, members unanimously voted to continue approve changes to the tuition assistance program as set forth herein.

Financial Information:

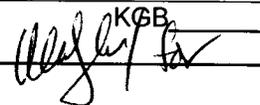
Source of Funds:		Amount	Account
	1	\$305,000	011-9590-000367
	2		
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sylvia Crespo-Tabak, Human Resources Director

Sign-Offs:

Department Director SC-T 	ACM/CFO KGB 	City Manager JLMT 
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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: January 14, 2015

SUBJECT: **RESOLUTION ACCEPTING THE FINANCE AND CITYWIDE PROJECTS COMMITTEE'S RECOMMENDATIONS REGARDING THE CITY OF MIAMI BEACH TUITION ASSISTANCE PROGRAM**

BACKGROUND

At the November 19, 2014, City Commission meeting, the subject program was referred to the Finance and Citywide Projects Committee (FCWPC) for its review and recommendations and the matter was addressed at the December 12, 2014, meeting.

The Tuition Assistance Program is an employment benefit, so long-term that the last time it was reviewed was ten years ago, in October 2004. Budgetary allocations during the same period of time have fluctuated between \$30,000 and the current \$20,000 per year. Expenditures in 2004 were over budget by almost \$8,000 but every year since then, except for 2010, expenditures were significantly below allocated amounts. In fiscal year 2013/14, 34 employees made use of the benefit for a total expenditure of slightly over \$19,000. Based on the amounts reimbursed, six of the 34 employees who filed for reimbursement are enrolled in post-graduate programs.

The purpose of the program is to encourage employees to further their education by taking approved or accredited courses which will improve their performance in the services they were hired to perform or would be relevant to the employees' career development and potential advancement within the City. The City reimburses tuition only for one course per semester for a total of 12 credit hours per calendar year.

To be eligible for reimbursement, employees must successfully complete each course taken, which means earning a grade of "C" or better and a "pass" if the course is graded on a pass/fail basis. Reimbursement rates are as follows:

- Approved undergraduate community college and non-credit/certificate courses - \$158.25;
- Approved undergraduate university courses - \$251.16; and
- Approved graduate courses - \$531.15.

DISCUSSION

At the December 12, 2014, meeting, Committee members were informed that in addition

to the tuition assistance program, the City of Miami Beach has partnered with Barry University, Carlos Albizu University, Florida International University and Nova Southeastern University to offer employees preferred tuition rates for a number of programs. Offerings vary, yet despite significant discounts, post-graduate credit hours may cost as much as \$760, exclusive of application and lab fees, books and other related expenditures.

In April 2014, staff undertook an informal survey regarding tuition assistance and received eight responses from municipalities in Miami-Dade and Broward Counties. One did not offer any assistance; another offered it to select bargaining unit employees and a third suspended its program due to budgetary constraints.

The different approaches among the entities that responded were striking. Two entities allocated a certain amount to the program and reimbursed at the State tuition credit hour rate until the allocations were exhausted. Since there were no limits on the number of credit hours eligible for assistance, reimbursement was based on available funding. If an employee delayed submitting the required information, he or she ran the risk of losing out on the benefit due to budgetary constraints.

Two municipalities, the Village of Key Biscayne and the City of Doral, based their reimbursements on employee achievement. An "A" was reimbursed at 100%, a "B" and 75% and a "C" at 50% at both organizations. The Village of Key Biscayne reimbursed an employee up to \$4,000 per fiscal year and the City of Doral reimbursed up to 18 credits per fiscal year.

Miami-Dade County reimburses up to 50% of tuition costs to any employee who earns a "C" in an approved course after financial and other assistance has been applied.

ANALYSIS PRESENTED TO THE FCWPC

Should the City elect to make changes to the Tuition Assistance Program, the matter will have to be negotiated with labor representatives as part of the collective bargaining process. Changes, if adopted, may apply to employees in the unclassified or "others" salary groups upon adoption.

The attached revised program procedures incorporate the following:

- Assistance based on a sliding scale directly related to the employee's performance in school
- No limit on the number of credit hours eligible for tuition assistance
- A repayment requirement if the employee separates within two years of having received assistance, with an exception for employees who are laid off or die

The Administration recommends a two-year pilot program because it is difficult to anticipate how much interest the program will generate and whether the City will be able to afford to offer such an employment benefit. The cost analysis is based on the following assumptions and the undergraduate tuition cost at Florida International University and \$760.00 per credit hour for the Corporate Master of Business

Administration also at Florida International University.

Undergraduate Program

- Instead of 28 employees, 56 enroll in an undergraduate program (a twofold increase);
- Each of the 56 takes 6 credit hours per semester for a total of 18 semester hours per year at \$203.59 per credit hour;
- 40% earn an "A" which results in a cost of \$66,000;
- 30% earn a "B" which results in a cost of \$37,000; and
- 30% earn a "C" which results in a cost of \$25,000 for a total expenditure of \$128,000

Corporate Master of Business Administration

- Instead of 6 employees, 18 enroll in this graduate program;
- Each of the 18 takes 6 credit hours for a total of 18 semester hours per year at \$760 per credit hours;
- 60% earn an "A" which results in a cost of \$118,000; and
- 40% earn a "B" which results in a cost of \$59,000 for a total expenditure of \$177,000

Consequently, based on the above assumptions, this pilot program could run at \$305,000.

RECOMMENDATION

After significant discussion, the FCWPC recommended that the tuition assistant program be modified as follows, upon City Commission approval, for employees in the unclassified and others salary groups.

- Assistance based on a sliding scale directly related to the employee's performance in school, for approved coursework from accredited institutions of higher learning
- Six credit hour limit on the number eligible for tuition assistance per semester
- A repayment requirement if the employee separates within two years of having received assistance, with an exception for employees who are laid off or die

Undergraduate Programs

- 80% reimbursement for courses in which employees earn an "A"
- 60% reimbursement for courses in which employees earn a "B"
- 40% reimbursement for courses in which employees earn a "C"

Graduate Programs

- 80% reimbursement for courses in which employees earn an "A"
- 60% reimbursement for courses in which employees earn a "B"

Applicability of these changes to employees covered by a collective bargaining unit will be a subject of negotiations with representatives from the American Federation of State County and Municipal Employees (AFSCME), Communications Workers of America (CWA), Fraternal Order of Police (FOP), Government Supervisors Association of Florida (GSAF) and the International Association of Firefighters (IAFF) when current collective bargaining agreements expire.

The Administration recommends adoption of the FCWPC's recommendation and further recommends that beginning with the 2016/17 fiscal year budget, program costs be re-evaluated during the budget allocation process.

Attachment

JLM/KGB/SC-T

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATIONS OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO AMEND THE CITY'S TUITION ASSISTANCE PROGRAM AS FOLLOWS: TUITION ASSISTANCE SHALL BE BASED ON, BUT NOT EXCEED, THE ESTABLISHED CREDIT HOUR TUITION RATE IN THE STATE'S UNIVERSITY SYSTEM AT THE TIME OF ENROLLMENT; ASSISTANCE SHALL BE BASED ON A SLIDING SCALE DIRECTLY RELATED TO THE EMPLOYEE'S PERFORMANCE IN APPROVED COURSEWORK FROM ACCREDITED INSTITUTIONS OF HIGHER LEARNING WITH A SIX CREDIT HOUR LIMIT PER SEMESTER; ASSISTANCE SHALL BE LIMITED TO 80 PERCENT OF THE TUITION COSTS FOR COURSES IN WHICH EMPLOYEES EARN AN "A," 60 PERCENT WHEN THEY EARN A "B," AND 40 PERCENT WHEN THEY EARN A "C," EXCEPT GRADUATE COURSES FOR WHICH ASSISTANCE REQUIRES EARNING NO LESS THAN A "B"; A REPAYMENT REQUIREMENT IF THE EMPLOYEE SEPARATES FROM EMPLOYMENT BY THE CITY WITHIN TWO YEARS OF HAVING RECEIVED ASSISTANCE, WITH AN EXCEPTION FOR EMPLOYEES WHO ARE LAID OFF OR DIE; AND APPROVING THE REVISED CITY OF MIAMI BEACH EMPLOYEE TUITION ASSISTANCE PROGRAM SET FORTH IN THE ATTACHED EXHIBIT A.

WHEREAS, there City of Miami Beach (City) has a long-standing tradition of encouraging employees to further their education by offering a tuition assistance program; and

WHEREAS, the tuition assistance program has not been revised since 2004; and

WHEREAS, costs for a post-secondary education have risen considerably in the intervening years; and

WHEREAS, tuition assistance is available only to full-time City of Miami Beach classified employees who have completed their probationary periods, or for unclassified employees who have a minimum of six (6) months of continuous service. (Time served in a Provisional/Temporary status is excluded); and

WHEREAS, the Finance and Citywide Projects (FCWP) Committee members reviewed the status of the program and recommended the following changes at the December 12, 2014 meeting: tuition assistance shall be based on, but not exceed, the established credit hour tuition rate in the State's University System at the time of enrollment; assistance shall be based on a sliding scale directly related to the employee's performance in approved coursework from accredited institutions of higher learning with a six credit hour limit per semester; assistance shall be limited to 80 percent of the tuition costs for courses in which employees earn an "A," 60 percent when they earn a "B," and 40 percent when they earn a "C," except graduate courses for which assistance requires earning no less than a "B"; and a repayment requirement if the employee separated within two years of having received assistance, with an exception for employees who are laid off or die; and

WHEREAS, a revised City of Miami Beach Employee Tuition Assistance Program that incorporates the recommendations of the FCWP Committee, and other clean-up revisions, is attached as Exhibit A; and

WHEREAS, the applicability of the revised City of Miami Beach Employee Tuition Assistance Program, as set forth in Exhibit A, to employees covered by a collective bargaining unit will be subject to negotiations when the current collective bargaining agreements expire.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and the City Commission hereby accept the recommendations of the Finance and Citywide Projects Committee to amend the City's Tuition Assistance Program as follows: tuition assistance shall be based on, but not exceed, the established credit hour tuition rate in the State's University System at the time of enrollment; assistance shall be based on a sliding scale directly related to the Employee's performance in approved coursework from accredited institutions of higher learning with a six credit hour limit per semester; assistance shall be limited to 80 percent of the tuition costs for courses in which employee's earn an "A," 60 percent when they earn a "B," and 40 percent when they earn a "C," except graduate courses for which assistance requires earning no less than a "B"; and a repayment requirement if the employee separated from employment by the City of Miami Beach within two years of having received assistance, with an exception for employees who are laid off or die, within two years of having received assistance; and approve the revised City of Miami Beach Employee Tuition Assistance Program set forth in the attached Exhibit A ,

PASSED AND ADOPTED this ____ day of _____, 2015.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1/7/15
Date

CITY OF MIAMI BEACH EMPLOYEE TUITION ASSISTANCE PROGRAM

The City of Miami Beach Employee Tuition Assistance Program ("Program") is established to provide financial assistance to eligible employees voluntarily participating in training or educational programs from accredited institutions of higher learning designed to improve their effectiveness which directly benefits City operations, activities and objectives; provide professional development; and help prepare employees for other opportunities within the City's service.

Tuition is the fee for instruction and lab fees only, and does not include textbooks, exams, audit fees, or any other expenses.

Tuition assistance is available to full-time City of Miami Beach classified employees who have completed their respective probationary periods and to unclassified employees who have no less than six months of continuous service. Time served in provisional/temporary status is not included when determining eligibility.

An accredited institution of higher learning, as defined in the Higher Education Act, is an educational institution that awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit towards a degree; is legally authorized within such State to provide a program of education beyond secondary education; and is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary of Education.

QUALIFICATIONS:

The tuition assistance shall be based upon and not exceed the established credit hour tuition rate in the State university system at the time of enrollment and shall be limited to six credit hours per semester. Upon successful completion of approved coursework, the assistance schedule is based on the following levels of achievement:

1. Grade A = 80% reimbursement
2. Grade B = 60% reimbursement
3. Grade C = 40% reimbursement; except for graduate level courses which are not eligible for reimbursement at this level of performance
4. A passing grade on a pass/fail basis = 80% reimbursement

Employees receiving financial assistance including scholarships, fellowships, grants, special discounts and/or Veteran's benefits, will be eligible for tuition assistance after the financial assistance has been applied to the tuition costs.

Exhibit A

The City reserves the right to determine and amend the number of courses, the number of credit hours, and the level of tuition assistance prior to the beginning of a school semester.

EMPLOYEE ELIGIBILITY:

Tuition assistance is available to full-time City of Miami Beach classified employees who have completed their respective probationary periods and to unclassified employees who have no less than six months of continuous service. Time served in provisional/temporary status is not included when determining eligibility.

- (a) For classified employees, an overall evaluation of "meets expectations" or higher on the latest employee performance evaluation preceding the beginning of classes.

Exception: A classified employee whose latest overall evaluation is less than "meets expectations" may be eligible for tuition assistance for coursework related to specific areas of performance that have a requirement to take courses as a part of their job performance, upon approval of the Human Resources Department.

- (b) Unclassified employees must receive the approval of his or her supervisor to participate in the Program.

COURSEWORK ELIGIBILITY:

Guidelines for establishing eligible coursework are as follows:

- (a) Degree and certification programs at accredited institutions which relate directly to career opportunities within the City of Miami Beach are eligible for approval.
- (b) For those employees who have been approved for a degree program, all general education courses specifically required by the school will be approved.
- (c) All other coursework will be considered on a course by course basis.
- (d) All courses must be taken outside of working hours unless the employee's department director approves the use of annual leave. If administrative leave is granted to take a course during working hours, which requires City Manager approval, no tuition assistance will be granted.

- (e) Online Internet courses and programs provided by accredited Florida-based educational institutions are eligible for tuition reimbursement.

DEPARTMENT DIRECTOR:

The department directors shall be responsible for verifying that all approved coursework is in compliance with this administrative procedure, as well as all other aspects of the program. Department directors shall approve or disapprove all reimbursements for degrees, programs, and coursework for employees within their departments.

EMPLOYEE OBLIGATIONS:

In order to be eligible for tuition assistance, employees receiving tuition assistance under this Program must remain in the City's employ for a minimum of two years following the last tuition assistance payment. Employees separating from City service prior to the expiration of this period will reimburse the City for the assistance received during the final year of employment through deductions from their final payroll check. If the final paycheck is insufficient, the employee will still be responsible for making arrangements to reimburse the City or their separation papers shall be coded as not having left the City in good standing and the employee shall remain responsible for any remaining reimbursement.

In the event the employee fails to reimburse the City, the services of an attorney required to collect such debt shall be sought and such attorney's fees and court costs shall be added to the amount owed the City.

No reimbursement will be required of those employees who have been laid off. If the employee dies while in the City's service, no reimbursement will be sought from the employee's estate.

APPLICATION PROCEDURE:

Employees wishing to participate in the Program shall submit to their department directors an application for coursework/degree approval no later than thirty days prior to the start of classes.

COURSEWORK, DEGREE REVIEW AND APPROVAL:

The department director shall approve or disapprove the employee's request after verifying the employee's eligibility for participation in the Program.

(a) Approval

After the department director approves the request, a copy of the original application is returned to the employee advising them of the approval.

(b) Disapproval

If the department director disapproves the application, he or she shall advise the employee of the reason for the rejection no later than 30 days from the date of the receipt of the application.

REIMBURSEMENT:

All approved applicants will submit a request for reimbursement, along with tuition receipts, official grade notifications, and all supporting documentation, to their department directors no later than thirty days from receipt of their grades. The departments shall submit all applications to the Human Resources Department, whether approved or disapproved, with the supporting documents for final review and reimbursement approval.

PENALTIES:

Should an employee submit documentation which the employee knows is false or intentionally misleading in order to receive benefits to which the employee is not entitled, the employee shall be deemed ineligible to continue to participate in the Program and shall repay City of Miami Beach for any tuition assistance received while in the City's employ. The employee may be subject to disciplinary action, including, but not limited to, dismissal from the City service.

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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 Mayor And City Clerk To Execute Change Order No. 2 To Southern Underground Industries, Inc., Dated January 14, 2015 (The Agreement); Relating To The Citywide High Tide Mitigation Project (Project), Increasing The Scope Of The Project To Include Additional Engineering Services, Watermain Installation, Drainage Pipe Installation, Check Valves For Existing Outfall, For Various Locations Requiring Protection From Tidal Flooding; And Further Increasing The Project Cost To Include The Additional Cost Of \$180,000, Plus A Project Contingency In The Amount Of \$30,000, For A Total Cost Of \$210,000.

Key Intended Outcome Supported:

Item Summary/Recommendation:

At its April 9, 2014 meeting, the City Commission approved the award of a contract for the Citywide High Tide Mitigation Project (the Project) to Southern Underground Industries, Inc. (Southern), pursuant to Invitation to Invitation To Bid (ITB) No. 2014-086-SR, for the Project in the amount of \$516,650, plus a project allowance of \$200,000 for expediting additional work and a base project contingency in the amount of \$71,665.00 for a not-to-exceed grand total of \$788,315.00.

The Project's scope of work included the installation of drainage pipes to be in conjunction with the installation of check valves in discharge pipes, temporary stormwater pump stations, existing drainage structure modifications, and the installation of check valves where tidal flooding has occurred or predicted to occur.

In continued efforts to protect residents from tidal flooding throughout the City, the Public Works Department requested an additional scope of work to the existing Agreement with Southern (Change Order No. 1), which was approved at the June 11, 2014 City Commission. Under Change Order No. 1, Southern would continue to provide all necessary labor and equipment needed, including additional engineering services, installation of the additional check valves, drainage structures, the installation of temporary stormwater pump stations, and the removal of existing exfiltration trenches. The cost associated with Change order No. 1 was \$661,980.50, plus a total Project contingency in the amount of \$88,019.50, for a total construction cost of \$775,000.

As the construction progresses, additional concerns have been revealed and as such, the Public Works Department is requesting a Chance Order No. 2 to the Agreement, for an additional scope of work to include additional check valves, modification of drainage structures, installation of drainage pipes, and a watermain replacement in order to complete the Alton Road project.

COST ANALYSIS

Southern has submitted a cost proposal in the amount of \$180,000 for additional services. City staff reviewed the proposal and found that the amount was fair and reasonable.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$ 170,000	429-2730-069357	
2	\$ 40,000	423-2948-069357	
Total	\$ 210,000		

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Eric Carpenter, Public Works X6012

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ETC <i>EC</i>	MT <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: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CHANGE ORDER No. 2 TO SOUTHERN UNDERGROUND INDUSTRIES, INC., DATED JANUARY 14, 2015 (THE AGREEMENT); RELATING TO THE CITYWIDE HIGH TIDE MITIGATION PROJECT (PROJECT), INCREASING THE SCOPE OF THE PROJECT TO INCLUDE ADDITIONAL ENGINEERING SERVICES, WATERMAIN INSTALLATION, DRAINAGE PIPE INSTALLATION, CHECK VALVES FOR EXISTING OUTFALL, FOR VARIOUS LOCATIONS REQUIRING PROTECTION FROM TIDAL FLOODING; AND FURTHER INCREASING THE PROJECT COST TO INCLUDE THE ADDITIONAL COST OF \$180,000, PLUS A PROJECT CONTINGENCY IN THE AMOUNT OF \$30,000, FOR A TOTAL COST OF \$210,000.**

ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Resolution

FUNDING

<u>Amount</u>	<u>Account Number</u>
\$ 170,000	429-2730-069357
\$ 40,000	423-2948-069357
<u>\$ 210,000</u>	TOTAL

BACKGROUND

At its April 9, 2014 meeting, the City Commission approved the award of a contract for the Citywide High Tide Mitigation Project (the Project) to Southern Underground Industries, Inc. (Southern), pursuant to Invitation to Invitation To Bid (ITB) No. 2014-086-SR, for the Project in the amount of \$516,650, plus a project allowance of \$200,000 for expediting additional work and a base project contingency in the amount of \$71,665.00 for a not-to-exceed grand total of \$788,315.00.

The Project's scope of work included the installation of drainage pipes to be in conjunction with the installation of check valves in discharge pipes, temporary stormwater pump stations, existing drainage structure modifications, and the installation of check valves where tidal flooding has occurred or predicted to occur.

In continued efforts to protect residents from tidal flooding throughout the City, the Public Works Department requested an additional scope of work to the existing Agreement with Southern (Change Order No. 1), which was approved at the June 11, 2014 City Commission. Under Change Order No. 1, Southern would continue to provide all necessary labor and equipment needed, including additional engineering services, installation of the additional check valves, drainage structures, the installation of temporary stormwater pump stations, and the removal of existing exfiltration trenches. The cost associated with Change order No. 1 was \$661,980.50, plus a total Project contingency in the amount of \$88,019.50, for a total construction cost of \$775,000.

As the construction progresses, additional concerns have been revealed and as such, the Public Works Department is requesting a Chance Order No. 2 to the Agreement, for an additional scope of work to include additional check valves, modification of drainage structures, installation of drainage pipes, and a watermain replacement in order to complete the Alton Road project.

COST ANALYSIS

Southern has submitted a cost proposal in the amount of \$180,000 (ATTACHMENT) for additional engineering services, a watermain installation, drainage pipe installation, check valves for existing outfalls in various locations requiring protection from tidal flooding. The proposal includes a construction cost of \$180,000, plus a project contingency in the amount of \$30,000, for a total cost of \$210,000. The proposal breakdown is as follows: \$85,270 for the force main repair at Belle Isle, \$60,730 for additional check valve installation and \$34,000 for the water main installation on 14th Street.

This cost proposal has been submitted to the City's Public Works Department for further review and recommendation. City staff reviewed the proposal and found that the amount was fair and reasonable. We have priced the work through alternative methods including the FDOT Joint Participation Agreement for Alton Road and the NJPA cooperative purchase but in both instances, the costs were significantly higher. As a result, we are recommending this change order.

CONCLUSION

The Administration recommends adopting the Resolution

Attachment – Southern Underground Industries. Cost Proposals

JLM/MT/ERIC/BAM/EA



December 24, 2014

Mr. Jose Rivas, P.E.
City of Miami Beach Public Works Department
1700 Convention Center Dr.
Miami Beach, FL 33139

Project: City Wide High Tide Mitigation Project

Re: Proposal to Repair Overflowing Stormwater Forcemain on Belle Isle

Mr. Rivas,

As per your request, Southern Underground Industries has reviewed the plan excerpts you provided and we visited the site to observe the overflow condition and surrounding area. It appears that each time the stormwater pump station turns on the water is conveyed through a 24" DIP force main to a diffusion-type inlet approximately 100 feet east of the seawall on the south side of the Venetian Causeway. From this structure to the seawall, the pipe reduces in size from a 24" to an 18" DIP force main which connects with a concrete collar to the existing 18" RCP outfall pipe. As you know, this constriction of pipe diameter causes the stormwater under pressure to overflow through the manhole inlet cover in the bike lane.

Our opinion is that the connection of an inlet to this forcemain system is not appropriate given the volumes and pressures running through the pipe. It is our recommendation that this inlet opening be eliminated, the 24" DIP force main connected to the 18" force main and to fill the structure with grout and abandon. This approach, however, will require for the curb & gutter, and sidewalk, to be repitched from the bridge to the intersection (approximately 150 LF) to allow for rain water to be conveyed to the nearest inlet around the corner as there will no longer be an inlet at this location. The following scope of work has therefore been considered.

SCOPE OF WORK: Labor, equipment, and material necessary to install:

- Connect 24" DIP to 18" DIP utilizing approximately 20 LF of 24" pipe, 2-24" 45 bends, a 24" x18" Reducer, and sleeves as required. (see sketch)
- Removal and Replacement of approximately 150 LF of Curb & Gutter (red)
- Removal and Replacement of approximately 85 SY of sidewalk
- Repair 3-4 ft wide asphalt restoration along curb & gutter (approx. 65 SY)

Based on this scope of work, Southern Underground Industries proposes to complete this work for a lump sum price of **\$85,275.00** and we will need 3-4 weeks to complete all work. Feel free to call me with any questions regarding this proposal. Thank you for the opportunity.

3453 NW 44 Street, Suite 205, Oakland Park, FL 33309 (954)650-4699

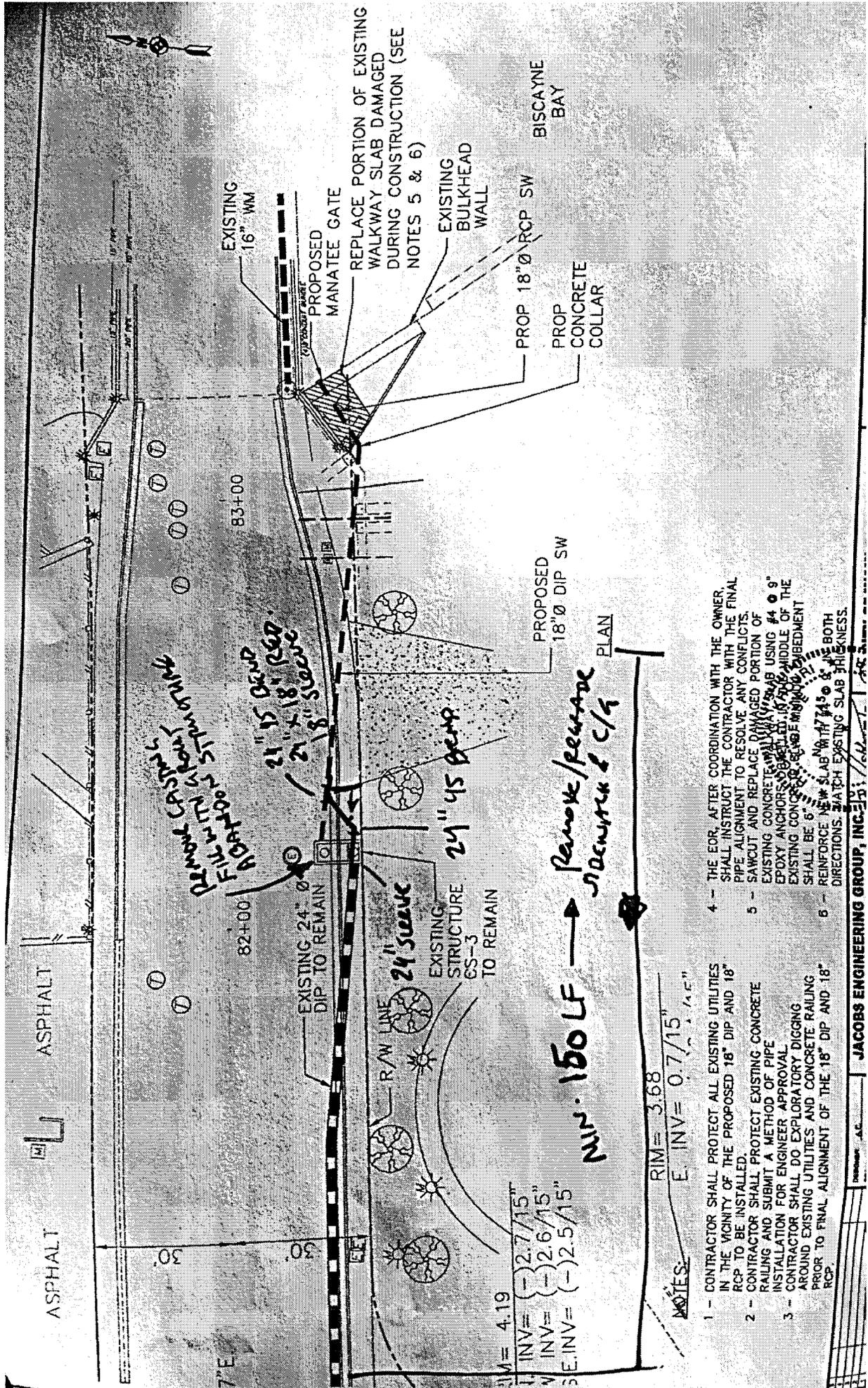
Page 1 of 2



Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Barreneche', written in a cursive style.

Juan Barreneche, P.E., Vice President
Southern Underground Industries, Inc.



M = 4.19
 I. INV = (-) 2.7/15"
 V. INV = (-) 2.6/15"
 S.E. INV = (-) 2.5/15"

MIN. 150 LF → Remove/Regrade
 Structure & C/A

NOTES:
 RIM = 3.68
 E. INV = 0.7/15"

- 1 - CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES IN THE VICINITY OF THE PROPOSED 18" DIP AND 18" RCP TO BE INSTALLED.
- 2 - CONTRACTOR SHALL PROTECT EXISTING CONCRETE RAILING AND SUBMIT A METHOD OF PIPE INSTALLATION FOR ENGINEER APPROVAL
- 3 - CONTRACTOR SHALL DO EXPLORATORY DIGGING AROUND EXISTING UTILITIES AND CONCRETE RAILING PRIOR TO FINAL ALIGNMENT OF THE 18" DIP AND 18" RCP.
- 4 - THE EOR, AFTER COORDINATION WITH THE OWNER, SHALL INSTRUCT THE CONTRACTOR WITH THE FINAL PIPE ALIGNMENT TO RESOLVE ANY CONFLICTS.
- 5 - SAWCUT AND REPLACE DAMAGED PORTION OF EXISTING CONCRETE WALL WITH RCP USING #4 @ 9" EPOXY ANCHORS SPACED AT 18" ON CENTER. MIDDLE OF THE EXISTING CONCRETE SHALL BE 6" MINIMUM EMBEDMENT SHALL BE 6" MINIMUM.
- 6 - REINFORCE NEW SLAB WITH #4 @ 8" IN BOTH DIRECTIONS. MATCH EXISTING SLAB THICKNESS.

JACOBS ENGINEERING GROUP, INC.





December 1, 2014

Mr. Jose Rivas, P.E.
City of Miami Beach Public Works Department
1700 Convention Center Dr.
Miami Beach, FL 33139

Project: City Wide High Tide Mitigation Project

Re: Proposal for Water Main Extension on 14th Street, from Alton Road East to Alley

Mr. Rivas,

Southern Underground Industries has reviewed the plans you provided and we have prepared the following proposal. As per the plans and our discussions the following is a general summary of the scope of work. Please note that due to the project completed by Bergeron in this area, there is a portion of existing asphalt that is 14" thick. This proposal includes saw cutting this asphalt and restoring with 12" of limerock and 2" asphalt patch restoration.

SCOPE OF WORK: Labor, equipment, and material necessary to install, including:

- Mobilization/Demobilization
- Survey Layout and Asbuilts
- MOT
- Pipeline Testing & Clearance
- F&I 8" Water Main DIP pipe, Fittings, & Valves
- Water Main Shutdown Coordination & Connection
- Concrete Curb & Gutter (10 LF)
- Limerock (12") & Asphalt Patch (2")
- Sod Restoration

Based on this scope of work, Southern Underground Industries proposes to complete this work for a lump sum price of **\$34,000.00** and we will need 2-3 weeks to complete all work, including testing, clearance, final clearance, connections, and restoration. Feel free to call me with any questions regarding this proposal. Thank you for the opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Barreneche', written over a horizontal line.

Juan Barreneche, P.E., Vice President
Southern Underground Industries, Inc.

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Condensed Title:

A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee; Approving And Authorizing The City Manager To Execute Amendment No. 1 To The Lease Between The City And Mystery Park Arts Company, Inc. (Sobe Arts), Dated January 13, 2010, For The Demised Premises Located At 2100 Washington Avenue, Miami Beach, Florida; Said Amendment Correcting A Scrivener's Error In Sobe Arts' Name; And Providing For The Renewal Of The Lease For A Seven (7) Month Renewal Period, Commencing January 13, 2015 And Ending August 12, 2015, And Continuing Thereafter On A Month To Month Basis Until Such Time As The Convention Center Renovation And Expansion Project Begins Construction.

Key Intended Outcome Supported:

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

Item Summary/Recommendation:

Mystery Park Arts Company, Inc., d/b/a SoBe Institute of the Arts ("SoBe Arts"), currently has a Lease Agreement for the use of a facility having approximately 3,080 square feet, known as the Carl Fisher Clubhouse, located within the 21st Street Community Center Complex, 2100 Washington Avenue, and an additional building, having approximately 2,295 square feet, known as the "Little Stage Theater" located in the same complex (collectively referred to herein as the "Demised Premises"). The Base Rent is \$1.20 per year and the Additional Rent to cover SoBe Arts' proportionate operating expenses is \$10,464 per year, payable in monthly installments of \$872 per month (calculated based on \$500 for the Clubhouse and \$372 for the Little Stage Theater). Pursuant to the Lease Agreement, the City also receives fifteen percent (15%) of any gross revenues derived from third party rentals of the facility.

The Lease Agreement entitles SoBe Arts to an initial five-year lease term, commencing on January 13, 2010 and ending on January 12, 2015, with two (2) renewal options of two (2) years each at the City's sole discretion.

The Finance and Citywide Projects Committee considered this at the June 11, 2014 meeting and recommended continuing the Lease until August 2015 and then continuing on a month-to-month basis until the Convention Center Renovation construction commences. Attached is a lease renewal based on the Committee recommendation.

The Lease also contains a scrivener's error, referencing Sobe Arts' name as Mystery Parks Arts Company, Inc., instead of the correct corporate name of Mystery Park Arts Company, Inc., which is currently doing business as Sobe Institute of the Arts. This amendment corrects this scrivener's error.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee considered this at the June 11, 2014 meeting and recommended continuing the Lease until August 2015 and then continuing on a month-to-month basis until the Convention Center Renovation construction commences.

Financial Information:

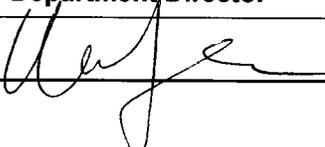
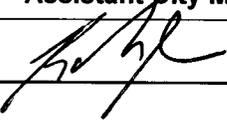
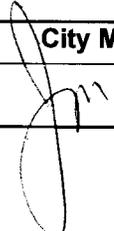
Source of Funds:	Amount	Account	Approved
1			
2			
Total			

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Max Sklar

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: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATIONS OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE LEASE BETWEEN THE CITY AND MYSTERY PARK ARTS COMPANY, INC. (SOBE ARTS), DATED JANUARY 13, 2010, FOR THE DEMISED PREMISES LOCATED AT 2100 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA; SAID AMENDMENT CORRECTING A SCRIVENER'S ERROR IN SOBE ARTS' NAME; AND PROVIDING FOR THE RENEWAL OF THE LEASE FOR A SEVEN (7) MONTH RENEWAL PERIOD, COMMENCING JANUARY 13, 2015 AND ENDING AUGUST 12, 2015, AND CONTINUING THEREAFTER ON A MONTH TO MONTH BASIS UNTIL SUCH TIME AS THE CONVENTION CENTER RENOVATION AND EXPANSION PROJECT BEGINS CONSTRUCTION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution as recommended by the Finance and Citywide Projects Commission Committee.

BACKGROUND

Mystery Park Arts Company, Inc., d/b/a SoBe Institute of the Arts ("SoBe Arts"), currently has a Lease Agreement for the use of a facility having approximately 3,080 square feet, known as the Carl Fisher Clubhouse, located within the 21st Street Community Center Complex, 2100 Washington Avenue, and an additional building, having approximately 2,295 square feet, known as the "Little Stage Theater" located in the same complex (collectively referred to herein as the "Demised Premises"). The Demised Premises is authorized to be used for the purpose of conducting educational programs, film workshops, theater/dance programs, and arts/acting/music classes and lessons, such as professional performances, music concerts, arts lectures/demonstrations and multidisciplinary and theatrical productions; art-related general events such as community collaborations, fundraising events and student performances.

The Base Rent is \$1.20 per year and the Additional Rent to cover SoBe Arts' proportionate operating expenses is \$10,464 per year, payable in monthly installments of \$872 per month (calculated based on \$500 for the Clubhouse and \$372 for the Little Stage Theater). Pursuant to the Lease Agreement, the City also receives fifteen percent (15%) of any gross revenues derived from third party rentals of the facility. The Lease

Agreement entitles SoBe Arts to an initial five-year lease term, commencing on January 13, 2010 and ending on January 12, 2015, with two (2) renewal options of two (2) years each at the City's sole discretion.

The Finance and Citywide Projects Committee considered this at the June 11, 2014 meeting and recommended continuing the Lease until August 2015 and then continuing on a month-to-month basis until the Convention Center Renovation construction commences. Attached is a lease renewal based on the Committee recommendation.

The Lease also contains a scrivener's error, referencing Sobe Arts' name as Mystery Parks Arts Company, Inc., instead of the correct corporate name of Mystery Park Arts Company, Inc., which is currently doing business as Sobe Institute of the Arts. This amendment corrects this scrivener's error.

The Cultural Arts Council ("CAC") panel meeting for Anchors and Junior Anchors was held on March 6, 2014. SoBe Arts scored the lowest of the 14 organizations evaluated, receiving a final score of 64.4. A minimum of 80 points is required to be eligible for funding and therefore SoBe Arts was not eligible for CAC funding in FY 2014-15.

CONCLUSION

The Administration recommends adopting the Resolution as recommended by the Finance and Citywide Projects Commission Committee.



JLM/KGB/MS

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATIONS OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE LEASE AGREEMENT BETWEEN THE CITY AND MYSTERY PARK ARTS COMPANY, INC. (SOBE ARTS, TENANT), DATED JANUARY 13, 2010, FOR THE DEMISED PREMISES LOCATED AT 2100 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA; SAID AMENDMENT CORRECTING A SCRIVENER'S ERROR IN TENANT'S NAME; AND PROVIDING FOR THE RENEWAL OF THE LEASE FOR AN INITIAL SEVEN (7) MONTH RENEWAL PERIOD, COMMENCING JANUARY 13, 2015 AND ENDING AUGUST 12, 2015, AND CONTINUING THEREAFTER ON A MONTH-TO-MONTH BASIS UNTIL SUCH TIME AS THE CONVENTION CENTER RENOVATION AND EXPANSION PROJECT BEGINS CONSTRUCTION.

WHEREAS, Mystery Park Arts Company, Inc. d/b/a SoBe Institute of the Arts (SoBe Arts, Tenant), has a lease agreement (Lease Agreement) for the use of a facility having approximately 3,080 square feet, known as the Carl Fisher Clubhouse, located within the 21st Street Community Center Complex, 2100 Washington Avenue, and an additional building, having approximately 2,295 square feet, known as the "Little Stage Theater" located in the same complex (collectively referred to herein as the "Demised Premises"); and

WHEREAS, the Demised Premises is authorized to be used for the purpose of conducting educational programs, film workshops, theater/dance programs, and arts/acting/music classes and lessons, such as professional performances, music concerts, arts lectures/demonstrations and multidisciplinary and theatrical productions; art-related general events such as community collaborations, fundraising events and student performances; and

WHEREAS, the Lease Agreement provides for an initial five-year lease term, commencing on January 13, 2010 and ending on January 12, 2015, with two (2) renewal options of two (2) years each at the City's sole discretion; and

WHEREAS, the Finance and Citywide Projects Committee (Committee) considered the exercise of the initial renewal term at the June 11, 2014 meeting and recommended extending the Lease for one (1) seven (7) month renewal term, commencing January 13, 2015 and ending August 12, 2015, and then continuing on a month-to-month basis, thereafter subject to termination by either party, upon thirty (30) days written notice (Modified Renewal Term), until the Convention Center Renovation construction commences; and

WHEREAS, the Lease contains a scrivener's error, referencing Tenant's name as Mystery Parks Arts Company, Inc., instead of the correct corporate name of Mystery Park Arts Company, Inc., which is currently doing business as Sobe Institute of the Arts; and

WHEREAS, the Administration recommends the Mayor and City Commission approve Amendment No. 1 (Amendment) to the Lease Agreement, correcting the scrivener's error and approving the Modified Renewal Term; and further authorize the City Manager to execute said Amendment.

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 of the City of Miami Beach, Florida, hereby accept the recommendations of the Finance and Citywide Projects

Committee; approve and authorize the City Manager to execute Amendment No. 1 to the Lease Agreement between the City and Mystery Park Arts Company, Inc. (SoBe Arts, Tenant), dated January 13, 2010, for the Demised Premises located at 2100 Washington Avenue, Miami Beach, Florida, substantially in the form attached hereto and incorporated herein as Exhibit "1"; said Amendment correcting a scrivener's error in Tenant's name; and providing for the renewal of the Lease for an initial seven (7) month renewal period, commencing January 13, 2015 and ending August 12, 2015, and continuing thereafter on a month to month basis, until such time as the convention center renovation and expansion project begins construction.

PASSED and ADOPTED this 14th day of January, 2015.

ATTEST:

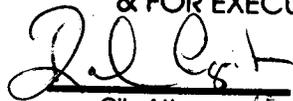
PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

JLMKGB/MAS

T:\AGENDA\2015\January\TCED\New Year's Eve 2014-2015.RESO.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

02-29-14

Date

**AMENDMENT NO.1 TO THE LEASE AGREEMENT
BETWEEN THE CITY OF MIAMI BEACH, FLORIDA
AND
MYSTERY PARK ARTS COMPANY, INC. ("TENANT") DATED JANUARY 13,
2010 (THE "AGREEMENT")**

RECITALS

This Amendment No. 1 ("Amendment") to the Lease Agreement is made and entered into on this _____ day of _____, 2015 (Effective Date), by and between the City of Miami Beach, Florida, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 (City), and Mystery Park Arts Company, Inc., a Florida not-for-profit corporation, having its principal place of business at 2100 Washington Avenue Miami Beach Florida 33139 ("Tenant").

WHEREAS, Tenant, Mystery Park Arts Company, Inc. d/b/a SoBe Institute of the Arts, has a lease agreement ("Lease Agreement" or "Agreement") for the use of a facility having approximately 3,080 square feet, known as the Carl Fisher Clubhouse, located within the 21st Street Community Center Complex, 2100 Washington Avenue, and an additional building, having approximately 2,295 square feet, known as the "Little Stage Theater" located in the same complex (collectively referred to herein as the "Demised Premises"); and

WHEREAS, the Demised Premises is authorized to be used for the purpose of conducting educational programs, film workshops, theater/dance programs, and arts/acting/music classes and lessons, such as professional performances, music concerts, arts lectures/demonstrations and multidisciplinary and theatrical productions; art-related general events such as community collaborations, fundraising events and student performances; and

WHEREAS, the Lease Agreement provides for an initial five-year lease term, commencing on January 13, 2010 and ending on January 12, 2015, with two (2) renewal options of two (2) years each at the City's sole discretion; and

WHEREAS, the Finance and Citywide Projects Committee (Committee) considered the exercise of the initial renewal term at the June 11, 2014 meeting and recommended extending the Lease for an initial seven (7) month renewal term, commencing January 13, 2015 and ending August 12, 2015, and then continuing on a month-to-month basis ("Modified Renewal Term") until the Convention Center Renovation construction commences; and

WHEREAS, the Lease Agreement contains a scrivener's error, referencing Tenant's name as Mystery Parks Arts Company, Inc., instead of the correct corporate name of Mystery Park Arts Company, Inc.; and

WHEREAS, on January 14, 2015, the Mayor and City Commission passed Resolution No. _____, accepting the recommendation of the Committee and approving and authorizing the Amendment to the Lease Agreement, correcting the scrivener's error and approving and authorizing the Modified Renewal Term; and further authorizing the City Manager to execute said Amendment.



NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Tenant hereby agree to amend the Agreement as follows:

1. The above recitals are true and correct and are incorporated as part of this Amendment.
2. Tenant, as referenced throughout the Lease Agreement is hereby amended to reflect Mystery Park Arts Company, Inc., a Florida not-for-profit corporation.
3. Subsection 2.2 of the Lease Agreement is hereby deleted in its entirety and replaced with the following:

2.2 At the expiration of the initial term herein, the City and Tenant agree to renew the Lease Agreement for one (1) renewal term, of seven (7) months, commencing January 13, 2015 and ending August 12, 2015, and then continuing on a month-to-month basis, subject to termination by either party, as more particularly set forth in Subsection 2.3 herein.

4. The first paragraph of Section 22. of the Agreement is amended to reduce the notice period from one hundred twenty (120) days to thirty (30) days, and shall be restated as follows:

22. Termination for Convenience.

Tenant acknowledges that the City may develop a schedule of capital improvements for the Demised Premises. In the event that the City is required to close the Demised Premises for the purpose of undertaking such improvements, then the parties agree that the Lease Agreement shall be terminated for convenience, without cause and without penalty to either party. Such termination shall become effective upon ~~one hundred and twenty (120) days prior written notice to Tenant~~ thirty (30) days prior written notice to Tenant.

5. Except as amended herein, all other terms and conditions of the Lease Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

FOR CITY:

CITY OF MIAMI BEACH, FLORIDA

ATTEST:

By:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

Date

Date

FOR TENANT:

**MYSTERY PARK ARTS
COMPANY, INC.**

ATTEST:

By: _____
Secretary

President

Print Name

Print Name

Date

Date

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Condensed Title:

A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Waiving \$15,495 In Special Event Fees For The Dolphins Cycling Challenge Event Taking Place In Miami Beach On February 7th And 8th, 2015.

Key Intended Outcome Supported:

Maximize the Miami Beach Brand As A World Class Destination

Supporting Data (Surveys, Environmental Scan, etc.): The 2014 Community Satisfaction Survey indicated that most Miami Beach residents (64%) indicated there were the right number of major events in the City; 24% thought there were too many.

Item Summary/Recommendation:

The item was referred by Commission Weithorn at the November 19, 2014 City Commission Meeting.

The first Dolphins Cycling Challenge (DCC) was held November 2010 where they raised \$533,000, for Sylvester Comprehensive Cancer Center. In 2011, \$1,070,000 was raised, more than doubling the funds raised in the 2010 inaugural ride. Again in 2012, DCC doubled in ridership and in fundraising raising \$2,200,000 for Sylvester Comprehensive Cancer Center, while adding a Miami Beach rest stop/ reception component, based at the Miami Beach Marina parking lot. At the fourth Dolphins Cycling Challenge in 2013, more than 2,500 riders raised \$3.1 million for Sylvester, with the rest stop/ reception portion moving to Ocean Drive and the beachfront. This year, the NFL recognized this as a signature event for the League and worked with the City to move the event to February 7, 2015, after the conclusion of the NFL season, in order to increase participation from players.

There are several rides that vary in distance, but the 29 mile ride, entitled the Miami Beach Touchdown Ride starts at Sun Life Stadium and ends on Ocean Drive and features a reception tent on the beachfront south of 10th Street. The event is produced and permitted under Dolphins Cycling Challenge, Inc, a 501(c)(3) non-profit organization. Based on prior years, the total estimated special event related fees are \$15,495.00. Please note that a Security Deposit of \$5,000 is also required, but is not an item that can be waived.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee considered this item at their December 12, 2014 meeting and recommended in favor of the requested waiver of fees.

Financial Information:

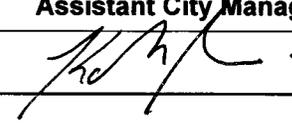
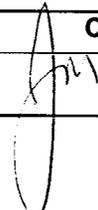
Source of Funds:		Amount	Account	Approved
<input type="checkbox"/> OBPI	1			
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	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Max Sklar

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: Honorable Mayor and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

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 WAIVING \$15,495 IN SPECIAL EVENT FEES FOR THE DOLPHINS CYCLING CHALLENGE EVENT TAKING PLACE IN MIAMI BEACH ON FEBRUARY 7TH AND 8TH, 2015.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution as recommended by the Finance and Citywide Projects Committee at their December 12, 2014 meeting.

ANALYSIS

The item was referred by Commission Weithorn at the November 19, 2014 City Commission Meeting.

The first Dolphins Cycling Challenge (DCC) was held November 2010 where they raised \$533,000, for Sylvester Comprehensive Cancer Center. In 2011, \$1,070,000 was raised, more than doubling the funds raised in the 2010 inaugural ride. Again in 2012, DCC doubled in ridership and in fundraising raising \$2,200,000 for Sylvester Comprehensive Cancer Center, while adding a Miami Beach rest stop/ reception component, based at the Miami Beach Marina parking lot. At the fourth Dolphins Cycling Challenge in 2013, more than 2,500 riders raised \$3.1 million for Sylvester, with the rest stop/ reception portion moving to Ocean Drive and the beachfront. This year, the NFL recognized this as a signature event for the League and worked with the City to move the event to February 7, 2015, after the conclusion of the NFL season, in order to increase participation from players.

There are several rides that vary in distance, but the 29 mile ride, entitled the Miami Beach Touchdown Ride starts at Sun Life Stadium and ends on Ocean Drive and features a reception tent on the beachfront south of 10th Street. The event is produced and permitted under Dolphins Cycling Challenge, Inc, a 501(c)(3) non-profit organization. Based on prior years, the following is an estimate of the special event related fees:

- App fee \$250
- Permit fee \$250
- Square footage \$9,900 without tax (\$10,593 if taxed)
- Vehicle Access Passes \$2250 (15 x\$150)
- Lummus User fee \$1275
- Police/ Fire admin \$1570
- Total: \$15,495**

Please note that a Security Deposit of \$5,000 is also required, but is not an item that can be waived.

The Finance and Citywide Projects Committee considered this item at their December 12, 2014 meeting and recommended in favor of the requested special event fee waivers.

CONCLUSION

The Administration recommends adopting the Resolution as recommended by the Finance and Citywide Projects Committee at their December 12, 2014 meeting.

JLM:KGB:MAS

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Condensed Title:

A Resolution Accepting The Recommendation Of The Neighborhoods And Community Affairs Committee Approving The 2015 List Of Organizations And/Or Groups Eligible To Receive Complimentary Tickets As Per The City's Complimentary Ticket Policy Pursuant To Resolution No. 2014-28638.

Key Intended Outcome Supported:

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

Item Summary/Recommendation:

The City Commission adopted a Complimentary Ticket Policy via Resolution No. 2014-28638 on June 11, 2014. Pursuant to this policy, the City Manager's Office has an established list of deserving organizations and/or groups eligible to receive tickets. As per the adopted Policy, the Neighborhoods and Community Affairs Committee must annually review the list of deserving organizations and/or groups eligible to receive tickets.

The list was preliminarily reviewed at the November Neighborhoods and Community Affairs Committee meeting and the Committee requested clarification regarding the Miami based organizations. The Miami based organizations were originally included because, at the time, they were part of the City's service partnership serving youth and families in Miami Beach. Although these organizations are not based in the City they do provide services in the City. The attached list has been revised to group the organization who are part of the service partnership together. Additionally, ASPIRA and South Florida Center for Family Counseling have been removed because they are no longer part of the partnership and no longer providing services on Miami Beach. Choices At All, Inc. and Get Credit Healthy are both part of the service partnership, but are for profit companies. Institute for Child and Family Health and Switchboard Miami are non-profit entities who are part of the service partnership program.

The Neighborhoods and Community Affairs Committee reviewed the list again on December 19, 2014 and recommended organizations sign an affidavit acknowledging that tickets are not for resale and must be fairly and equitably distributed among residents or participants of the organization. The Commission also recommended the City stamp the ticket "Not For Resale" prior to distribution.

The Administration recommends adopting the Resolution as recommended by the Neighborhoods and Community Affairs Committee at their December 19, 2014 meeting.

Advisory Board Recommendation:

The Neighborhoods and Community Affairs Committee considered this item at their December 19, 2014 meeting and recommended these changes.

Financial Information:

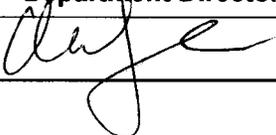
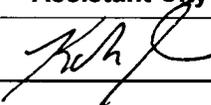
Source of Funds:	Amount	Account	Approved
1			
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Total			

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Max Sklar

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





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

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE APPROVING THE 2015 LIST OF ORGANIZATIONS AND/OR GROUPS ELIGIBLE TO RECEIVE COMPLIMENTARY TICKETS AS PER THE CITY'S COMPLIMENTARY TICKET POLICY PURSUANT TO RESOLUTION NO. 2014-28638.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution as recommended by the Neighborhoods and Community Affairs Committee at their December 19, 2014 meeting.

BACKGROUND

The City Commission adopted a Complimentary Ticket Policy via Resolution No. 2014-28638 on June 11, 2014. Pursuant to this policy, the City Manager's Office has an established list of deserving organizations and/or groups eligible to receive tickets. As per the adopted Policy, the Neighborhoods and Community Affairs Committee must annually review the list of deserving organizations and/or groups eligible to receive tickets.

The list was preliminarily reviewed at the November Neighborhoods and Community Affairs Committee meeting and the Committee requested clarification regarding the Miami based organizations. The Miami based organizations were originally included because, at the time, they were part of the City's service partnership serving youth and families in Miami Beach. Although these organizations are not based in the City they do provided services in the City. The attached list has been revised to group the organization who are part of the service partnership together. Additionally, ASPIRA and South Florida Center for Family Counseling have been removed because they are no longer part of the partnership and no longer providing services on Miami Beach. Choices At All, Inc. and Get Credit Healthy are both part of the service partnership, but are for profit companies. Institute for Child and Family Health and Switchboard Miami are non-profit entities who are part of the service partnership program.

The Neighborhoods and Community Affairs Committee reviewed the list again on

December 19, 2014 and recommended organizations sign an affidavit acknowledging that tickets are not for resale and must be fairly and equitably distributed among residents or participants of the organization. The Commission also recommended the City stamp the ticket "Not For Resale" prior to distribution.

CONCLUSION

The Administration recommends adopting the Resolution as recommended by the Neighborhoods and Community Affairs Committee at their December 19, 2014 meeting.

A handwritten signature in black ink, appearing to be 'JLM/KGB/MAS', written above the typed names.

JLM/KGB/MAS

T:\AGENDA\2015January\TCED\Comp Tickets Non Profit List NCAC Recommendation **Memo.docx**

#	Agency	Contact	Address	Telephone	Email	Target Population
1	Ayuda, Inc.	Diana Susi	7118 Byron Avenue, 33141	305-864-6885	dianasusi@ayudamiami.org	Youth, families
2	Biscayne Elementary Community School	Leslie Rosenfeld		305-532-4515		
3	Fienberg Fisher K-8 Center	Leslie Rosenfeld		305-531-0419		
4	Miami Beach Community Health Center		710 Alton Road, 33139	305-695-2184		Infants, youth, families, individuals
5	Miami Beach Senior High School	Leslie Rosenfeld		305-532-4515		
6	Nautilus Middle School	Leslie Rosenfeld		305-531-3481		
7	North Beach Elementary School	Leslie Rosenfeld		305-531-7666		
8	South Pointe Elementary School	Leslie Rosenfeld		305-531-5437		
9	Stand Up for Those Who Can't	Jeannette Egozi	7118 Byron Avenue, 33141	305-864-5237	jeannette@egoz.biz	Youth
10	Teen Job Corps	Deborah Ruggiero	7356 Gary Avenue, 33141	786-357-5972	djmmrug@gmail.com	Adolescent, lower income youth
11	Unidad of Miami Beach	Arsenio Jorge	833-6th Street, 33139	305-532-5350	nsantiago@unidadmb.org	Youth, families, individuals
12	Rebecca Towers-North/South	Magnolia Martinez	200 Alton Road	305-532-6401		
13	Michigan Avenue Apts	Laura Molina	532 Michigan Avenue	305-535-8002		
14	Michigan Avenue Apts	Laura Molina	530 Michigan Avenue	305-535-8002		
15	Council Towers South	Carmen Leon	533 Collins Avenue	305-532-4118		
16	Lulav Square	Gilberto Junco	628 Lenox Avenue	305-672-8811		
17	Federation Towers	Chris Meadows/Stella Davidovic	757 West Avenue	305-531-2388		
18	Blackstone	Terry/ Carlos Cairo	800 Washington Avenue	305-534-4489		

19	Edwards Apartments	Maria	953 Collins Avenue	305-534-9464		
20	Council Towers North	Antonio Acea	1040 Collins Avenue	305-538-5658		
21	Shep Davis Plaza	Terry/Martin Martin	220-23rd Street	305-534-4489		
22	Four Freedoms House	Estrella Pereda	3800 Collins Avenue	305-673-8425		
23	Stella Maris	Lilian DeJarden; Ileana Vera	8638 Harding Avenue	305-868-4020		
24	Jeffersen Apts	Laura Molina	542 Jefferson Avenue	305-535-8002		
25	Villa Maria	Laura Molina	2800 Collins Avenue	305-535-8002		
26	Allen Apts	Laura Molina	2001 Washington Avenue	305-532-8002		
27	Coral Rock House	Estrella Pereda	1701 Normandy Drive	305-867-0051		
28	Children's Trust Parent/ Child Program	Maria Ruiz	1700 Convention Center Drive	X6491	maria.ruiz@miamibeachfl.gov	
29	Children's Trust Morning Allstars	Maria Ruiz	1700 Convention Center Drive	X6491	maria.ruiz@miamibeachfl.gov	
30	Children's Trust Success University	Maria Ruiz	1700 Convention Center Drive	X6491	maria.ruiz@miamibeachfl.gov	
31	Miami-Dade County Public Schools- Feeder Pattern	Leslie Rosenfeld	1700 Convention Center Drive	x6923	leslierosenfeld@miamibeachfl.gov	
32	North Shore Youth	Cindy Casanova	501 72nd Street	305-861-3616	ccasanova@miamibeachfl.gov	
33	21st Street Teen Club	Willie Priegues		305-673-7784	wpriegues@miamibeachfl.gov	

34	Scott Rakow Youth Center	Ellen Vargas	2700 Sheridan	305-673-7767	evargas@miamibeachfl.gov	
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Service Partnership Organizations - NOT Based in Miami Beach

37	Choices Et Al, Inc.	Cheryl Polite-Eaford	P.O. BOX 645409, 33269	305-332-2074	cpeaford@bellsouth.net	Youth, families, court-directed services
38	Get Credit Healthy	Elizabeth Karwowski	250 NW 23rd Street, Ste 205, 33127	1-877-850-3444	ek@getcredithealthy.com	Individuals, families
39	Switchboard of Miami	Nathan Gomez	190 NE 3rd Street, Miami, FL 33132	305-358-1640	ngomez@switchboardofmiami.org	Youth, families, couples
40	Institute for Child & Family Health	Adriana Kochen	430 West 66th Street, 33012		akochen@icfhinc.org	Youth, families

Condensed Title:

A resolution retroactively approving a contribution from the Ocean Drive Association of an amount not to exceed \$30,000.00 in support of the closure of Ocean Drive for the 2014-2015 New Year's celebration.

Key Intended Outcome Supported:

Maximize the Miami Beach Brand As A World Class Destination

Supporting Data (Surveys, Environmental Scan, etc.): The 2014 Community Satisfaction Survey indicated that most Miami Beach residents (64%) indicated there were the right number of major events in the City; 24% thought there were too many.

Item Summary/Recommendation:

Similar to the prior thirteen (13) years, the Ocean Drive Association (ODA) approached the City to request participation and sponsorship of a free fireworks show on the beach east of Lummus Park at midnight on New Year's Eve. The City has partnered with Ocean Drive Association to share in the expenses related to the closure and fireworks for New Year's Eve, which has ranged from two (2) days to four (4) days depending on if the holiday occurs on a weekend or weekday. Additionally, there have been 3 years, 2010, 2011, and 2012 where the Orange Bowl Committee has shared in the cost since they produced an Orange Bowl Game related concert in the area. This year, the Orange Bowl Committee is not producing a concert for New Year's Eve and, therefore will not participate in the costs associated with the holiday activities.

New Year's Eve occurs on a Wednesday this year and early indication is that hotel occupancy will be very strong. Therefore, the Ocean Drive Association has requested the closure of Ocean Drive to vehicular traffic beginning the morning of December 31, 2014, reopening on January 2, 2015 at 7:00 a.m.

As you know, each year the destination hosts the Orange Bowl Game, which is presented by the Orange Bowl Committee. This closure helps to showcase the City to the visitors who come for the game.

Advisory Board Recommendation:

N/A

Financial Information:

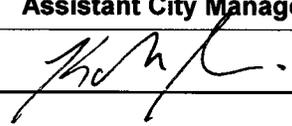
Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary: The Ocean Drive Association will contribute \$30,000.00 toward the costs of closure of Ocean Drive for New Year's Eve. The City's expenses associated with New Year's Eve are funded from Resort Tax Collections. The contribution from the Ocean Drive Association will be appropriated in the next FY 2014/15 budget amendment.

City Clerk's Office Legislative Tracking:

Max Sklar

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: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RETROACTIVELY APPROVING A CONTRIBUTION FROM THE OCEAN DRIVE ASSOCIATION OF AN AMOUNT NOT TO EXCEED \$30,000.00 IN SUPPORT OF THE 2014-2015 NEW YEAR'S CELEBRATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The City's expenses associated with New Year's Eve are funded from Resort Tax Collections. The contribution from the Ocean Drive Association will be appropriated in the next FY 2014/15 budget amendment.

ANALYSIS

Similar to the prior thirteen (13) years, the Ocean Drive Association (ODA) approached the City to request participation and sponsorship of a free fireworks show on the beach east of Lummus Park at midnight on New Year's Eve. The City has partnered with Ocean Drive Association to share in the expenses related to the closure and fireworks for New Year's Eve, which has ranged from two (2) days to four (4) days depending on if the holiday occurs on a weekend or weekday. Additionally, there have been 3 years, 2010, 2011, and 2012 where the Orange Bowl Committee has shared in the cost since they produced an Orange Bowl Game related concert in the area. This year, the Orange Bowl Committee is not producing a concert for New Year's Eve and, therefore will not participate in the costs associated with the holiday activities.

New Year's Eve occurs on a Wednesday this year and early indication is that hotel occupancy will be very strong. Therefore, the Ocean Drive Association has requested the closure of Ocean Drive to vehicular traffic beginning the morning of Wednesday, December 31, 2014, reopening on Friday, January 2, 2015 at 7:00 a.m.

The costs for this year's fireworks and closure are as follows:

CITY OF MIAMI BEACH New Year's Eve 2014 Staffing Costs	
Ocean Drive Closure Dec 31 (7am) - Jan 2 (7am) 2 Days	
Police	\$ 40,000
Fire	\$ 31,997
Fireworks Clean-up, logistics, permits, barricades, etc.	\$ 26,500
Public Works - Sanitation	\$ 8,000
TOTAL	\$ 106,497
Ocean Drive Association Contribution	\$ 56,443
City's Contribution	\$ 50,054
ODA Contribution Net of Fireworks Costs	\$ 29,943

Additionally, many Miami Beach nightclubs and hotels host special New Year's Eve events. The City works with the area hotels and nightclubs to ensure that resources and security were appropriately allocated for the weekend.

NEW YEAR'S EVE ENHANCED STAFFING

Enhanced staffing levels for Police, Fire, Parking, Sanitation and Code Compliance are provided during the New Year's Eve weekend in the entertainment district. The Police Department has significant enhanced staffing throughout the weekend on foot patrols, bicycle patrols and ATV patrols throughout the Entertainment District, as well as undercover Crime Suppression Team officers. The Police Department also conducts DUI Saturation Patrols throughout the weekend.

The City will also continue enforcement of our current laws and regulations with respect to open containers and public consumption of alcoholic beverages, in order to ensure that residents and visitors have a safe and enjoyable experience in Miami Beach. A letter will be sent to businesses reminding them of the City's laws and asking for their assistance in curbing public consumption of alcohol. The City's goal is to work in partnership with our businesses to curtail the public consumption of alcoholic beverages throughout our city, which sometimes results in negative and unwanted behavior. Various collateral materials have been developed by the City and have been offered to businesses (free of charge) to help in educating the public about our laws.

Traffic & Parking Restrictions

- Ocean Drive (5 to 14 streets) will be restricted to pedestrians only (no vehicles) from Tuesday, December 31 at 7:00 a.m. through Thursday, January 2, 2013 at 7:00 a.m. in anticipation of large crowds during the holiday.

Parking

- All municipally operated parking facilities will be open. The following lots will have extended hours until 4:00 a.m. on December 31/January 1: 46 Street, South Pointe Park, and Convention Center & Fillmore. Special event flat rates (\$15 - \$20) apply at most garages.
- Residential parking zones citywide will be enforced.
- Valet operations normally on Ocean Drive were relocated to Collins Avenue.

Extended Hours

- Nightclubs have been provided notice that service of alcohol for establishments with 5am licenses will be extended until 7:00 a.m. on Tuesday, January 1, 2014.

CONCLUSION

The Administration recommends adopting the attached resolution, accepting a contribution in an amount not to exceed \$30,000.00 from the Ocean Drive Association toward the costs of closure of Ocean Drive for New Year's Eve as this event benefits the community and our visitors.

JLM/KGB/MS

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RETROACTIVELY APPROVING THE ACCEPTANCE AND APPROPRIATION OF A CONTRIBUTION FROM THE OCEAN DRIVE ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$30,000.00 IN SUPPORT OF THE FIREWORKS SHOW ON THE BEACH AND THE CLOSURE OF OCEAN DRIVE FROM 5TH TO 15TH STREETS FOR THE 2014-2015 NEW YEAR'S CELEBRATION.

WHEREAS, similar to the prior thirteen (13) years, the Ocean Drive Association approached the City to request participation and sponsorship of a free fireworks show on the beach east of Lummus Park at midnight on New Year's Eve and the closure of Ocean Drive from 5th to 15th Streets to vehicular traffic beginning at 7:00 a.m. on December 31, 2014 and reopening on January 2, 2015 at 7:00 a.m.; and

WHEREAS, the City Administration worked diligently with the area hotels and nightclubs to ensure that resources and security were appropriately allocated for the 2014-2015 New Year's celebration; and

WHEREAS, due to the popularity of New Year's Eve, occupancy levels in Miami Beach were strong and, as a result, many visitors enjoyed the free fireworks show and the closure of Ocean Drive; and

WHEREAS, in the past, the City has assisted in defraying costs associated with the closure of Ocean Drive and the public fireworks show, and other ancillary City services associated with the New Year's celebration in Miami Beach.

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 of the City of Miami Beach, Florida, hereby retroactively approve the acceptance and appropriation of a contribution from the Ocean Drive Association in an amount not to exceed \$30,000.00 from the Ocean Drive Association toward the support of the City's costs for the free public fireworks show on the beach east of Lummus Park and the closure of Ocean Drive from 5th to 15th Streets for the 2014-2015 New Year's celebration.

PASSED and ADOPTED this 14th day of January, 2015.

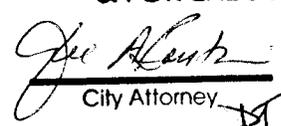
ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

JLMKGB/MAS
T:\AGENDA\2015\January\TCED\New Year's Eve 2014-2015.RESO.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1/7/15

Date

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Condensed Title:

A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Florida Atlantic University For The Provision Of Traffic Simulation Services Along State Road 112/41st Street To Determine The Feasibility Of Implementing Adaptive Traffic Signal Control Along This Corridor

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

Supporting Data (Surveys, Environmental Scan, etc

Residents rated traffic as the number one (1) issue in the 2014 Community Satisfaction Survey

Item Summary/Recommendation:

Given the existing traffic congestion, the high number of special events and the limited capacity in the City's transportation network, the Transportation Department is considering new and innovative solutions to improve traffic flow, level of service, and travel times for residents and visitors. Currently, the City has implemented an event traffic monitoring and management system for various major special events. This effort has proven to be successful on a temporary basis; however, the City has no infrastructure in place for automated traffic monitoring and management on a day-to-day basis.

In April 2014, the City submitted an application and report for a Transportation Investment Generating Economic Revenue (TIGER) Grant for the implementation of permanent Intelligent Transportation Systems (ITS), Adaptive Traffic Signal Control (ATSC), and Parking Management Systems along the majority of corridors and parking facilities south of 41st Street. Although the City was not awarded the grant, staff developed a reduced scope including the implementation of these innovative technologies along principal corridors to be implemented with the previously allocated City matching funds.

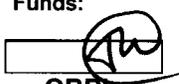
In order to expedite the deployment of ITS project, the Administration will present an item at the February 11, 2015 City Commission meeting to authorize the issuance of a Request For Proposal (RFP) for Phase I of the ITS and Parking Management System project (Traffic Monitoring and Parking Management Project). Phase I will include Digital Message Signs (DMS) at garages and selected parking lots, Node, Laser, or Camera Real Time Parking Detectors, Pilot Intelligent On-Street Parking Corridor, Pilot Intelligent Parking Lot, C.C.T.V. Cameras, Travel Time Data Collection Devices, and Digital Message Signs. The Administration anticipates this RFP will be for designing, building, operating (on as-needed basis), and maintaining the system. Phase II of the ITS project is the implementation of ATSC. This technology performs real-time demand calculations at intersections and communicates the results to the signal controller, thus allowing the traffic signal to instantly respond to vehicle demand on a real-time basis. This system benefits intersections and improves traffic flow by reducing the green time allocated to minor movements, thus maximizing the allocation of green time for the major and more congested movements. In addition, the system benefits coordination and progression along the corridor, thus improving corridor Level of Service (LOS). As such, the City is seeking to engage a consultant for a feasibility study and a benefit-cost analysis of two (2) technologies to determine the appropriate technology for the City's transportation network.

The Transportation Department obtained a quote from a traffic engineering consultant to conduct the analysis; however, the quote exceeded the thresholds established in the Consultants' Competitive Negotiation Act (CCNA). Subsequently, staff reached out to the Florida Atlantic University (FAU) to conduct a traffic simulation analysis along a pilot corridor, 41st Street from Alton Road to Collins Avenue and Collins Avenue from 40th Street to 44th Street, due to their previous experience performing this type of work. FAU staff has utilized innovative methods of simulating these conditions and technologies. Their work in the field of micro-simulating ATSC technologies has been published in various Institute of Transportation Engineering (ITE) publications. Also, the price proposal submitted by FAU (\$97,642) was found to be more competitive than that obtained from a consulting firm. Since FAU is a state university, the City and the University would need to enter into an Interlocal Agreement to perform the tasks outlined in the proposal. The Traffic Simulation is anticipated to take approximately six (6) months.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION

Advisory Board Recommendation:

Financial Information:

Source of Funds:		Amount	Account
 OBPI	1	\$97,642.00	158-2808-069355
	2		
	Total	\$97,642.00	

Financial Impact Summary: The Capital Project "Intelligent Transportation System Match" was created for the implementation of this project. \$97,642 will be encumbered to fund the scope of services outlined in the FAU Proposal.

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E. Ext. 6768

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: January 14, 2015

SUBJECT: **A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND FLORIDA ATLANTIC UNIVERSITY FOR THE PROVISION OF TRAFFIC SIMULATION SERVICES ALONG STATE ROAD 112/41ST STREET TO DETERMINE THE FEASIBILITY OF IMPLEMENTING ADAPTIVE TRAFFIC SIGNAL CONTROL ALONG THIS CORRIDOR**

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the resolution.

BACKGROUND

Given the existing traffic congestion, the high number of special events and the limited capacity in the City's transportation network, the Transportation Department is considering new and innovative solutions to improve traffic flow, level of service, and travel times for residents and visitors. Currently, the City has implemented an event traffic monitoring and management system for various major special events. This effort has proven to be successful on a temporary basis; however, the City has no infrastructure in place for automated traffic monitoring and management on a day-to-day basis.

In April 2014, the City submitted an application and report for a Transportation Investment Generating Economic Revenue (TIGER) Grant for the implementation of permanent Intelligent Transportation Systems (ITS), Adaptive Traffic Signal Control (ATSC), and Parking Management Systems along the majority of corridors and parking facilities south of 41st Street. Although the City was not awarded the grant, staff developed a reduced scope including the implementation of these innovative technologies along principal corridors to be implemented with the previously allocated City matching funds. Phase I of the ITS Project includes the following innovative technologies:

- C.C.T.V. Cameras
- Travel Time Data Collection Devices
- Digital Message Signs

The implementation of these innovative ITS elements will allow the City to monitor traffic flow and reduce congestion while providing residents and visitors with real time traffic and parking information. A subsequent phase of the ITS project (Phase II) will include the implementation of ATSC. This technology must be simulated and evaluated prior to implementation.

The Parking Management Systems component of the ITS Phase I project includes the following elements:

- Digital Message Signs outside City Garages and Selected Parking Lots
- Node, Laser, or Camera Real Time Parking Detectors
- Pilot Intelligent On-Street Parking Corridor
- Pilot Intelligent Parking Lot

Some of the corridors and parking facilities tentatively included in Phase I of the ITS project (Traffic and Parking Management Systems) are the following:

ITS Phase I

- Alton Road: 5th Street to North Michigan Avenue
- MacArthur Causeway/5th Street: Fountain Street to Collins Avenue
- Julia Tuttle Causeway
- 41st Street: Collins Avenue to Alton Road
- Collins Avenue /Indian Creek: 23rd Street to 44th Street
- Parking Lot No. 27 (1664 Meridian Avenue)
- Pilot On-Street Parking Corridors: Meridian Avenue between Lincoln Road and 17th Street
 Jefferson Avenue between Lincoln Road and 17th Street

Other corridors, such as West Avenue, Washington Avenue, Collins Avenue, 17th Street, Meridian Avenue, amongst others, will also be retrofitted with some of the aforementioned technologies for traffic and parking improvements.

In order to expedite the deployment of this plan, the Administration will present an item at the February 11, 2015 City Commission meeting to authorize the issuance of a Request For Proposal (RFP) for Phase I of the ITS and Parking Management System. Phase I will include all the elements in the aforementioned Parking Management System plan along with C.C.T.V. Cameras, Travel Time Data Collection Devices, and Digital Message Signs. The Administration is anticipating that the scope of the RFP will include designing, building, operating (on an as-needed basis), and maintaining the system. In addition, the City will organize an Industry Review meeting in advance of the February 11, 2015 City Commission meeting, to obtain feedback from representatives of the industry on the City’s plan. The Table below shows various key milestones and dates for Phase I of the ITS and Parking Management System project implementation:

Milestone	Anticipated Completion Date
<i>Industry Review Meeting</i>	January 2015
<i>Phase I RFP Issuance for ITS and Parking Management System (DBOM)</i>	February 2015
<i>Phase I RFP Award for ITS and Parking Management System (DBOM)</i>	April 2015
<i>Phase I: Design and Permitting Complete</i>	August 2015
<i>Phase I: Construction Complete</i>	January 2016

ANALYSIS

Phase II of the ITS project is the implementation of ATSC. This technology performs real-time demand calculations at intersections and communicates the results to the signal controller, thus allowing the traffic signal to instantly respond to vehicle demand on a real-time basis. This system benefits intersections and improves traffic flow by reducing the green time allocated to minor movements, thus maximizing the allocation of green time for major and more congested movements. This system also coordinates all intersections thus allowing the platoon of vehicles to travel from one end of the corridor to another with minimal interruption.

The Florida Department of Transportation (FDOT) is currently conducting a pilot project along Southwest 8th Street in western Miami-Dade County to evaluate one of the ATSC technologies currently available in the market. The City's Transportation Department reached out to FDOT to investigate the feasibility of including one of the City corridors in FDOT's ATSC pilot project; however, the FDOT pilot project timeline (anticipated completion in 2018) did not align with the implementation timeline desired by the Administration. Therefore, the City will move forward with its evaluation of ATSC and work closely with FDOT and Miami-Dade County for an expedited installation of an ATSC technology along selected arterials in the City.

Since two of the City's principal corridors are currently under construction (Alton Road and Collins Avenue), the Administration recommends 41st Street as the ideal corridor for this type of feasibility study (Attachment A). This corridor offers a wide range of mobility challenges that will help determine the most appropriate technology for corridors within the City.

Although the technology being evaluated by FDOT is the only ATSC technology in the State's Approved Products List, it is advantageous for the City to explore other available technologies with different capabilities and costs. As such, the City is seeking to engage a consultant for a feasibility study and a benefit-cost analysis of two (2) technologies to determine the appropriate technology for the City's transportation network.

The Transportation Department obtained a quote from a traffic engineering consultant to conduct the analysis; however, the quote exceeded the thresholds established in the Consultants' Competitive Negotiation Act (CCNA). Subsequently, City staff reached out to the Florida Atlantic University (FAU) due to its previous experience performing this type of work. FAU staff has utilized innovative methods of simulating these conditions and technologies. Its work in the field of micro-simulating ATSC technologies has been published in various Institute of Transportation Engineering (ITE) publications. Further, the price proposal submitted by FAU (\$97,642) was found to be more competitive than the one obtained from a consulting firm.

A critical task included in the FAU proposal is the construction of a Benefit-Cost Matrix for the two (2) technologies to be simulated. Since there are two technologies readily available to the City, it is important to evaluate benefit and cost of each individual technology and how it compares to the other in terms of installation, operation, and maintenance. Since the principal arterials within the City are under the jurisdiction of the FDOT and all traffic signals are operated and maintained by Miami-Dade County, the City will coordinate closely with both agencies to

ensure an expeditious and successful ATSC implementation.

Since FAU is a state university, the City and the University would need to enter into an Interlocal Agreement to perform the tasks outlined in the proposal (Attachment B).

Once the study is complete, the City will review the feasibility of each technology and coordinate with the County and FDOT prior to implementation of the preferred ATSC technology. The Administration anticipates seeking Commission authority to issue an RFP for design, build, operate (if needed), and maintenance services of the ATSC system. Since operation of traffic signals is under the jurisdiction of Miami-Dade County, further coordination will be needed to determine the operational responsibilities of the proposed ATSC system. Should the Commission wish to move forward with the implementation of ATSC technology, the Administration anticipates issuing an RFP in July 2015. Taking into account the time required for design, permitting, procurement, and installation of ATSC technologies, the Administration anticipates that installation of ATSC will be completed in April 2016. However, it is important to highlight that Phase I of the ITS project (Traffic and Parking Management Systems) to be installed in advance of the ATSC, will allow staff to monitor traffic conditions, provide travel information, and take proactive steps to reduce traffic congestion and improve mobility.

RECOMMENDATION

The Administration recommends that the City Commission authorize the Mayor and the City Clerk to execute the Interlocal Agreement between the City and FAU for the provision of traffic simulation services along State Road 112/41st Street.

Attachment:

- A: City of Miami Beach ATSC Pilot Project Map
- B: Proposed Interlocal Agreement

SJG J.F.D.
KGB/JRG/JFD

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RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND FLORIDA ATLANTIC UNIVERSITY (FAU) FOR THE PROVISION OF TRAFFIC SIMULATION SERVICES ALONG STATE ROAD 112/41ST STREET TO DETERMINE THE FEASIBILITY OF IMPLEMENTING ADAPTIVE TRAFFIC SIGNAL CONTROL ALONG THIS CORRIDOR, FOR A SUM NOT TO EXCEED \$97,642; WHICH AGREEMENT IS SUBJECT TO NEGOTIATION BETWEEN THE CITY AND FAU; AND FURTHER SUBJECT TO LEGAL REVIEW AND FORM APPROVAL OF THE FINAL NEGOTIATED AGREEMENT BY THE CITY ATTORNEY'S OFFICE.

WHEREAS, given the existing traffic congestion, the high number of special events and the limited capacity in the City's transportation network, the Transportation Department is considering new and innovative solutions to improve traffic flow, level of service, and travel times for residents and visitors; and

WHEREAS, in 2014, the City submitted an application and report for a Transportation Investment Generating Economic Revenue (TIGER) Grant for the implementation of Intelligent Transportation Systems (ITS), Adaptive Traffic Signal Control (ATSC), and Parking Management Systems along various corridors and parking facilities south of 41st Street; and

WHEREAS, although the City was not awarded the grant, staff developed a reduced scope including the implementation of these innovative technologies along principal corridors to be implemented with the previously allocated City matching funds (the Project); and

WHEREAS, the Project, will be composed of: 1) an ITS plan, which includes Adaptive Traffic Signal Control (ATSC), C.C.T.V. Cameras, Travel Time Data Collection Devices, and Digital Message Signs; and 2) the Parking Management Systems plan, which includes Digital Message Signs for City garages and selected parking lots, Real Time Parking Detectors, Pilot Intelligent Parking Lot Implementation, and Pilot Intelligent On-Street Parking Corridor Implementation; and

WHEREAS, Phase I of the Project will include implementation of C.C.T.V. Cameras, Travel Time Data Collection Devices, Digital Message Signs for parking garages, selected parking lots, and selected corridors, Pilot Intelligent Parking Lot, and Pilot Intelligent On-Street Parking Corridor; and

WHEREAS, Phase II of the Project includes the implementation of ATSC along some arterials south of 41st Street; and

WHEREAS, prior to submitting this Project to the City Commission for authorization of a Request for Proposals for Phase I, the Administration wishes to engage a consultant for an ATSC technology feasibility study (including a benefit-cost analysis) of two (2) technologies in order to determine the appropriate technology for the City's network characteristics; and

WHEREAS, since two of the City's principal corridors are under construction (Alton Road and Collins Avenue), the Administration recommends 41st Street as the ideal corridor for this type of feasibility study; and

WHEREAS, the best option to replicate the effects of the proposed technologies on the corridor Level of Service is to model the conditions via a computer generated micro-simulation model; and

WHEREAS, the Administration reached out to the Florida Atlantic University (FAU) to request a proposal to complete the micro-simulation study given their expertise in this area of traffic modeling; and

WHEREAS, the scope and cost proposal, in the amount of \$97,642, which was submitted by FAU, was reviewed by Staff and found to be favorable for the City; and

WHEREAS, the Administration is recommending that the City retain FAU's services for this Project, through the negotiation of an Interlocal Agreement, substantially in the form of the attached Interlocal Agreement, subject to final negotiations between the City and FAU, and further subject to review and approval by the City Attorney's Office.

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 Mayor and City Clerk to execute an Interlocal Agreement between the City and the Florida Atlantic University (FAU) for the provision of traffic simulation services along State Road 112/41st Street to determine the feasibility of Adaptive Traffic Signal Control along this corridor, for a sum not to exceed \$97,642; which agreement is subject to negotiation between the City and FAU; and further subject to legal review and form approval of the final negotiated agreement by the City Attorney's Office.

PASSED and ADOPTED this _____ day of _____, 2015.

ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney *AIT*

1/6/15
Date

City of Miami Beach ATSC Pilot Project

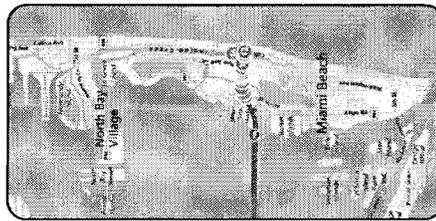
Corridor Length: .8 miles

Number of signals: 15

11 full traffic signals

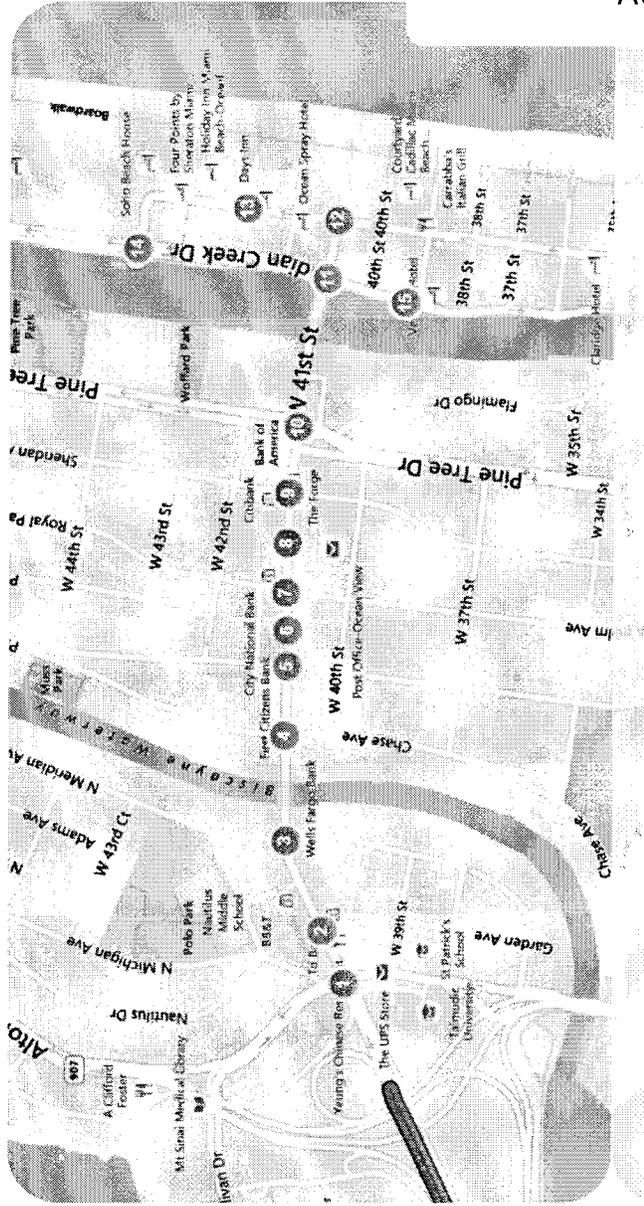
4 pedestrian crossing signals

AA DT 2013: 41,000



City of Miami Beach ATSC Pilot Project

1. Alton Road/41st Street
Full Traffic Signal
2. Garden Avenue/41st street
Pedestrian Crossing Signal
3. Meridian Avenue/41st Street
Full Traffic Signal
4. Chase Avenue/41St Street
Full Traffic Signal
5. Pralrie Avenue/41st Street
Full Traffic Signal
6. 514 41st Street
Pedestrian Crossing Signal
7. Royal Palm Avenue/41st Street
Full Traffic Signal
8. 432 41st Street
Pedestrian Crossing Signal
9. Sheridan Avenue/41st Street
Full Traffic Signal
10. Pine Tree/41st Street
Full Traffic Signal
11. Indian Creek Drive/41st Street
Full Traffic Signal
12. Collins Avenue/41st Street
Full Traffic Signal
13. Collins Avenue/43rd Street
Full Traffic Signal
14. Indian Creek/Collins Avenue/44th Street
Full Traffic Signal
15. Indian Creek Drive/40th Street
Pedestrian Crossing Signal



AGREEMENT
BETWEEN
CITY OF MIAMI BEACH
AND
THE FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES

This Agreement entered into between City of Miami Beach, a municipality existing under the laws of the State of Florida with its principal place of business at 1700 Convention Center Drive, Miami Beach, FL 33139 (hereinafter “Sponsor”), and The Florida Atlantic University Board of Trustees (hereinafter “FAU”), to conduct the work related to the project entitled “Evaluation of Advanced Traffic Management Systems on SR 112/41st Street” (hereinafter, the “Project”). Sponsor and FAU shall hereinafter be referred to collectively as the “Parties”.

WITNESSETH:

WHEREAS, Sponsor desires to engage and retain the services of FAU and FAU desires to accept such engagement.

NOW THEREFORE, in consideration of the foregoing and mutual promises, covenants and agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. PERIOD OF PERFORMANCE

This Agreement shall become effective on January 14th, 2015 and shall terminate on December 31st, 2015 (“Project Period”). Performance may be extended and/or renewed for additional periods by the mutual written agreement of the Parties.

II. PROJECT ADMINISTRATOR

All questions concerning administration of this Agreement should be addressed to:

FOR FAU:

Camille E. Coley, J.D.
Associate Vice President for Research
Interim Director, Office of Sponsored Programs
Florida Atlantic University
Division of Research
777 Glades Road, ADM 392
Boca Raton, Florida 33431
Phone: (561) 297-3461
Fax: (561) 348-4117

FOR SPONSOR:

Rafael Granado
City Clerk
City of Miami Beach
1700 Convention Center Drive
1st Floor
Miami Beach FL, 33139
Phone: 305-673-7411

All questions regarding the technical aspects of the project should be addressed to:

III. PROJECT DIRECTOR

FOR FAU:

Aleksandar Stevanovic, PhD, P.E.
Department of Civil, Environmental
And Geomatics Engineering
Florida Atlantic University
777 Glades Road, ADM 392
Boca Raton, Florida 33431
Phone: (561) 297-3743

FOR SPONSOR:

Jose R. Gonzalez, P.E.
Transportation Department Director
City of Miami Beach
1700 Convention Center Drive
4th Floor
Miami Beach FL, 33139
Phone: 305-673-7514

IV. STATEMENT OF WORK

Specific Responsibilities of FAU will be found in the attached Statement of Work (Appendix A hereto).

V. COMPENSATION

Funds provided for FAU's involvement in this project shall be \$97,642 per the budget attached hereto in Appendix A. This is a cost reimbursable agreement. Upon execution of this Agreement, Sponsor shall pay FAU the amount of \$97,642 against which FAU shall charge project costs.

Due Date for Payment to FAU	Amount of Payment
70% on execution	\$68,349
30% on receipt of Final Technical Report	\$29,292

Payment shall be made by Sponsor via wire (electronic funds) transfer to: (FAU to Provide Bank Name, Routing Number, Account Number)

Should Sponsor fail to make any of the payment set forth above, FAU shall have no further obligation to continue performance of this Agreement.

VI. TECHNICAL REPORTS

The PROJECT DIRECTOR shall furnish SPONSOR with written reports upon completion of each task on such dates as described in Exhibit A.

VII. INDEPENDENT CONTRACTOR

The officers, employees and agents of each party shall not be considered the officers, employees or agents of the other party for purposes of accomplishing the work to be performed under this Agreement or for any other purpose. Nothing in this Agreement shall create any association, partnership or joint venture between the parties or any employer-employee relationships. Nothing in this agreement shall be deemed to affect the rights, privileges and immunities afforded by law to FAU, the Florida Board of Governors and the State of Florida and their respective trustees, officers, employees and agents.

VIII. INTELLECTUAL PROPERTY

University agrees to notify SPONSOR of any invention made by FAU hereunder within thirty (30) days after receipt of an invention disclosure from the inventor. Inventions made solely by FAU faculty, students and staff under this Agreement will be solely owned by FAU. FAU shall prepare and prosecute all related patent applications. Inventions made jointly by FAU and SPONSOR will be owned jointly by SPONSOR and FAU, who agree to jointly determine patent filing and licensing subject to existing patent law. Inventions made solely by SPONSOR will be solely owned by SPONSOR. This understanding is subject to the rights of the U.S. Government, if any.

SPONSOR shall indicate FAU in writing, within thirty (30) days of receipt of invention disclosure, whether it wishes FAU to file a patent application on the invention, of applicable, or whether it wishes FAU to register a copyrightable material.

FAU agrees to grant and hereby grants SPONSOR an option to secure a royalty-bearing license under reasonable terms, with the right to make, use and sell, have made and have used, the claimed invention of any patent which is based on any invention conceived and reduced to practice during the term of this Agreement. Such option shall be in effect and exercisable for ninety (90) days from the date of filing if a U.S. patent application under this Agreement or for ninety (90) days from the date of receipt of notice of such a filing by SPONSOR whichever date is earlier.

The license, which will be exclusive, will include a royalty rate in an amount to be negotiated in good faith by both FAU and SPONSOR at the time SPONSOR decides to exercise its option. SPONSOR shall have the rights under the license to sublicense and shall have the sole right to designate the terms of any sublicense, provided that FAU shall receive, at a minimum, the royalty rate expressed in the license between FAU and SPONSOR, and fifty percent (50%) of any other remuneration received by SPONSOR from sub-licensees.

At the time of exercise of the option, SPONSOR shall indicate in which foreign countries it wants a patent application filed. Rights to such foreign countries shall be included in the patent rights under any license between FAU and SPONSOR.

SPONSOR shall reimburse FAU for all filing, prosecution and maintenance costs for all patent applications and all issued patents filed at the request of SPONSOR. Any such patents application shall become part of the patent rights in any license between FAU and SPONSOR. SPONSOR shall also reimburse FAU for all filing, prosecution and maintenance costs for all other patent applications and issued patents which become part of the patent rights in any license Agreement between FAU and SPONSOR.

IX. PUBLICATION

SPONSOR acknowledges that FAU may wish to disclose information which sponsor considers confidential, in furtherance of the PROJECT. This consideration notwithstanding, if any such information is disclosed by FAU it shall be marked "confidential information" and furnished in writing only to the PROJECT DIRECTOR within thirty (30) days of disclosure. Confidential information shall remain the property of the SPONSOR and for a period of five (5) years from the end of the Agreement shall not be used or disclosed to others except in furtherance of this Agreement. The foregoing obligation of non-disclosure shall not apply to:

- a. Information which at the time of disclosure is in the public domain;
- b. Information which after disclosure is published or otherwise becomes part of the public domain through no fault of FAU or the SPONSOR;
- c. Information which SPONSOR provides written permission to disclose.

X. TERMINATION

A. Termination at Will:

This agreement may be terminated by either party hereto by written notice to the other party of such intent to terminate at least thirty (30) days prior to the effective date of such termination.

B. Non-Waiver/Notices:

Failure by either Party to insist upon strict performance of any of the provisions of this Agreement, or either Party's failure or delay in exercising any rights or remedies provided herein or by law, shall not be deemed a waiver of any rights of either Party to insist upon strict performance hereof or of any of either Party's rights or remedies under this contract or law, and shall not operate as a waiver of any of the provisions hereof or as a modification of the terms of the Agreement.

Any notice required by this Agreement shall be delivered by Certified Mail, return receipt requested, by facsimile transmission, overnight delivery service or in person.

C. Termination Arrangements:

After receipt of a notice of termination and except as otherwise directed by SPONSOR, FAU shall:

1. Stop work under the Agreement on the date, and to the extent specified in the notice of termination.
2. Place no further orders or Agreements for materials, services, or facilities, except as may be necessary for completion of such portion of work under the Agreement as is not terminated.
3. Terminate all orders and Agreements to the extent that they relate to the performance of work which was terminated.
4. Handle all SPONSOR property as directed by SPONSOR.
5. Prepare all necessary reports and documents required under the terms of the Agreement up to the date of termination.

Regardless of reasons for the termination, Sponsor shall compensate FAU for actual costs incurred up to the time of termination including for all non-cancelable commitments entered into by FAU in furtherance of this Agreement.

XI. MODIFICATION

This Agreement may only be changed or modified by an amendment executed by the Parties in the same fashion as the original.

XII. APPLICABLE LAW

The Parties' rights, obligations and remedies under this Agreement shall be interpreted and governed in all respects by the laws of the State of Florida. The Parties consent to the sole and exclusive jurisdiction of the courts of the State of Florida in connection with any dispute arising out of this Agreement and agree to submit to the personal jurisdiction and venue of a court of subject matter jurisdiction located in Miami-Dade County, State of Florida.

XIII. COMPLETE AGREEMENT

This Agreement is intended as the complete and exclusive statement of the agreement between the Parties. Parole or extrinsic evidence shall not be used to vary or contradict the express terms of this Agreement, and recourse may not be had to alleged dealings, usage of trade, course of dealing, or course of performance to explain or supplement the express terms of this Agreement.

All appendices to this Agreement are incorporated as if set out fully herein. In the event of any inconsistency(ies) or conflict(s) between the language of this Agreement and the

attachments hereto, the language of such attachments shall be controlling but only to the extent of such conflict(s) or inconsistency(ies).

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective duly authorized officers.

**The Florida Atlantic University
Board of Trustees**

City of Miami Beach

Camille E. Colley
Interim Director
Office of Sponsored Programs
Florida Atlantic University
Date: _____

Name: Philip Levine
Title: MAYOR

Date: _____

Name: Rafael Granado
Title: CITY CLERK

Date: _____

Exhibit A – Scope of Service

Project Title: Evaluation of Advanced Traffic Management Systems on SR 112/41st Street

Principal Investigator: Aleksandar Stevanovic, PhD, PE
Florida Atlantic University
Department of Civil, Environmental and Geomatics Engineering
777 Glades Rd. Bldg. #36
Boca Raton, FL 33431
astevano@fau.edu,
Telephone: 561-297-3743,

DOR Contact: Camille E. Coley, J.D.
Associate Vice President for Research
Interim Director, Office of Sponsored Programs
Florida Atlantic University, Division of Research
777 Glades Road, ADM 392
Boca Raton, FL 33431
ccoley@fau.edu
T: 561-297-3461
F: 561-297-2141

Project Manager: Jose R. Gonzalez, P.E.
City of Miami Beach
Transportation Department
1700 Convention Center Drive,
Miami Beach, FL 33139
josegonzalez@miamibeachfl.gov
305-673-7000 Ext. 6768
Cell: (786) 295-6863 /

Background Statement

The City of Miami Beach is pursuing the implementation of various Intelligent Transportation System (ITS) elements south of State Road (S.R.) 112/41st Street. This effort constitutes Phase I of the City's congestion management efforts. One of the key aspects of the initiatives is the proposed implementation of Adaptive Signal Control Technology (ASCT) along various arterial corridors in the City. The City has worked with the Florida Department of Transportation (FDOT) and Miami-Dade County (MDC) to understand future plans and projects addressing signalization and congestion issues along some of these corridors.

In 2014, the City of Miami Beach Commission allocated funding for the implementation of ITS technologies. Since the City is following an accelerated timeline for an expedited implementation, the Micro-Simulation of some of these corridors is being considered to determine the feasibility of the installation of ASCT along a pilot corridor. Since some arterials in the City are under construction, traffic circulation along these corridors and others in the vicinity has been affected, thus making those corridors not optimal for the ASCT Pilot Project.

Given the aforementioned limitations of the network at this point, the City of Miami Beach is pursuing the installation of ASCT along S.R. 112/41st Street between Collins Avenue and Alton Road. At this point the City is considering the implementation of one of two technologies, InSync by Rhythm Engineering or ATMS Adaptive Signal Control Module developed by Kimley-Horn and Associates.

Project Objective(s)

Objectives of the "EATMS on 41st Street" project can be summarized as:

1. Compare two adaptive traffic control logics in simulation environment.
2. Perform a benefit-cost analysis to find optimal solution for the City's traffic signal operations on the corridor in question.

Supporting Tasks and Deliverables

Task 1: Data Collection for the Model Building, Calibration, and Validation

The scope of work for this project does not include Data Collection. The FAU will provide the City of Miami Beach with the scope of work for all data collection necessary for the study. This will include what data need to be collected (e.g. turning movement counts, travel times, etc.) to successfully model three traffic periods: weekday AM and PM peak periods, and a weekend peak period (which will require some preliminary data collection to establish hours of weekend peak). The city will contract a data collection consultant to perform the data collection services.

Deliverable: Scope of work for Data Collection will be delivered to the City within two (2) weeks of the contract execution date.

Task 2: Building, Calibration, and Validation of VISSIM Models

The FAU will be responsible to develop a VISSIM (microsimulation program) model which will truthfully (to the best extent possible) represent the field conditions. Once the model is developed it will be calibrated and validated to match three peak periods: weekday's AM and PM peak periods and a weekend peak period (whenever it occurs during a day). Once the models are calibrated, vendors of the Adaptive Traffic Control logics, in this case Rhythm Engineering and Kimley-Horn and Associates, Inc. will be responsible to develop their logics which will be interfaced with the simulation model.

Deliverable: Calibrated and validated VISSIM models for two peak periods and one weekend period.

Task 3: Evaluation of Adaptive Traffic Control Logics through Micro simulation

The City is pursuing the performance of a Micro-Simulation Model of S.R. 112/41st Street between S.R. A1A/Collins Avenue and Alton Road. The performance of the Micro-Simulation will determine the feasibility of the technologies being considered by the City by providing an analytic review of the results of these technologies when compared to the current operating conditions. Given that the FDOT Approved Product's List (APL) currently has Rhythm Engineering's InSync system as the only ASCT approved by the state, the City seeks to implement the logic and parameters of this system in the Micro-Simulation. In addition to the implementation of Rhythm Engineering's InSync system, the University shall also be responsible for the implementation of Kimley-Horn Integrated Transportation Systems (KITS) Kadence logic.

Some preliminary inquiries are made to describe the technical details of the collaboration and necessary software and hardware requirements. These inquiries led to the conclusions that all of the experiments should be performed under following technical conditions:

- A single laptop computer which will be open for outside communications (e.g. through VPN, remote computing and other external accesses, necessary for the vendors to directly intervene when necessary)
- With VISSIM software running D4 Software-In-the-Loop Simulation (SILS) controllers, which is necessary for implementation of Kadence, while the InSync can also be supported.

More specifically vendors will be responsible for the following things, based on their anticipation of necessary effort and cost proposed in the budget sheet. Execution of the tasks and deliverables will be supervised through subcontracts between the FAU and the vendors.

A. Kimley-Horn will provide the services specifically set forth below:

- Provide standalone version of KADENCE that runs with VISSIM and virtual D4 controller
- Creation of installer for standalone version of Kadence for VISSIM 5.4
- Update of standalone version of Kadence to current version
- Assist FAU staff with configuring virtual D4 controllers and Kadence

Technical Requirements:

From a technical perspective KHA will provide FAU with an installer and help FAU configure KADENCE to run on a computer that also has VISSIM and virtual D4 controller installed. The whole setup would run on one computer or virtual machine. KHA suggests following specs for this machine:

- Quad Core processor (in order to meet CPU demand from VISSIM, Virtual D4 and KADENCE running at the same time)
- 8GB of RAM (in order to meet the memory requirements for all the programs)
- Solid State Drive (for fast access to database and log files)

Deliverables:

1. KADENCE Install Shield installer with KADENCE version 14.10.1.0 that is set up to operate with virtual D4 controller.
2. Up to 30 hours of configuration and tuning support for Virtual D4 and KADENCE.

B. Rhythm Engineering will provide the following services in accordance with our agreed upon scope:

- Rhythm configuration engineers will develop three (3) In|Sync corridor / network configurations for the proposed system that will support the simulation process
- Upon agreement between Rhythm and FAU that stable and calibrated VISSIM models are complete, Rhythm will deliver the three configurations within six (6) weeks to FAU
- Assign a primary engineer to manage Rhythm's assigned tasks as well as those of FAU and the City

Technical Requirements:

- Remote access is required for the installation of the In|Sync software and the In|Sync-to-VISSIM software interface module in addition to the configuration of the In|Sync parameters for the simulated corridor.
- Remote access into the computer running VISSIM may be accomplished in one the following way: Virtual Private Network into the client network and then Remote Desktop Protocol into the VISSIM computer.
- Storage requirements for In|Sync / In|Sync-to-VISSIM interface module: 100 MB storage, 8 MB RAM.

Deliverables:

1. Three InSync configurations for the three peak period traffic conditions.
2. Assignment of a primary engineer to manage Rhythm's assigned tasks.

In addition to the vendors' efforts to interface their Adaptive Traffic Control logics with the simulation, the FAU will:

- Provide a remote connection to the computer(s) running VISSIM. This can be done through a VPN or web-based remote access software.
- Configure detection inputs within VISSIM to provide Adaptive Logic with the representative field data, as necessary.
- Capture, quantify, analyze, and report the simulation results.

Deliverable: The FAU will, with support from the vendors, deliver to the city of Miami Beach:

- *VISSIM Models representing existing conditions (for three peak periods)*
- *InSync Logic Implementations*
- *Kadence KITS Logic Implementations*
- *VISSIM Models with InSync Adaptive Signal Control Technology*
- *VISSIM Models with KITS Kadence Adaptive Signal Control Technology*
- *Report with tabulated and graphed results and conclusions form the comparative analysis.*

Task 3: Benefit-cost Analysis

Based on the results of the Micro-Simulations, the FAU will conduct benefit-costs analysis for the two modeled systems. The benefit-cost analysis will include the implementation costs for both adaptive systems as well as yearly maintenance costs. The methodology for the benefit-cost analysis will be developed in a close collaboration with the City, to ensure that the proposed method is developed according to the City's requirements. The FAU will also conduct a literature review of similar deployment projects of the two Adaptive Traffic Control methods and report results to the City.

Deliverable: The FAU will develop a method to incorporate all noted benefits and costs known for both systems. The FAU will include the results of the Benefit-Cost Analysis as part of the final report.

Meetings

This project requires FAU participation at following anticipated meetings with the City of Miami Beach:

1. Kick-Off Meeting: One (1) meeting is anticipated to discuss methodology and schedule of the study.
2. Interim Progress Report Meeting: Following the completion of the initial phase of this project the City will schedule an Interim Progress Report Meeting to review FAU progress on the project and provide suggestions and comments especially related to the Cost/Benefit analysis.
3. Final Meeting: Following the completion of the Micro-Simulation, the FAU and the City will meet to discuss the results of the study.

Exhibit B – Project Schedule

The project schedule for this project will be 12 months. It is estimated that the notice to proceed NTP might be issued in late January 2015 which will put the end date sometimes in late January of 2016. The following represents a tentative schedule for the project while a detailed schedule will be provided in coordination with the City of Miami Beach.

Tentative Schedule

Date	Activity
<i>Dec 25, 2014</i>	<i>Proposal delivered to the City</i>
<i>Feb 1, 2015</i>	<p><i>Contract signed and the notice to proceed obtained, four tasks to start in parallel:</i></p> <ul style="list-style-type: none"> - <i>Develop plan for field data collection (2 weeks) (Deliverable 1 – Invoice 5%)</i> - <i>Vendors to start building the adaptive logics for the corridor (2 months)</i> - <i>Develop geometry of VISSIM model (2 months)</i>
<i>Feb 15, 2015</i>	<i>Field data collection (by another consultant for data collection services) (4 weeks; this task comes around the peak traffic season which is excellent).</i>
<i>Apr 1, 2015</i>	<p><i>Two tasks to start in parallel:</i></p> <ul style="list-style-type: none"> - <i>Finalization of signal timings with adaptive traffic control logics from two vendors (4 weeks)</i> - <i>Calibration and validation of VISSIM models (10 weeks) (Deliverable 2 (calibrated models) – Invoice 25%)</i>
<i>Jun 15, 2015</i>	<p><i>Two tasks to start in parallel:</i></p> <ul style="list-style-type: none"> - <i>Benefit-cost analysis (8 weeks)</i> - <i>Execution of the simulation scenarios (4 weeks)</i>
<i>Jul 15, 2015</i>	<i>Analysis of the results and simulation outcomes (4 weeks)</i>
<i>Aug 15, 2015</i>	<i>Final meeting with presentation of the results (Deliverable 3 – Invoice 45%)</i>
<i>Sep 15, 2015</i>	<i>Delivery of the interim progress report (including simulation results and benefit-cost analysis) (Deliverable 4 – Invoice 15%)</i>
<i>Nov 15, 2015</i>	<i>Delivery of the draft final report including the literature review on similar previous studies (two months of time given to the city to review report and provide comments/suggestions)</i>
<i>Jan 15, 2016</i>	<i>Delivery of the final report and project closure (Deliverable 4 – Invoice 10%)</i>

Exhibit C – Budget

The cost for the project is \$97,642 with the cost breakout as indicated in the table below.

Budget Category	Budget
Faculty Salaries & Benefits	\$ 11,320
Other Personal Services (Post-docs)	\$ 12,111
Student Salaries	\$ 8,467
<i>Total Salaries & Benefits</i>	\$ 35,068
Expendable Equipment & Supplies	\$ 4,500
Equipment	\$ 0
Subcontractors	\$ 37,400
Travel	\$ 4,400
<i>Total Direct Costs</i>	\$ 81,368
Indirect Costs @ 20%	\$ 16,274
Total Costs	\$ 97,642

The cost breakout by task is provided below.

Task	Budget
Task 1 – Plan for the data collection	\$ 4,882
Task 2 – Building, calibrating, and validating VISSIM models	\$ 24,411
Task 3 – Results of the Micro-simulation Experiments	\$ 43,939
Task 4 – Draft Final Report including Cost/Benefit Analysis	\$ 14,646
Task 4 – Final Report	\$ 9,764
Total Costs	\$ 97,642

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The City Manager To Exercise The Sole Renewal Term Of Six (6) Months, Commencing January 31, 2015 And Ending July 31, 2015, Pursuant To The Agreement Between The City Of Miami Beach And Limousines Of South Florida, Inc., Dated January 31, 2014, For Maintenance And Operations Of A City Of Miami Beach Trolley System For Municipal Circulator Services.

Key Intended Outcome Supported:

Ensure Comprehensive Mobility Addressing All Modes Throughout The City.
 Supporting Data: As recently indicated in the 2014 City of Miami Beach Community Satisfaction Final Report, citywide Traffic Flow, Parking Availability and Road Conditions have been rated as very poor and appear in a down trend. Additionally, according to the same report, 49% of Miami Beach residents would be willing to use local bus circulators as an alternate mode of transportation.

Item Summary/Recommendation:

At the December 11, 2013 City Commission meeting, the Administration was directed to develop a plan to mitigate the financial loss being experienced by business owners on Alton Road and West Avenue due to the Florida Department of Transportation (FDOT) Alton Road reconstruction project. One of the actions identified at the Commission meeting was the immediate implementation of a transit circulator loop along the area bounded by Alton Road, Lincoln Road, West Avenue, and 5th Street. At the January 15, 2014 City Commission meeting, the Administration was granted authority to negotiate with MV Transportation and Transportation America/ Limousines of South Florida, Inc. (LSF) for the provision of such transit circulator service, and further to execute an agreement with any of the (2) two vendors upon successfully completing the negotiations. On January 24, 2014, Mayor Philip Levine, via a formal letter to the Miami-Dade County Mayor, Carlos A. Gimenez, urged Miami-Dade County to approve the aforementioned proposed circulator service on a temporary basis, and as part of a maintenance of traffic (MOT) strategy of the FDOT Alton Road reconstruction project. On January 31, 2014, the City executed an agreement with LSF for the provision of municipal circulator services with trolley vehicles. The trolley service otherwise known as Alton-West Loop began operating on February 3, 2014. On February 14, 2014, Miami-Dade County Mayor, Carlos A. Gimenez, administratively granted a temporary Certificate of Transportation to LSF for the operation of the Alton-West Loop. The certificate was valid for one hundred and twenty (120) days upon issuance. On June 3, 2014, the Board of County Commissioners (BCC) of Miami-Dade County issued a permanent certificate of transportation authorizing LSF to continue providing the circulator service in accordance with the Agreement between LSF and the City dated January 31, 2014 and until the completion of the FDOT Alton Road reconstruction project, noted as July 2015.

The current agreement between the City and LSF (for the Alton-West Loop) is set to terminate on January 31, 2015 and provides for a renewal option of six (6) months, at the City's discretion. The anticipated cost for maintenance and operation (O&M) of the Alton-West Loop during a six (6) month-period will be approximately \$371,000, of which the Administration has budgeted approximately \$125,000 in the FY 2014/15 Transportation Budget (for service through March 31, 2014). Should the City Commission wish to continue the Alton-West Loop through July 31, 2015, the anticipated cost for O&M of the service for an additional four (4) month period (from March 31 through July 31, 2015) will be \$246,000, which will require a budget amendment subject to authorization during FY2014/15 by City Commission.

As of December 19, 2014, the Alton-West Loop had carried nearly 300,000 passengers since its launch on February 3, 2014, with an average monthly ridership of 27,100 passengers or 818 passengers per day (see attached report). Based on observations by City Transportation Department staff, LSF's trolley drivers, and supervisors, the majority of the users of the trolley service are local residents traveling to pharmacies, restaurants, food markets, banks and other local venues.

The FDOT Alton Road reconstruction project, although greatly expedited, is scheduled for final completion in summer 2015, thus the Administration believes and recommends that the Alton-West trolley service continue to enhance mobility in the area for an additional six (6) month term, until the FDOT project is completed.

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation: N/A

Financial Information:

Source of Funds:	Amount	Account
1	\$125,000.00	FY 2014/15: 106-9615-000349 Transportation Fund
2	\$246,000.00	FY 2014/15: Subject to future budget amendment and City Commission authorization during FY2014/15

Financial Impact Summary: Future annual costs subject to annual budget appropriations

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, Ext. 6768

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG	KGB	JLM

T:\AGENDA\2015\January\ Recommendation to Exercise Renewal Option of Alton-West Loop Agreement -Sum



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXERCISE THE SOLE RENEWAL TERM OF SIX (6) MONTHS, COMMENCING JANUARY 31, 2015 AND ENDING JULY 31, 2015, PURSUANT TO THE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND LIMOUSINES OF SOUTH FLORIDA, INC., DATED JANUARY 31, 2014, FOR MAINTENANCE AND OPERATIONS OF A CITY OF MIAMI BEACH TROLLEY SYSTEM FOR MUNICIPAL CIRCULATOR SERVICES.**

FUNDING

The Alton-West Loop is funded through March 31, 2015 from the FY2014/15 Transportation Budget. Should the City Commission wish to continue the Alton-West Trolley service through July 31, 2015, the anticipated cost for maintenance and operation of the service for an additional four (4) month period (from March 31 through July 31, 2015) is \$246,000, which will require a budget amendment subject to authorization during FY2014/15 by City Commission.

ADMINISTRATION RECOMMENDATION

Approve the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure Comprehensive Mobility Addressing All Modes Throughout The City.

BACKGROUND

At the December 11, 2013 City Commission meeting, the Administration was directed to develop a plan to mitigate the financial loss being experienced by business owners on Alton Road and West Avenue due to the Florida Department of Transportation (FDOT) Alton Road reconstruction project. One of the actions identified at the Commission meeting was the immediate implementation of a transit circulator loop along Alton Road and West Avenue in an effort to help mitigate the loss of parking, improve mobility, and promote economic development along the Alton Road and West Avenue corridors.

At the January 15, 2014 City Commission meeting, the Administration was granted authority to waive the bidding process, to negotiate with MV Transportation and Transportation America/ Limousines of South Florida, Inc. (LSF) for the provision of Municipal Circulator Services along the area impacted by the FDOT Alton Road reconstruction project (area bounded by Alton Road, Lincoln Road, West Avenue, and 5th Street), and further to execute an agreement with any of the (2) two vendors upon successfully completing the negotiations.

On January 24, 2014, Mayor Philip Levine, via a formal letter to the Mayor of Miami-Dade County, Carlos A. Gimenez, requested the approval of the aforementioned proposed circulator service along Alton Road and West Avenue from 5th Street in the South to Lincoln Road in the North, on a temporary basis, and as part of a maintenance of traffic strategy of the FDOT Alton Road reconstruction project.

On January 31, 2014, the City executed an agreement with LSF for the provision of municipal circulator services with Trolley vehicles, for a full turn-key rate of \$64.60 per hour during the initial year of the agreement and \$63.65 per hour during the six (6) month renewal term, if exercised by the City. The trolley service otherwise known as Alton-West Loop began operating on February 3, 2014.

On February 14, 2014, Miami-Dade County Mayor, Carlos A. Gimenez, administratively granted a temporary Certificate of Transportation to LSF for operation of municipal circulator services for the City of Miami Beach. The certificate was valid for one hundred and twenty (120) days upon issuance.

On June 3, 2014, the Board of County Commissioners (BCC) of Miami-Dade County issued a permanent certificate of transportation authorizing LSF to provide passenger motor carrier services for the City as provided for in the Agreement between LSF and the City dated January 31, 2014. The approved certificate was set to expire with the completion of the FDOT Alton Road reconstruction project, noted as July 2015.

The agreement between LSF and the City, effective January 31, 2014 is set to terminate January 31, 2015 and provides for a renewal option of six (6) months, at the City's discretion.

ANALYSIS

The anticipated total cost for maintenance and operation of the Alton-West Loop, during a six (6) month-period (renewal option), if approved by City Commission, will be approximately \$371,000, of which the Administration has budgeted approximately \$125,000 in the FY 2014/15 Transportation Budget. The remaining \$246,000 needed to continue services through July 31, 2015 will be subject to an amendment of the Transportation Budget, and City Commission authorization during FY2014/15.

As of December 19, 2014, the Alton-West Loop had carried nearly 300,000 passengers since its launch on February 3, 2014, with an average monthly ridership of 27,100 passengers or 818 passengers per day (see attached report). As a comparison, the average monthly ridership of the South Beach Local, one of the most heavily used circulators in Miami-Dade County, was 101,847 during FY 2013/14. Although the Alton-West Loop ridership is nearly a third of the South Beach Local ridership, it is important to note that the South Beach Local is a sixteen (16) mile service while the Alton-West Loop is only two (2) miles in length connecting significantly fewer points of interests within an active construction zone.

Based on observations by City Transportation Department staff, LSF's trolley drivers, and supervisors, the majority of the users of the trolley service are local residents traveling to pharmacies, restaurants, food markets, banks and other local venues.

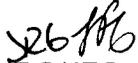
RECOMMENDATION

The FDOT Alton Road reconstruction project, although greatly expedited, is scheduled for final completion in summer 2015, thus the Administration believes that the Alton-West Loop should continue to enhance mobility in the area for an additional six (6) month term, until the FDOT

project is completed.

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, authorize the City Manager to exercise the sole renewal term of six (6) months, commencing January 31, 2015 and ending July 31, 2015, pursuant to the Agreement between the City and LSF, dated January 31, 2014, for Maintenance and Operations of a City of Miami Beach Trolley System for Municipal Circulator Services.

Attachment: Ridership Report

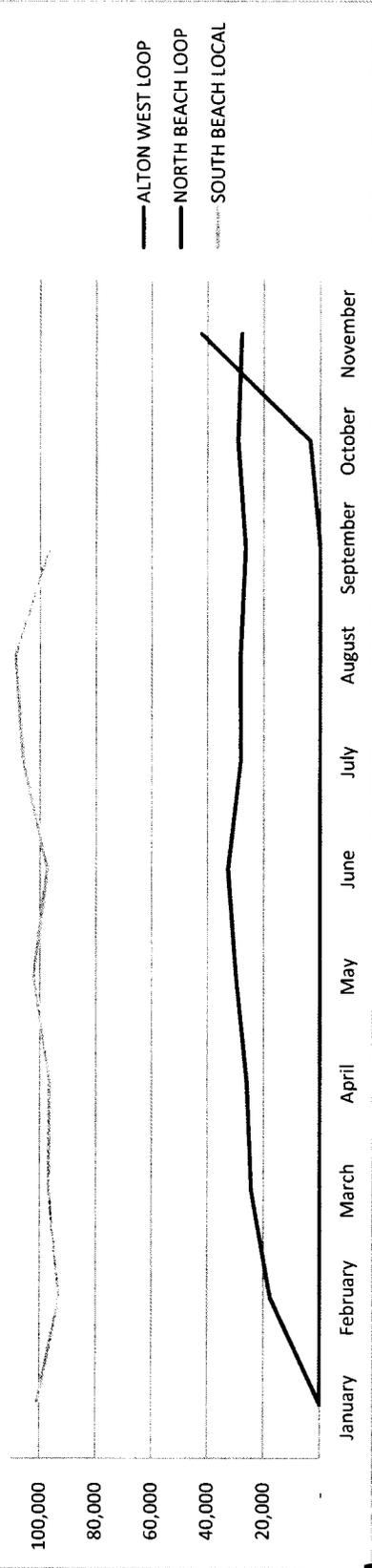

JLM/KGB/JRG/JFG

T:\AGENDA\2015\January\ Recommendation to Exercise Renewal Option of Alton-West Loop Agreement -Memo

MIAMI BEACH CIRCULATORS - Ridership Report

Monthly Ridership													
	January	February	March	April	May	June	July	August	September	October	November	December	Year to date
ALTON WEST LOOP	-	17,623	24,399	25,954	29,984	32,769	28,346	28,323	26,532	29,160	27,912	-	271,002
NORTH BEACH LOOP	-	-	-	-	-	-	-	-	-	3,705	42,551	-	46,256
SOUTH BEACH LOCAL	101,064	92,925	96,812	96,371	102,220	97,250	105,915	108,677	96,357	-	-	-	897,591

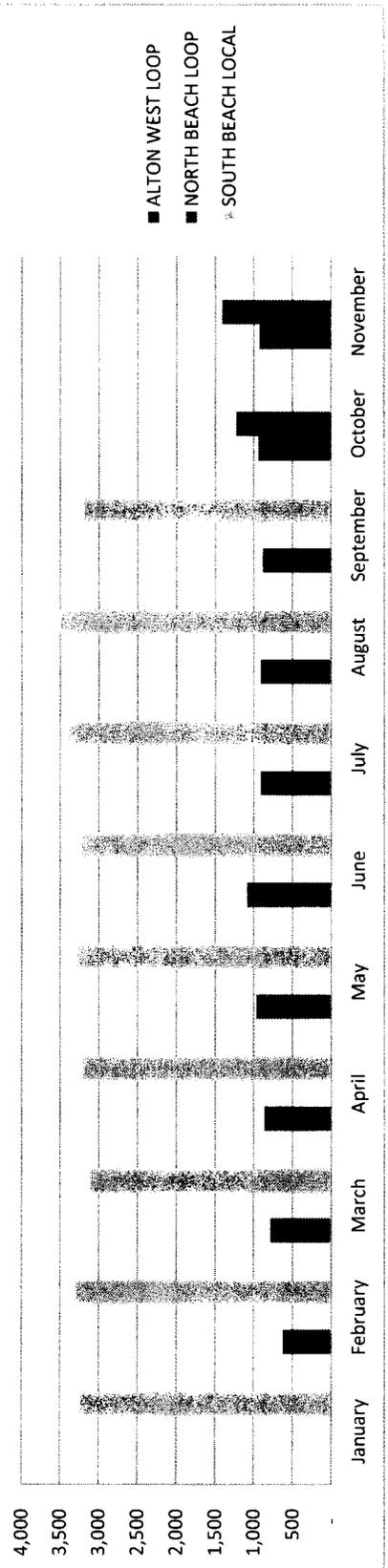
MONTHLY RIDERSHIP (2014)



Daily Ridership (Average)

	January	February	March	April	May	June	July	August	September	October	November	December
ALTON WEST LOOP	-	630	788	866	968	1093	915	914	885	940	931	-
NORTH BEACH LOOP	-	-	-	-	-	-	-	-	-	1235	1418	-
SOUTH BEACH LOCAL	3,261	3,319	3,123	3,213	3,298	3,242	3,417	3,506	3,212	-	-	-

DAILY RIDERSHIP (AVG) 2014



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXERCISE THE SOLE RENEWAL OPTION FOR A TERM OF SIX (6) MONTHS, COMMENCING JANUARY 31, 2015 AND ENDING JULY 31, 2015, PURSUANT TO THE AGREEMENT BETWEEN THE CITY AND LIMOUSINES OF SOUTH FLORIDA, INC., DATED JANUARY 31, 2014, FOR THE MAINTENANCE AND OPERATION OF A CITY OF MIAMI BEACH TROLLEY SYSTEM FOR MUNICIPAL CIRCULATOR SERVICES.

WHEREAS, at the December 11, 2013 City Commission meeting, the Administration was directed to develop a plan to mitigate the financial loss being experienced by business owners on Alton Road and West Avenue due to the Florida Department of Transportation (FDOT) Alton Road reconstruction project; and

WHEREAS, one of the actions identified at the Commission meeting was the immediate implementation of a transit circulator loop along the area bounded by Alton Road, Lincoln Road, West Avenue, and 5th Street in an effort to help mitigate the loss of parking, improve mobility, and promote economic development along the Alton Road and West Avenue corridors; and

WHEREAS, at the January 15, 2014 City Commission meeting, the Administration was granted authority to waive the bidding process, to negotiate with MV Transportation and Transportation America/ Limousines of South Florida, Inc. (LSF) for the provision of Municipal Circulator Services, and to execute an agreement with any of the (2) two vendors upon successfully completing the negotiations; and

WHEREAS, on January 31, 2014, the City executed an agreement ("Agreement") with LSF for the provision of municipal circulator services with trolley vehicles, for an initial one (1) year term, commencing on January 31, 2014 and ending on January 30, 2014, with one (1) renewal option for a term of six (6) months, commencing January 31, 2015 and ending on July 31, 2015, at the City's discretion; and

WHEREAS, initially the circulator service, otherwise known as the Alton-West Loop, operated based on a temporary (120 day) Certificate of Transportation, which was administratively granted on February 14, 2014 by Miami-Dade County Mayor, Carlos A. Gimenez; and

WHEREAS, on June 3, 2014, the Board of County Commissioners of Miami-Dade County (BCC) issued a permanent Certificate of Transportation authorizing LSF to provide passenger motor carrier services for the City as provided for in the Agreement; and

WHEREAS, the BCC approved Certificate of Transportation was set to expire with the completion of the FDOT Alton Road reconstruction project, slated for completion as of July 2015; and

WHEREAS, the Alton-West Loop is funded through March 31, 2015 from the FY2014/15 Transportation Budget; and

WHEREAS, the cost of the maintenance and operation of the Alton-West Loop, during the initial term of the Agreement, is billed at the full turn-key rate of \$64.60 per hour and the cost during the renewal term will be \$63.65 per hour; therefore, the anticipated additional budgetary cost (from March 31 through July 31, 2015) will be \$246,000, requiring the City Commission's approval of an amendment to the FY 2014/15 Transportation Budget; and

WHEREAS, the Agreement provides the City with the right to terminate the Agreement for convenience, upon thirty (30) days notice to LSF, if said budget amendment is not approved by the City Commission; and

WHEREAS, the Administration recommends that the City Commission authorize the City Manager to exercise the sole renewal option under the Agreement, in order to maintain the Alton-West Loop trolley service for the benefit of the community through completion of the FDOT Alton Road reconstruction project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, hereby authorize the City Manager to exercise the sole renewal option for a term of six (6) months, commencing January 31, 2015 and ending July 31, 2015, pursuant to the Agreement between the City and Limousines of South Florida, Inc., dated January 31, 2014, for the maintenance and operation of a City of Miami Beach Trolley System for municipal circulator services.

PASSED AND ADOPTED this _____ day of _____ 2015.

ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. J. [Signature]
City Attorney

1-6-14
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 TO APPROVE THE WORK ORDERS FOR THE MONUMENT ISLAND LIGHTING PROJECT UTILIZING THE COMPETITIVELY BID NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT FOR CONSTRUCTION SERVICES WITH THE GORDIAN GROUP.

Key Intended Outcome Supported:

Maximize Miami Beach as a World Class Destination. Streamline the Delivery of Services through all Departments.

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

Item Summary/Recommendation:

The Administration has identified the Flagler Memorial Island lighting project as a priority project, As such, the Administration is seeking to expedite the supply, and install all necessary labor, materials and transportation for the installation of a solar lighting package on Flagler Memorial Island. The work will consist of the furnishing of all labor, equipment and supplies to: install three (3) solar electric power collector assemblies; remove eight (8) existing lights; install eight (8) new lighting fixtures; install two (2) pole-mounted surveillance cameras; and, install a control & communications system. All work is to be executed in accordance with existing design, plans and technical specifications for this Project.

To expedite priority projects, on April 23, 2014, the City Commission approved a recommendation by the Administration to utilize the indefinite quantity contract (IQC) for construction services awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group to expedite the delivery of construction projects up to \$250,000 or for emergency projects as approved by the City Manager. The IQC process is similar to the JOC process previously used by the City but with tighter controls, including a limit on design, additional competition on certain items and a small project threshold that limits the City's exposure. The IQC process is used extensively by the local, state and federal governmental agencies throughout the United States to expedite the delivery of construction projects. The City, as a governmental agency member, is authorized to utilize the IQC contract for construction services competitively awarded by the National Joint Powers Alliance (NJPA), a public sector cooperative, to the Gordian Group. In an effort to expedite the Flagler Memorial Solar Lighting project, the City Manager recommends that the Mayor and City Commission approve the use of NJPA IQC Contract in an amount not to exceed \$300,000 as outlined in the attached work order.

RECOMMENDATION

The Administration recommends approving the Resolution authorizing the City Manager to approve the work order for the monument island lighting project utilizing the competitively bid National Joint Powers Alliance (NJPA) cooperative contract for construction services with the Gordian Group, for a project total not to exceed \$300,000.

Advisory Board Recommendation:

N/A

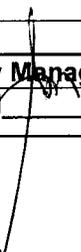
Financial Information:

Source of Funds:	Amount	Account
1	\$37,000	301-2463-069357
2	\$30,000	011-9322-000353
	\$233,000	Subject to approval of 2 nd capital budget amendment FY 2014/15
Total	\$300,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director EC  AD 	Assistant City Manager MT _____	City Manager JLM 
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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, TO APPROVE THE WORK ORDERS FOR THE MONUMENT ISLAND LIGHTING PROJECT UTILIZING THE COMPETITIVELY BID NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT FOR CONSTRUCTION SERVICES WITH THE GORDIAN GROUP.**

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Resolution.

KEY INTENDED OUTCOME

Maximize the Miami Beach brand as a world class destination. Streamline the delivery of services through all departments.

FUNDING

Flagler Memorial Island Solar Lighting - \$300,000.00

BACKGROUND

The Administration has identified the Flagler Memorial Island lighting project as a priority project. As such, the Administration is seeking to expedite the supply, and install all necessary labor, materials and transportation for the installation of a solar lighting package on Flagler Memorial Island. The work will consist of the furnishing of all labor, equipment and supplies to: install three (3) solar electric power collector assemblies; remove eight (8) existing lights; install eight (8) new lighting fixtures; install two (2) pole-mounted surveillance cameras; and, install a control & communications system. All work is to be executed in accordance with existing design, plans and technical specifications for this Project.

To expedite priority projects, on April 23, 2014, the City Commission approved a recommendation by the Administration to utilize the indefinite quantity contract (IQC) for construction services awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group to expedite the delivery of construction projects up to \$250,000 or for emergency projects as approved by the City Manager. The IQC process is similar to the JOC process previously used by the City but with tighter controls, including a limit on design, additional competition on certain items and a small project threshold that limits the City's exposure. The IQC process is used extensively by the local, state and federal governmental agencies throughout the United States to expedite the delivery of construction projects. The City, as a governmental agency member, is authorized to utilize the IQC contract for construction services competitively

awarded by the National Joint Powers Alliance (NJPA), a public sector cooperative, to the Gordian Group. In an effort to expedite the Flagler Memorial Solar Lighting project, the City Manager recommends that the Mayor and City Commission approve the use of NJPA IQC Contract in an amount not to exceed \$300,000 as outlined in the attached work order.

CONCLUSION

The Administration recommends approving the Resolution authorizing the City Manager to approve work orders for the monument island lighting project utilizing the competitively bid National Joint Powers Alliance (NJPA) cooperative contract for construction services with the Gordian Group, for a project total not to exceed \$300,000.

JLM/MT/EC/AD

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Work Order Signature Document

NJPA EZIQC Contract No.: FL-MDCAE04-052014-JPM	
<input checked="" type="checkbox"/> New Work Order	<input type="checkbox"/> Modify an Existing Work Order
Work Order Number: 025982.00	Work Order Date:
Work Order Title: Flagler Memorial Lighting	
Owner Name: <u>City of Miami Beach</u>	Contractor Name: <u>J.P. Moran, Inc.</u>
Contact: <u>Edgar Zapata</u>	Contact: <u>Jim Moran</u>
Phone: <u>786-299-0118</u>	Phone:

Work to be Performed	
Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of NJPA EZIQC Contract No FL-MDCAE04-052014-JPM.	
<u>Brief Work Order Description:</u>	
This proposal includes the cost for Labor, Material, Equipment and transportation for the installation of the Solar Lighting Package at Flagler Island	

Time of Performance	Estimated Start Date: 01/12/2015
	Estimated Completion Date: 04/13/2015

Liquidated Damages	Will apply: <input type="checkbox"/>	Will not apply: <input checked="" type="checkbox"/>
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Work Order Firm Fixed Price: \$299,859.15
Owner Purchase Order Number:

Approvals

	Date	<i>Susan C. Moran</i>	Date
Owner		Contractor <i>President</i>	<i>12/17/2014</i>



Detailed Scope of Work

To: Jim Moran
J.P. Moran, Inc.
13288 SW 120th Street
Miami, FL 33186
No Data Input

From: Edgar Zapata
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139
786-299-0118

Date Printed: December 16, 2014

Work Order Number: 025982.00

Work Order Title: Flagler Memorial Lighting

Brief Scope: This proposal includes the cost for Labor, Material, Equipment and transportation for the installation of the Solar Lighting Package at Flagler Island

[] Preliminary

[X] Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

This proposal is based on Plans and Specification Date 9/2014 9 pages; E-0.0, E-1.0, E-2.0, E-2.1, E-3.0, E-3.1, E-3.2, S-1 and S-2 by Calvin, Giordano & Associates, Inc., Geo Tech Report by Nutting Engineers dated 6/2014 and pre-bid walk through on 11/14/2014 to supply and install all necessary labor, materials and transportation for the installation of a Solar Lighting Package on Flagler Island.

Limitations and Exclusions

The manufacturer will supply JP Moran with 4 hours of training for the purpose of connections and terminations. Service is to include 1 site visit for the purpose of connections verification as well as system start-up. It is to also include 1 day of system set up and night programming.

Should any site visits be required after the initial installation and system start-up The City of Miami Beach will be charged the current rate of \$1200.00 per day by the manufacturer. This rate is only guaranteed for a period of 1 year after that the current daily rate will apply.

The City of Miami Beach is to provide appropriate dock space for transportation to and from the Island during construction.

Susan C. Moran
Contractor President

12/17/2014
Date

Owner

Date

Contractor's Price Proposal - Summary

Date: December 16, 2014

Re: IQC Master Contract #: FL-MDCAE04-052014-JPM
Work Order #: 025982.00
Owner PO #:
Title: Flagler Memorial Lighting
Contractor: J.P. Moran, Inc.
Proposal Value: \$109,137.60

01 - General Requirements	\$114,245.60
02 - Site Work	\$1,299.01
03 - Concrete	\$23,267.94
05 - Metals	\$3,382.13
07 - Thermal & Moisture Protection	\$43.84
08 - Openings	\$1,585.16
09 - Finishes	\$2,815.90
23 - Heating, Ventilating, And Air-Conditioning (HVAC)	\$1,793.21
26 - Electrical	\$130,041.09
27 - Communications	\$9,645.30
28 - Electronic Safety And Security	\$240.98
31 - Earthwork	\$5,578.16
32 - Exterior Improvements	\$1,171.98
33 - Utilities	\$4,748.85
Proposal Total	\$299,859.15

Contractor's Price Proposal - Detail

Date: December 16, 2014

Re: IQC Master Contract #: FL-MDCAE04-052014-JPM
 Work Order #: 025982.00
 Owner PO #:
 Title: Flagler Memorial Lighting
 Contractor: J.P. Moran, Inc.
 Proposal Value: \$109,137.60

Sect.	Item	Modifier	UOM	Description	Line Total																
Labor	Equip.	Material	(Excluded if marked with an X)																		
01 - General Requirements																					
1	01 22 16 00 0002		EA	<p>Reimbursable Fees Reimbursable fees will be paid to the contractor for the actual cost, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0750. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.</p> <table> <tr> <td>Installation</td> <td>Quantity</td> <td></td> <td>Unit Price</td> <td></td> <td>Factor</td> <td>=</td> <td>Total</td> </tr> <tr> <td></td> <td>21,000.00</td> <td>x</td> <td>1.00</td> <td>x</td> <td>1.2081</td> <td>=</td> <td>25,370.10</td> </tr> </table> <p>Task represents cost to transport personnel and small tools to and from the Island on a daily basis. Cost includes Boat, Captain, Insurance and Fuel, City of Miami Beach to provide dock space</p>	Installation	Quantity		Unit Price		Factor	=	Total		21,000.00	x	1.00	x	1.2081	=	25,370.10	\$25,370.10
Installation	Quantity		Unit Price		Factor	=	Total														
	21,000.00	x	1.00	x	1.2081	=	25,370.10														
2	01 22 16 00 0002		EA	<p>Reimbursable Fees Reimbursable fees will be paid to the contractor for the actual cost, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0750. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.</p> <table> <tr> <td>Installation</td> <td>Quantity</td> <td></td> <td>Unit Price</td> <td></td> <td>Factor</td> <td>=</td> <td>Total</td> </tr> <tr> <td></td> <td>3,000.00</td> <td>x</td> <td>1.00</td> <td>x</td> <td>1.0750</td> <td>=</td> <td>3,225.00</td> </tr> </table> <p>Permit Fees. The estimated amount is 1%, actual cost to be determined. City PM to negotiate w/Bldg Dept. to reduce fee as much as possible.</p>	Installation	Quantity		Unit Price		Factor	=	Total		3,000.00	x	1.00	x	1.0750	=	3,225.00	\$3,225.00
Installation	Quantity		Unit Price		Factor	=	Total														
	3,000.00	x	1.00	x	1.0750	=	3,225.00														
3	01 22 16 00 0002		EA	<p>Reimbursable Fees Reimbursable fees will be paid to the contractor for the actual cost, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0750. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.</p> <table> <tr> <td>Installation</td> <td>Quantity</td> <td></td> <td>Unit Price</td> <td></td> <td>Factor</td> <td>=</td> <td>Total</td> </tr> <tr> <td></td> <td>980.00</td> <td>x</td> <td>1.00</td> <td>x</td> <td>1.0000</td> <td>=</td> <td>980.00</td> </tr> </table> <p>Builder Risk Insurance to cover the project materials and equipment contracted through JP Moran, Inc. (This insurance does not cover materials or equipment purchased by owner.)</p>	Installation	Quantity		Unit Price		Factor	=	Total		980.00	x	1.00	x	1.0000	=	980.00	\$980.00
Installation	Quantity		Unit Price		Factor	=	Total														
	980.00	x	1.00	x	1.0000	=	980.00														

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
01 - General Requirements					
4	01 22 16 00 0002		EA	Reimbursable Fees Reimbursable fees will be paid to the contractor for the actual cost, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1,0750. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.	\$6,000.00
			Installation	Quantity 6,000.00 x Unit Price 1.00 x Factor 1,0000 = Total 6,000.00	
				Bond Cost (2% Max). Rough estimate	
5	01 22 20 00 0010		HR	ElectricianTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$628.61
			Installation	Quantity 12.00 x Unit Price 37.06 x Factor 1.4135 = Total 628.61	
				Nighttime Start-up/Test/Adjust/Troubleshoot	
6	01 22 20 00 0010		HR	ElectricianTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$2,417.70
			Installation	Quantity 54.00 x Unit Price 37.06 x Factor 1,2081 = Total 2,417.70	
				Travel time to and from Island.	
7	01 22 20 00 0013		HR	Equipment Operator, Light (Backhoe, Bobcat)Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$815.03
			Installation	Quantity 18.00 x Unit Price 37.48 x Factor 1,2081 = Total 815.03	
				Travel time to and from Island	
8	01 22 20 00 0015		HR	LaborerTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$5,004.43
			Installation	Quantity 180.00 x Unit Price 25.89 x Factor 1,2081 = Total 5,004.43	
				Load and unload barge	
9	01 22 23 00 0263		MO	2,500 LB Capacity, 80" Wide, Tracked Skid-Steer Loader (Bobcat) With Full-Time Operator	\$21,406.52
			Installation	Quantity 2.00 x Unit Price 8,859.58 x Factor 1,2081 = Total 21,406.52	
				Required to move materials, tools and equipment around the island to and from the job site; to lift heavy objects with forklift attachment; to mix concrete w/ mixer attachment; to haul excess material and debris (50% idle time w/o operator).	
10	01 22 23 00 0263 0075		MOD	For Equipment Without Operator, Deduct	-\$7,807.32
			Installation	Quantity 1.00 x Unit Price -6,462.48 x Factor 1,2081 = Total -7,807.32	
				30% idle time	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
01 - General Requirements					
11	01 22 23 00 0289		MO	Forklift Attachment For Skid-Steer Loaders	\$637.01
				Installation	
				Quantity	Unit Price
				2.00 x	263.64 x
				Factor	Total
				1.2081 =	637.01
				Skid-steer / Forklift required to move material from beach to job site.	
12	01 22 23 00 0374		MO	6,000 LB Mini-Excavator With Full-Time Operator (Bobcat 325 Or 328)	\$5,003.88
				Installation	
				Quantity	Unit Price
				2.00 x	2,070.97 x
				Factor	Total
				1.2081 =	5,003.88
				Equipment needed for excavation and back-fill of foundations and trenches for electrical conduits. Rental companies are assessing extra fees for use near salt-water.	
13	01 22 23 00 0385		DAY	1/2 To 5/8 CY. 65 HP, Loader-Backhoe With Standard Bucket And Full-Time Operator	\$2,941.68
				Installation	
				Quantity	Unit Price
				4.00 x	608.74 x
				Factor	Total
				1.2081 =	2,941.68
				Load and unload material and rubbish to and from barge and inland.	
14	01 22 23 00 0634		MO	6.5 KW, 13 HP Gas Powered Generator Set	\$1,960.20
				Installation	
				Quantity	Unit Price
				3.00 x	540.85 x
				Factor	Total
				1.2081 =	1,960.20
15	01 22 23 00 0736		EA	Fuel Reimbursement For Generators Purchases made by the contractor for fuel will be reimbursed to the Contractor at the actual cost of the purchase, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0000. The base cost of the purchase is \$1.00, quantity will adjust cost to actual purchase cost; i.e., quantity of 125 = \$125.00 purchase. If there are multiple purchases, each one shall be listed separately with a comment in the "note" block to identify the purchase.	\$1,147.70
				Installation	
				Quantity	Unit Price
				950.00 x	1.00 x
				Factor	Total
				1.2081 =	1,147.70
				Estimated amount for the sake of calculating the total cost of the project. Actual amount to be determined.	
16	01 22 23 00 0853		DAY	Barge Rental With Mounted Crane And Full-time Operator Including barge.	\$24,435.76
				Installation	
				Quantity	Unit Price
				12.00 x	1,685.55 x
				Factor	Total
				1.2081 =	24,435.76
17	01 22 23 00 1210		DAY	2,000 Gallon Water Truck With Full-Time Operator	\$1,051.48
				Installation	
				Quantity	Unit Price
				1.00 x	870.36 x
				Factor	Total
				1.2081 =	1,051.48
				Necessary to transport water to the barge, load on barge and transport to the island where it will be pumped into storage tanks.	
18	01 22 23 00 1252		MO	500 To 600 Gallon Water Trailer With Pump	\$5,043.04
				Installation	
				Quantity	Unit Price
				4.00 x	1,043.59 x
				Factor	Total
				1.2081 =	5,043.04
				There is no water source on the island. Water will need to be transported in and stored (minimum 1,200 gallons just for concrete mixing).	
19	01 32 33 00 0007		EA	Aerial Photography, 1 Site Within City. 15-20 Photos, 6 Proofs	\$1,702.90
				Installation	
				Quantity	Unit Price
				1.00 x	1,204.74 x
				Factor	Total
				1.4135 =	1,702.90
				Night time trip to Island to photograph finished lighting per project requirements.	
20	01 45 23 00 0005		EA	6" Compaction Curves Soils Test, ASTM D-1557, Field Soils Test	\$645.60
				Installation	
				Quantity	Unit Price
				2.00 x	267.28 x
				Factor	Total
				1.2081 =	645.60
				Ferry technician to and from the island to perform test. Assumes existing material is compactable to spec.	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
01 - General Requirements					
21	01 52 13 00 0025		MO	8' x 8' x 40' Storage Container	\$492.90
				Installation Quantity 3.00 x Unit Price 136.00 x Factor 1.2081 = Total 492.90 Storage for lighting and solar package in addition to misc. equipment.	
22	01 52 19 00 0003		MO	Portable Toilets, Chemical	\$724.86
				Installation Quantity 3.00 x Unit Price 200.00 x Factor 1.2081 = Total 724.86 no facilities on island for use of owner and visiting personnel.	
23	01 66 19 00 0005		CY	Handling Material For Over 125' Per CY Of Material Per 125' For delivery, demo or miscellaneous moving required by owner.	\$739.36
				Installation Quantity 450.00 x Unit Price 1.36 x Factor 1.2081 = Total 739.36 Haul debris, material, etc. between job site and beach for loading on barge.	
24	01 71 13 00 0003		EA	Equipment Delivery, Pickup, Mobilization And Demobilization Using A Tractor Trailer With Up To 53' Bed Includes delivery of equipment, off loading on site, rigging, dismantling, loading and transporting away. For equipment such as bulldozers, motor scrapers, hydraulic excavators, gradalls, road graders, loader-backhoes, heavy duty construction loaders, tractors, pavers, rollers, bridge finishers, straight mast construction forklifts, telescoping boom rough terrain construction forklifts, telescoping and articulating boom manlifts with >40' boom lengths, etc.	\$3,404.92
				Installation Quantity 7.00 x Unit Price 402.63 x Factor 1.2081 = Total 3,404.92 Skid-steer loader & attachments, excavator, 500 gallon water tank trailers.	
25	01 71 13 00 0003		EA	Equipment Delivery, Pickup, Mobilization And Demobilization Using A Tractor Trailer With Up To 53' Bed Includes delivery of equipment, off loading on site, rigging, dismantling, loading and transporting away. For equipment such as bulldozers, motor scrapers, hydraulic excavators, gradalls, road graders, loader-backhoes, heavy duty construction loaders, tractors, pavers, rollers, bridge finishers, straight mast construction forklifts, telescoping boom rough terrain construction forklifts, telescoping and articulating boom manlifts with >40' boom lengths, etc.	\$1,459.25
				Installation Quantity 3.00 x Unit Price 402.63 x Factor 1.2081 = Total 1,459.25 Equipment to be delivered for the use of loading and unloading material and rubbish to and from barge.	
26	01 71 23 16 0003		ACR	Ground Penetrating Radar (GPR) Survey Minimum quantity is 1/2 acre per project.	\$1,347.67
				Installation Quantity 0.25 x Unit Price 4,462.11 x Factor 1.2081 = Total 1,347.67	
27	01 71 23 16 0005		HR	2 Person Survey Crew (Unit Of Measure Is Per Crew Hour Worked) Includes surveyor, rodman, equipment and instruments.	\$1,937.67
				Installation Quantity 10.00 x Unit Price 160.39 x Factor 1.2081 = Total 1,937.67	
28	01 74 19 00 0015		EA	20 CY Dumpster (3 Ton) *Construction Debris* Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$1,529.45
				Installation Quantity 3.00 x Unit Price 422.00 x Factor 1.2081 = Total 1,529.45 Dumpster will be kept on mainland and debris will have to be loaded on barge, transported from island to dock and unloaded/dumped into dumpster on mainland for pick-up by trash hauling company.	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
03 - Concrete					
39	03 21 11 00 0006		TON	Up To #6, Grade 60, Footings And Slabs, Reinforcing Steel	\$3,915.85
				Quantity	Unit Price
				1.75 x	1,852.19 x
				Factor =	Total
				1,2081 =	3,915.85
				Rebar in mat foundation slab per Structural Drawing S-1.	
40	03 21 11 00 0014		TON	Up To #6, Grade 60, Beams, Columns And Walls, Reinforcing Steel	\$1,525.19
				Quantity	Unit Price
				0.67 x	1,884.28 x
				Factor =	Total
				1,2081 =	1,525.19
				Rebar in pedestals per Structural Drawing S-1.	
41	03 31 13 00 0051		CF	Hand Mix And Place Concrete For use where conventional equipment access is limited or when directed by the owner.	\$9,842.69
				Quantity	Unit Price
				675.00 x	12.07 x
				Factor =	Total
				1,2081 =	9,842.69
				The Island is inaccessible to standard concrete trucks/deliveries. On-site mixing of bag mix concrete is required for this isolated location and water will need to be imported. Concrete will be mixed per manufacturer's instructions to attain 3,000 psi compressive strength but may not comply with all specs on the plans calling for "ready mix" concrete. This item includes the 3 foundation/pedestal sets shown on plans.	
42	03 31 13 00 0089		CY	50' Haul, Non Motorized, Concrete Buggy	\$239.42
				Quantity	Unit Price
				27.00 x	7.34 x
				Factor =	Total
				1,2081 =	239.42
43	03 35 16 00 0002		SF	Concrete Floor Finishes, Screed	\$152.22
				Quantity	Unit Price
				420.00 x	0.30 x
				Factor =	Total
				1,2081 =	152.22
				Screed finish only on top surface of mat foundation slab.	
44	03 35 16 00 0006		SF	Concrete Floor Finishes, Steel Trowel	\$274.00
				Quantity	Unit Price
				420.00 x	0.54 x
				Factor =	Total
				1,2081 =	274.00
45	03 62 13 00 0006		SF	2" Deep Nonshrink Nonmetallic Grout, For Grouting Bases	\$766.85
				Quantity	Unit Price
				28.00 x	22.67 x
				Factor =	Total
				1,2081 =	766.85
				Grout pole bases per sheet S-1.	
Subtotal for 03 - Concrete					\$23,267.94

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
05 - Metals					
46	05 05 19 00 0074		EA	3/8" Diameter x 5" Length, 316 Stainless Steel, Wedge Anchor Expansion Bolt	\$185.93
				Quantity	Unit Price
				18.00 x	8.55 x
				Factor =	Total
				1,2081 =	185.93
47	05 73 00 00 0005		LF	Stainless Steel Ornamental Handrail Vertical Square Bars At 6", Shaped Top Rail	\$3,196.20
				Quantity	Unit Price
				18.00 x	146.98 x
				Factor =	Total
				1,2081 =	3,196.20
				Represents 6" x 6" x 1/4" Stainless Steel Angle for battery cabinet mounting.	
Subtotal for 05 - Metals					\$3,382.13

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Subtotal for 01 - General Requirements \$114,245.60

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

02 - Site Work

29	02 41 16 13 0030		CF	Demo Reinforced Concrete Footing	\$328.60
			Installation	Quantity 32.00 x Unit Price 8.50 x Factor 1,2081 = Total 328.60	
				Per Sheet E-2,1 "Modify upper section of concrete pedestal as required for mounting of proposed 'B' fixture (including complete demolition if required)".	
30	02 41 16 13 0060		CF	Demo Concrete Footing For Fence, Gate Or Playground Equipment Post, Etc.Includes excavation.	\$970.41
			Installation	Quantity 135.00 x Unit Price 5.95 x Factor 1,2081 = Total 970.41	

Subtotal for 02 - Site Work \$1,299.01

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

03 - Concrete

31	03 05 00 00 0003		CY	Set Retarding, Type B Concrete Admixture	\$89.70
			Installation	Quantity 33.00 x Unit Price 2.25 x Factor 1,2081 = Total 89.70	
32	03 11 13 00 0005		SF	Mat Foundation Wood Formwork	\$1,144.19
			Installation	Quantity 231.00 x Unit Price 4.10 x Factor 1,2081 = Total 1,144.19	
33	03 11 13 00 0005 0001			For <1,000, Add	\$206.51
			Installation	Quantity 231.00 x Unit Price 0.74 x Factor 1,2081 = Total 206.51	
34	03 11 13 00 0010		LF	>6" To 12" High Slab Edge and Block-Out Wood Formwork	\$52.33
			Installation	Quantity 12.00 x Unit Price 3.61 x Factor 1,2081 = Total 52.33	
35	03 11 13 00 0075		LF	24" Diameter Round Fiber Tube Formwork	\$1,322.14
			Installation	Quantity 60.00 x Unit Price 18,24 x Factor 1,2081 = Total 1,322.14	
				Sonotube forms for Pedestals	
36	03 15 19 00 0066		EA	1-1/4" Diameter x 54" Length, Plain Steel, L-Type Cast In Place Anchor Bolt	\$1,153.83
			Installation	Quantity 28.00 x Unit Price 34,11 x Factor 1,2081 = Total 1,153.83	
				Set Anchor Bolts for aluminum poles.	
37	03 15 19 00 0066 0157			For Stainless Steel, Add	\$2,603.65
			Installation	Quantity 28.00 x Unit Price 76,97 x Factor 1,2081 = Total 2,603.65	
38	03 15 19 00 0066 0158			For >10 To 50, Deduct	-\$20.63
			Installation	Quantity 28.00 x Unit Price -0.61 x Factor 1,2081 = Total -20.63	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total		
Labor	Equip.	Material	(Excluded if marked with an X)				
07 - Thermal & Moisture Protection							
48	07 11 13 00 0009		CSF	2 Coats, Asphaltic Paint Dampproofing, Brushed On	\$43.84		
				Quantity	Unit Price	Factor	Total
				0.40 x	90.72 x	1.2081 =	43.84
				Apply to top of piers per sheet S-1.			

Subtotal for 07 - Thermal & Moisture Protection \$43.84

Sect.	Item	Modifier	UOM	Description	Line Total		
Labor	Equip.	Material	(Excluded if marked with an X)				
08 - Openings							
49	08 12 13 13 0044		EA	4' x 6'-8" Through 7'-2" x 5-3/4" Deep Metal Door Frame, 16 Gauge	\$336.25		
				Quantity	Unit Price	Factor	Total
				1.00 x	236.28 x	1.2081 =	285.45
				1.00 x	42.05 x	1.2081 =	50.80
				Remove and replace door frame on electric room. Removal of plywood door and 2x4 frame.			
50	08 12 13 13 0044 0069			For Auxiliary Frame Reinforcement For Hinges, Add	\$41.37		
				Quantity	Unit Price	Factor	Total
				1.50 x	22.83 x	1.2081 =	41.37
51	08 12 13 13 0044 0074		EA	For Welded Frames, Add	\$54.36		
				Quantity	Unit Price	Factor	Total
				1.00 x	45.00 x	1.2081 =	54.36
52	08 12 13 13 0044 0075			For Galvanized Frames, Add	\$22.06		
				Quantity	Unit Price	Factor	Total
				1.00 x	18.26 x	1.2081 =	22.06
53	08 13 13 13 0060		EA	4' x 6'-8" x 1-3/4" 18 Gauge Metal Door (Unrated)	\$479.99		
				Quantity	Unit Price	Factor	Total
				1.00 x	397.31 x	1.2081 =	479.99
54	08 13 13 13 0060 0095			For 18 Gauge, Grade II, Heavy Duty, Add	\$84.07		
				Quantity	Unit Price	Factor	Total
				1.00 x	69.59 x	1.2081 =	84.07
55	08 13 13 13 0060 0117			For Seamless Edge (Welded), Add	\$52.54		
				Quantity	Unit Price	Factor	Total
				1.00 x	43.49 x	1.2081 =	52.54
56	08 71 16 00 0020		PR	4-1/2" x 4-1/2" Standard Duty, Half Surface, Ball Bearing, Brass/Bronze, Satin Chrome Finish Hinge	\$220.63		
				Quantity	Unit Price	Factor	Total
				1.50 x	121.75 x	1.2081 =	220.63
57	08 71 16 00 0020 0228		PR	For Pair Of Non-Removable Pins, Add	\$10.87		
				Quantity	Unit Price	Factor	Total
				1.50 x	6.00 x	1.2081 =	10.87
58	08 71 16 00 2056		EA	1" Diameter Stainless Steel Offset Door Pulls, 10" Long	\$90.98		
				Quantity	Unit Price	Factor	Total
				1.00 x	75.31 x	1.2081 =	90.98

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
08 - Openings					
59	08 71 16 00 2326		EA	Mortised Deadbolt, Key One Side, Knob One Side ANSI Grade 1, interchangeable cores, all finishes. Case size 4-1/2" x 6" (nominal).	\$192.04
			Installation	Quantity 1.00 x Unit Price 158.96 x Factor 1.2081 = Total 192.04	

Subtotal for 08 - Openings \$1,585.16

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
60	09 91 13 00 0224		LF	Paint Metal Door Frame And Trim, 1 Coat Primer, Brush/Roller Work	\$6.38
			Installation	Quantity 12.00 x Unit Price 0.44 x Factor 1.2081 = Total 6.38	

61	09 91 13 00 0226		LF	Paint Metal Door Frame And Trim, 2 Coats Paint, Brush/Roller Work	\$13.92
			Installation	Quantity 12.00 x Unit Price 0.96 x Factor 1.2081 = Total 13.92	

62	09 91 13 00 0231		EA	Paint Exterior Door, Both Faces, 1 Coat Primer, Brush/Roller Work	\$42.77
			Installation	Quantity 1.00 x Unit Price 35.40 x Factor 1.2081 = Total 42.77	

63	09 91 13 00 0233		EA	Paint Exterior Door, Both Faces, 2 Coats Paint, Brush/Roller Work	\$77.69
			Installation	Quantity 1.00 x Unit Price 64.31 x Factor 1.2081 = Total 77.69	

64	09 91 13 00 0331		LF	Paint Conduit, Steel Pipe 2" To 3-1/2" Diameter, One Coat Primer	\$5.15
			Installation	Quantity 6.00 x Unit Price 0.71 x Factor 1.2081 = Total 5.15	
				Paint existing pipe supports for light fixtures.	

65	09 91 13 00 0341		LF	Paint Conduit, Steel Pipe 2" To 3-1/2" Diameter, Two Coats	\$26.87
			Installation	Quantity 16.00 x Unit Price 1.39 x Factor 1.2081 = Total 26.87	
				Paint existing pipe supports for light fixtures.	

66	09 91 13 00 0381		SF	Paint Gratings And Frames One Coat Primer	\$1,080.52
			Installation	Quantity 688.00 x Unit Price 1.30 x Factor 1.2081 = Total 1,080.52	
				PRIMER COAT... light fixture cages interior and exterior.	

67	09 91 13 00 0383		SF	Paint Gratings And Frames Two Coats Paint	\$1,562.60
			Installation	Quantity 688.00 x Unit Price 1.88 x Factor 1.2081 = Total 1,562.60	
				FINISH COATS - PAINT light fixture cages interior and exterior.	

Subtotal for 09 - Finishes \$2,815.90

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
23 - Heating, Ventilating, And Air-Conditioning (HVAC)					

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total		
Labor	Equip.	Material	(Excluded if marked with an X)				
23 - Heating, Ventilating, And Air-Conditioning (HVAC)							
68	23 09 23 00 0008		HR	EMCS System Controls Training	\$1,793.21		
			Installation	Quantity 16.00 x	Unit Price 92.77 x	Factor 1,2081 =	Total 1,793.21
				Sepeco Technical Training			

Subtotal for 23 - Heating, Ventilating, And Air-Conditioning (HVAC) **\$1,793.21**

Sect.	Item	Modifier	UOM	Description	Line Total		
Labor	Equip.	Material	(Excluded if marked with an X)				
26 - Electrical							
69	26 00 00 000001		ea	Sepeco Electrical Pkg based on design	\$116,072.35		
		NPP	Installation	Quantity 1.00 x	Unit Price 94,100.00 x	Factor 1,2335 =	Total 116,072.35
70	26 05 19 16 0276		MLF	#12 AWG Cable - Type THHN-THWN 600 V Copper, Single Stranded, Placed In Conduit	\$828.08		
			Installation	Quantity 1.93 x	Unit Price 355.15 x	Factor 1,2081 =	Total 828.08
71	26 05 19 16 0279		MLF	#6 AWG Cable - Type THHN-THWN 600 V Copper, Single Stranded, Placed In Conduit	\$92.90		
			Installation	Quantity 0.08 x	Unit Price 1,025.31 x	Factor 1,2081 =	Total 92.90
72	26 05 26 00 0099		EA	5/8" Diameter x 10' Long Copper-Clad Ground Rods	\$412.30		
			Installation	Quantity 6.00 x	Unit Price 56.88 x	Factor 1,2081 =	Total 412.30
73	26 05 26 00 0133		EA	12" x 12" x 12" Polymer Concrete Ground Access Well	\$1,186.64		
			Installation	Quantity 4.00 x	Unit Price 245.56 x	Factor 1,2081 =	Total 1,186.64
74	26 05 26 00 0179		EA	Up To #6 AWG Cadweld Connection For Splice, Lug, Ground Rod, Rebar Or Structural Steel Includes molds, materials and all necessary tools to make connections.	\$600.29		
			Installation	Quantity 9.00 x	Unit Price 55.21 x	Factor 1,2081 =	Total 600.29
75	26 05 29 00 0008		EA	Up To 1' Length x 1-5/8" Wide x 13/16" High, 12 Gauge, Steel Unistrut Channel	\$87.76		
			Installation	Quantity 8.00 x	Unit Price 9.08 x	Factor 1,2081 =	Total 87.76
76	26 05 29 00 0040		EA	1" Diameter, Rigid Steel Conduit Clamp For Unistrut Channel	\$77.32		
			Installation	Quantity 32.00 x	Unit Price 2.00 x	Factor 1,2081 =	Total 77.32
77	26 05 33 13 1875		LF	1" Schedule 40 PVC Conduit With Glued Couplings, Direct Burial	\$2,488.08		
			Installation	Quantity 1,373.00 x	Unit Price 1.50 x	Factor 1,2081 =	Total 2,488.08
78	26 05 33 13 1888		EA	1" Schedule 40 PVC Conduit 90 Degree Elbow, Direct Burial	\$1,291.70		
			Installation	Quantity 88.00 x	Unit Price 12.15 x	Factor 1,2081 =	Total 1,291.70

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifer	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
26 - Electrical					
79	26 05 33 13 1901		EA	1" PVC Conduit Adapter, Direct Burial	\$119.46
			Installation	Quantity 16.00 x Unit Price 6.18 x Factor 1,2081 = Total 119.46	
80	26 05 33 13 1924		EA	1" PVC Conduit Terminal Adapters, Direct Burial	\$583.14
			Installation	Quantity 79.00 x Unit Price 6.11 x Factor 1,2081 = Total 583.14	
81	26 05 33 13 2357		LF	1" Liquid Tight Flex Conduit	\$261.92
			Installation	Quantity 80.00 x Unit Price 2.71 x Factor 1,2081 = Total 261.92	
82	26 05 33 13 2368		EA	1" Straight Liquid Tight Connector	\$182.91
			Installation	Quantity 20.00 x Unit Price 7.57 x Factor 1,2081 = Total 182.91	
83	26 05 33 13 2378		EA	1" 90 Degree Angle Liquid Tight Connector	\$277.62
			Installation	Quantity 20.00 x Unit Price 11.49 x Factor 1,2081 = Total 277.62	
84	26 05 33 16 0175		EA	1". Type FS, Shallow, Single Gang Cast Aluminum BoxOne hub.	\$871.19
			Installation	Quantity 16.00 x Unit Price 45.07 x Factor 1,2081 = Total 871.19	
85	26 05 83 00 0123		EA	3 Port, #14 to 2/0, Push On Gel Stub Splice KitKit contains connector, gel filled cap and cap clamp.	\$1,176.01
			Installation	Quantity 32.00 x Unit Price 30.42 x Factor 1,2081 = Total 1,176.01	
86	26 05 83 00 0124		EA	4 Port, #14 to 2, Gel Tap Splice Kit	\$382.99
			Installation	Quantity 11.00 x Unit Price 28.82 x Factor 1,2081 = Total 382.99	
87	26 27 26 00 0261		EA	Blank Cover, Single Gang, Cast Metallic Weatherproof Cover (Killark® FSBC)	\$178.99
			Installation	Quantity 16.00 x Unit Price 9.26 x Factor 1,2081 = Total 178.99	
88	26 31 00 00 0099		EA	255 Ah, 12 Volt, Sealed Absorbed Glass Mat (AGM) Battery (Concorde PVX-2580T)	\$812.21
		X	Installation	Quantity 18.00 x Unit Price 37.35 x Factor 1,2081 = Total 812.21	
				SP Represent 4500AH of battery capacity	
89	26 31 00 00 0114		EA	31" x 36" x 14" NEMA 3R Aluminum Photovoltaic Battery Enclosure (IronRidge BETSBR827BP)	\$67.92
		X	Installation	Quantity 3.00 x Unit Price 18.74 x Factor 1,2081 = Total 67.92	
				SP	
90	26 56 36 00 0257		EA	200 LEDs, 221 System Watts, Adjustable Arm Mount, Rectangular, LED Flood Light (CREE® BetaLED® Edge® FLD-EDG)	\$611.98
		X	Installation	Quantity 4.00 x Unit Price 126.64 x Factor 1,2081 = Total 611.98	
				SP Represents White Flood Unit	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material		(Excluded if marked with an X)	
26 - Electrical					
91	26 56 36 00 0258		EA	240 LEDs, 264 System Watts, Adjustable Arm Mount, Rectangular, LED Flood Light (CREE® BetaLED® Edge® FLD-EDG)	\$635.46
		X		Installation	
				Quantity	4.00
				Unit Price	131.50
				Factor	1,2081 =
				Total	635.46
				SP Represents RGB Flood Unit.	
92	26 56 43 00 0011		EA	400 Watt Metal Halide 170S Series Lithonia High Performance Flood Light	\$741.87
				Installation	
				Quantity	0.00
				Unit Price	1,178.95
				Factor	1,2081 =
				Total	0.00
				Demolition	
				Quantity	8.00
				Unit Price	76.76
				Factor	1,2081 =
				Total	741.87
Subtotal for 26 - Electrical					\$130,041.09

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material		(Excluded if marked with an X)	
27 - Communications					
93	27 14 13 13 0006		EA	Modular Plug For Non-Shielded Copper Communications Cable Up to 8-position/8-contact non-shielded modular plug for solid or stranded wire. Includes termination.	\$460.04
				Installation	
				Quantity	40.00
				Unit Price	9.52
				Factor	1,2081 =
				Total	460.04
94	27 14 13 13 0006 0030			For >10, Deduct	-\$107.76
				Installation	
				Quantity	40.00
				Unit Price	-2.23
				Factor	1,2081 =
				Total	-107.76
95	27 14 13 13 0010		PR	Certify 1-Pair Of A Copper Communications Cable	\$72.00
				Installation	
				Quantity	20.00
				Unit Price	2.98
				Factor	1,2081 =
				Total	72.00
96	27 14 13 16 0047		MLF	4 Pair #20 AWG, Solid, Low Voltage, Placed In Conduit, Alarm And Communications Cable	\$2,641.08
				Installation	
				Quantity	1.32
				Unit Price	1,656.17
				Factor	1,2081 =
				Total	2,641.08
97	27 14 23 13 0048		EA	1,440 Watt, 120 Volt AC Solar Power Station	\$2,132.74
		X		Installation	
				Quantity	1.00
				Unit Price	1,785.37
				Factor	1,2081 =
				Total	2,132.74
				SP Represents 1 Solar Station	
98	27 14 23 13 0049		EA	2,880 Watt, 120 Volt AC Solar Power Station	\$2,843.67
		X		Installation	
				Quantity	1.00
				Unit Price	2,353.84
				Factor	1,2081 =
				Total	2,843.67
				SP Represents 2 Solar Stations	
99	27 14 33 16 0015		MLF	RG-6A/U Coaxial Distribution Cable. In Conduit	\$1,573.45
				Installation	
				Quantity	0.25
				Unit Price	5,209.67
				Factor	1,2081 =
				Total	1,573.45
100	27 41 16 00 0038		EA	TV Camera Outlet Plug	\$30.08
		X		Installation	
				Quantity	1.00
				Unit Price	24.90
				Factor	1,2081 =
				Total	30.08
				SP	
Subtotal for 27 - Communications					\$9,645.30

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
28 - Electronic Safety And Security					
101	28 23 00 00 0153		EA	Impact-Resistant Camera Dome, 22X High-Resolution Camera LensIncludes variable-speed drive, aluminum upper housing, lower polycarbonate dome and 22X high-resolution color camera/lens, Vicon model SVFT-M22.	\$240.98
		X	Installation	Quantity 1.00 x Unit Price 199.47 x Factor 1,2081 = Total 240.98	
			SP		
Subtotal for 28 - Electronic Safety And Security					\$240.98

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
31 - Earthwork					
102	31 05 16 00 0013		CY	#9 Stone Aggregate Fill (1/4" Clean)	\$48.92
			Installation	Quantity 1.00 x Unit Price 48.92 x Factor 1,2081 = Total 48.92	
			Handhole Gravel		
103	31 05 16 00 0013 0050			For Up To 10, Add	\$14.11
			Installation	Quantity 1.00 x Unit Price 11.68 x Factor 1,2081 = Total 14.11	
104	31 11 00 00 0003		ACR	Clear And Grub Light Stumps Only Up To 6" Diameter	\$434.03
			Installation	Quantity 0.30 x Unit Price 1,197.56 x Factor 1,2081 = Total 434.03	
105	31 11 00 00 0012		ACR	Chipping - Medium Brush	\$506.08
			Installation	Quantity 0.30 x Unit Price 1,386.35 x Factor 1,2081 = Total 506.08	
106	31 11 00 00 0017		CY	Hand Loading Of Cleared And Grubbed Material	\$575.54
			Installation	Quantity 40.00 x Unit Price 11.91 x Factor 1,2081 = Total 575.54	
107	31 13 13 00 0002		EA	Up To 6" Diameter Stump RemovalIncludes excavation necessary to remove stump and loading.	\$144.66
			Installation	Quantity 2.00 x Unit Price 59.87 x Factor 1,2081 = Total 144.66	
108	31 13 13 00 0012		EA	Up To 6" D.B.H. (Diameter At Breast Height) Tree RemovalIncludes cutting up tree, chipping and loading.	\$614.87
			Installation	Quantity 2.00 x Unit Price 254.48 x Factor 1,2081 = Total 614.87	
109	31 23 16 13 0004		CY	12" Wide or Less, Excavation for Trenching by Machine in Loose Rock	\$389.01
			Installation	Quantity 40.00 x Unit Price 8.05 x Factor 1,2081 = Total 389.01	
110	31 23 16 13 0004 0055			For >20 To 50, Add	\$194.75
			Installation	Quantity 40.00 x Unit Price 4.03 x Factor 1,2081 = Total 194.75	
111	31 23 16 13 0008		CY	Excavation For Trenching By Hand In Loose RockIncludes stockpiling excess materials and trimming sides and bottom of trench.	\$325.80
			Installation	Quantity 4.00 x Unit Price 67.42 x Factor 1,2081 = Total 325.80	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
31 - Earthwork					
112	31 23 16 13 0011		CY	Backfilling or Placing Subbase for Trenches with Imported or Stockpiled Materials by Hand	\$39.58
			Installation	Quantity 3.00 x Unit Price 10.92 x Factor 1.2081 = Total 39.58	
113	31 23 16 13 0044		LF	Backfill 6" Wide, 12" Deep Trench, With Compaction	\$125.64
			Installation	Quantity 800.00 x Unit Price 0.13 x Factor 1.2081 = Total 125.64	
114	31 23 16 33 0007		CY	Spreading, Shaping, and Rough Grading Imported or Stockpiled Material for Bulk Excavation by Machine	\$253.02
			Installation	Quantity 77.00 x Unit Price 2.72 x Factor 1.2081 = Total 253.02	
				Spreading and shaping / rough grading of construction area.	
115	31 23 16 36 0010		CY	Excavation For Building Foundations And Other Structures By Hand in Loose Rock	\$1,034.42
			Installation	Quantity 12.70 x Unit Price 67.42 x Factor 1.2081 = Total 1,034.42	
				Excavation of (4) mat foundations.	
116	31 23 16 36 0013		CY	Relocating On Site Excavated Material From Excavation For Building Foundations and Other Structures >300' to 500'	\$122.45
			Installation	Quantity 28.00 x Unit Price 3.62 x Factor 1.2081 = Total 122.45	
				Move excess fill from foundation excavations to another spot on the island and dump in a pile.	
117	31 23 16 36 0013 0016			For >20 To 50, Add	\$92.01
			Installation	Quantity 28.00 x Unit Price 2.72 x Factor 1.2081 = Total 92.01	
118	31 23 16 36 0019		CY	Backfilling Around Building Foundations And Other Structures By Hand	\$271.39
			Installation	Quantity 12.00 x Unit Price 18.72 x Factor 1.2081 = Total 271.39	
				Backfill around (4) mat foundations and (10) pedestals.	
119	31 23 16 36 0021		CY	Compaction Of Fill Or Subbase For Building Foundations and Other Structures by Vibratory Plate, Air Tamper, Etcetera	\$280.13
			Installation	Quantity 62.50 x Unit Price 3.71 x Factor 1.2081 = Total 280.13	
120	31 23 16 36 0021 0021			For >50 To 250, Add	\$111.75
			Installation	Quantity 62.50 x Unit Price 1.48 x Factor 1.2081 = Total 111.75	
Subtotal for 31 - Earthwork					\$5,578.16

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
32 - Exterior Improvements					
121	32 31 13 00 0076		LF	2" Outside Diameter Galvanized Steel Post, 7' To 10' In Length	\$288.98
			Installation	Quantity 0.00 x Unit Price 5.36 x Factor 1.2081 = Total 0.00	
			Demolition	Quantity 260.00 x Unit Price 0.92 x Factor 1.2081 = Total 288.98	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 025982.00
 Work Order Title: Flagler Memorial Lighting

Sect.	Item	Modifier	UOM	Description	Line Total			
Labor	Equip.	Material	(Excluded if marked with an X)					
32 - Exterior Improvements								
122	32 31 13 00	0090	LF	3" Outside Diameter Galvanized Steel Post, 7' To 10' In Length	\$26.10			
				Quantity	Unit Price	Factor	=	Total
			Installation	0.00	x 9.08	x 1.2081	=	0.00
			Demolition	20.00	x 1.08	x 1.2081	=	26.09
123	32 31 13 00	0179	LF	10' Full Height Fabric Chain Link #9 Gauge, 1.2 Oz Coating, 2" Mesh	\$719.30			
				Quantity	Unit Price	Factor	=	Total
			Installation	0.00	x 12.35	x 1.2081	=	0.00
			Demolition	260.00	x 2.29	x 1.2081	=	719.30
124	32 31 13 00	0379	EA	20' Wide x 10' High Double Gate Galvanized Steel Without Barbed Wire	\$74.27			
				Quantity	Unit Price	Factor	=	Total
			Installation	0.00	x 1,566.33	x 1.2081	=	0.00
			Demolition	1.00	x 61.48	x 1.2081	=	74.27
125	32 84 23 00	00247	EA	Spread Spectrum Yagi Antenna (Calsense SR-YAGI)	\$63.33			
				Quantity	Unit Price	Factor	=	Total
		x	Installation	1.00	x 52.42	x 1.2081	=	63.33
			SP					
Subtotal for 32 - Exterior Improvements					\$1,171.98			

Sect.	Item	Modifier	UOM	Description	Line Total			
Labor	Equip.	Material	(Excluded if marked with an X)					
33 - Utilities								
126	33 01 30 51	0281	LF	1" Temporary Service Hose With FittingsIncludes removal after use.	\$177.59			
				Quantity	Unit Price	Factor	=	Total
			Installation	100.00	x 1.47	x 1.2081	=	177.59
				Connect hose for use with temporary water storage containers at the job site.				
127	33 05 16 13	0168	EA	11" x 20", 12" Depth, 22,500 LB Design Load, Gasketed, Open Bottom, Straight Sides, Polymer Concrete Handhole Enclosure	\$2,993.09			
				Quantity	Unit Price	Factor	=	Total
			Installation	12.00	x 206.46	x 1.2081	=	2,993.09
128	33 05 16 13	0370	EA	11" x 18", 15,000 LB Design Load, Heavy Duty, Polymer Concrete Handhole Enclosure Cover With Gasket	\$1,578.17			
				Quantity	Unit Price	Factor	=	Total
			Installation	12.00	x 108.86	x 1.2081	=	1,578.17
Subtotal for 33 - Utilities					\$4,748.85			

Proposal Total \$299,859.15

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

RESOLUTION TO BE SUBMITTED

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C7 - Resolutions

C7M A Resolution Authorizing The City Manager To Waive Work Hour Restrictions, Noise Restrictions, Work Day Restrictions And/Or Other Necessary Actions Related To Flooding Mitigation Projects, Such Waiver To Be Found In The Best Interest Of City Residents.

(Public Works)

(Memorandum to be Submitted in Supplemental)

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R2

COMPETITIVE BID REPORTS

R2 - Competitive Bid Reports

- R2A Request For Approval To Issue An Invitation To Negotiate (ITN) No. 2015-060-WG For Rooftop And Other Facility Leases For Telecommunications Equipment.
(Information Technology/Procurement)
(Memorandum to be Submitted in Supplemental)

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R5
ORDINANCES



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: HONORABLE MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

SECOND READING
PUBLIC HEARING

FROM: ALEKSANDR BOKSNER, FIRST ASSISTANT CITY ATTORNEY *AB*

DATE: JANUARY 14, 2015

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 CREATING ARTICLE XVI THEREOF, TO BE ENTITLED "NUDE DANCE ESTABLISHMENTS," TO PROVIDE REGULATIONS REGARDING IDENTIFICATION REQUIREMENTS FOR ALL WORKERS AND PERFORMERS IN SUCH ESTABLISHMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

The Neighborhood/Community Affairs Committee held a discussion at their November 21, 2014 meeting to discuss an ordinance to address human trafficking that was being sponsored by Commissioner Tobin. The State of Florida has been plagued by incidents of human trafficking, which includes the exploitation of victims that are trafficked for sex or sexual performances, in adult entertainment businesses and establishments.

The Neighborhoods/Community Affairs Committee has recommended that Commissioner Tobin's Ordinance is vital to the protection of the public health, safety and welfare, and was presented to the Mayor and City Commission at their regularly scheduled meeting on December 17, 2014. The Ordinance was passed at First Reading by the Mayor and City Commission, with the understanding that it would be further modified to better protect victims that are trafficked for sex or sexual performances in these adult entertainment businesses and establishments.

This Ordinance will serve to regulate, and protect workers and performers in nude dance establishments, and prohibit the prolific human trafficking problems occurring in the State of Florida and the City of Miami Beach.

AB/sc

Agenda Item RSA
Date 1-14-15

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 CREATING ARTICLE XVI THEREOF, TO BE ENTITLED "NUDE DANCE ESTABLISHMENTS," TO PROVIDE REGULATIONS REGARDING IDENTIFICATION REQUIREMENTS FOR ALL WORKERS AND PERFORMERS IN SUCH ESTABLISHMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, human trafficking involves the commercial exchange and exploitation of humans including forced prostitution and pornography, involuntary labor, servitude and debt bondage; and

WHEREAS, human trafficking is a growing problem in the State of Florida, which has risen to the second most common criminal activity behind the illegal drug trade; and

WHEREAS, Florida has been identified as a hub for human trafficking in the country, and the City has recognized a legitimate governmental interest in protecting victims who have been trafficked for sex or sexual performances; and

WHEREAS, the City deems underage workers and performers in nude dance establishments to be not only illegal, but a threat to the public health, safety, and welfare.

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

SECTION 1. That Chapter 18 of the Code of the City Miami Beach is hereby amended to create Article XVI thereof, to be entitled "Nude Dance Establishments," as follows:

CHAPTER 18

BUSINESSES

* * *

Article XVI. Nude Dance Establishments.

Sec. 18-913. Proof of Identification for Workers and Performers, and Shift Logs Required.

All nude dance establishments, as defined in Section 142-1271 of the City Code, and as such Section may be amended from time to time, must:

1. Require any worker or performer entering the premises will nude dance establishment to provide proof of an original, lawfully issued state or federal photo identification, and one additional form of identification that confirms he or she is:

- (a) 18 years of age or older, or have otherwise reached the age of majority; and

(b) Is either a U.S. Citizen, legal resident, or otherwise legally permitted to be employed within the United States of America.

2. Confirm that the person is working or performing of his or her own accord, and is not being forced or intimidated into working or performing at the nude dance establishment. The confirmation as set forth within this subsection shall be pursuant to, and in compliance with Subsection 4; and

3. Maintain copies of those documents required in subsection 1 and 2 herein, and those documents must at all times be on the premises of the nude dance establishment for the duration the worker or performer is employed, hired or contracted at, or is permitted to work or perform at the nude dance establishment; and

4. Verify the accuracy of those documents required in subsection 1 and 2, and obtain by preparing and retaining a sworn statement by from the owner or manager of the nude dance establishment confirming that the individual performer that she or he is at least 18 years of age, is performing of her or his own accord, and is not being forced or intimidated into performing or working; and

5. Maintain a check in/check out procedure and log whereby the documents referenced in subsection 1 are presented by the worker or performer upon entering the premises nude dance establishment, and the worker or performer logs in upon entering and logs out prior to exiting the nude dance establishment. The log shall indicate:

(a) the name(s) of the manager(s) of the nude dance establishment on duty at the time of the log in and log out;

(b) the worker or performer's actual name; a unique identifier, if any (e.g., employee number or stage name); the job title or role at the nude dance establishment (e.g., performer, employee, server, bartender); the log in and log out times; and

(c) a check box to confirm the manager who confirmed that the identifications referenced in subsection 1 were inspected and verified.

The documents referenced in subsections (1) through (5) must be available for inspection by the City upon demand, and the nude dance establishment shall not refuse access to these documents for inspection by the City. No person shall be allowed to enter or perform at the nude dance establishment or perform who has not been presently verified consistent with those provisions identified within Section 18-913(1) through (5).

Sec. 18-914. Enforcement; penalties.

(a) Civil fine for violators. The following civil fines must be imposed for a violation of Section 18-913:

- (1) First offense within a 12 month period must be a fine of \$5,000.00;
 - (2) Second offense within a ~~12-month~~ 3 year period must be a fine of \$10,000.00;
 - (3) Third offense and subsequent offenses within a ~~12-month~~ 5 year period must be a fine of \$20,000.00.
- (b) Enforcement. The Code Compliance Division or the Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section, and all applicable laws. If an enforcing officer finds a violation of this section, 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.
- (c) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.
- (1) A violator who has been served with a Notice of Violation must elect to either:
 - a. Pay the civil fine in the manner indicated on the Notice of Violation; or
 - b. 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.
 - (2) The procedures for appeal by administrative hearing of the Notice of Violation shall be as set forth in sections 30-72 and 30-73.
 - (3) 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.
 - (4) 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. After two months from the recording of any such lien that remains unpaid, the City may foreclose or otherwise execute upon the lien.
 - (5) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

(6) 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.

(7) The Special Master shall not have discretion to alter the penalties prescribed in Section 18-914.

(c) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Sections 18-914 above, for violations of Section 18-913:

(1) Enhanced Penalties for this Section:

(a) If the offense is a fourth second offense within the preceding 12-month 3 year period of time, in addition to the fine set forth in Section 18-914(a), the property owner, company or business entity must be prohibited from operating the nude dance establishment for a three (3) month period of time.

(b) If the offense is a fifth third offense within six (6) months following the fourth offense, in addition to any fine set forth in Section 18-914(a), the property owner, company or business entity must be prohibited from operating for a six (6) month period of time. The property owner, company or business entity must be deemed a habitual offender, and

(c) The City Manager may suspend or revoke the business tax receipt or the certificate of use issued to such person, company or business entity that have been deemed habitual offenders pursuant to this section for a period of not to exceed one year, or such other period of time acceptable to the City Manager.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2015.

PASSED AND ADOPTED this ____ day of _____, 2015.

ATTEST:

Mayor Philip Levine

Rafael E. Granado, City Clerk

Underscore denotes new language

Red Double Underscore denotes new language between first and second reading

~~Red Single Strike-through~~ denotes stricken language between first and second reading

(Sponsored by Commissioner Ed Tobin)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Handwritten Signature] 1-7-15

City Attorney *AB* Date



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement For The City Center Redevelopment Area. Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVII Thereof, To Be Entitled "Nude Dance Establishments;" To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:05 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property;" By Amending Article IV, Entitled "Uses In Public Rights-Of-Way" By Amending Division 5 Thereof, Entitled "Sidewalk Cafes;" By Amending Subdivision II Thereof, Entitled "Permit;" By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones;" By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:10 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses;" By Amending Article II, Entitled "Public Places;" By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation;" By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Electric Personal Assistive Mobility Devices;" By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:15 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1;" To Establish Parking Requirements For The "CCC Convention Center District;" And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations;" Division 2, "CCC Civic And Convention Center District;" Section 142-365, "Development Regulations And Area Requirements;" To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1;" To Establish Parking Requirements For The "CCC Convention Center District;" And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations;" Division 2, "CCC Civic And Convention Center District;" Section 142-365, "Development Regulations And Area Requirements;" To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations;" Article IV, "Supplementary District Regulations;" Division 3, "Supplementary Use Regulations;" To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum – Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

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SECOND READING AND PUBLIC HEARING

Condensed Title:

An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property", By Amending Article Iv, Entitled "Uses In Public Rights-Of-Way", By Amending Division 5 Thereof, Entitled "Sidewalk Cafes", By Amending Section 82-387, Entitled "Prohibited "No Table" Zones" By Correcting Scrivener's Errors in Subsection (A) And Adding A New Subsection (B) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

Build and Maintain Priority Infrastructure with Full Accountability.

Supporting Data (Surveys, Environmental Scan, etc.): Based on the 2014 community survey 36% of residents were willing to reduce on-street parking for wider sidewalks.

Item Summary/Recommendation:

On July 23, 2014, the City Commission adopted Resolution No. 2014-28673 approving and authorizing the City, after a duly noticed public hearing, to enter into a Development Agreement with Jameck Development, Inc. (Jameck or Developer) for the design, development, and construction of certain streetscape improvement in the City's right of way, at the portion of Euclid Avenue between Lincoln Road and Lincoln Lane South. The City is the owner of land located on Euclid Avenue, between Lincoln Road and Lincoln Lane South and Lincoln Center Associates, LLC, a Florida limited liability company (Lincoln Center) is an affiliate of Developer and is the owner of certain land adjacent to the Project Site, on which a parking lot is located (the Lincoln Center Parking Lot).

In accordance with the requirements of the Florida Local Government Development Act, Section 163.3220, et. seq., Florida Statutes, the Notice of Intent to Consider the Development Agreement was advertised and noticed to be considered at the next two ensuing City Commission meetings, with the First Reading on June 11, 2014 and the Second Reading on July 23, 2014. On June 11, 2014, the Mayor and City Commission approved the Development Agreement, subject to the following conditions:

1. The requirement that the existing commercial loading zone be moved off-street and to Lincoln Lane South; and
2. The prohibition of sidewalk café tables and chairs ("No Table Zone"), as well as other sidewalk café equipment or furnishings, at the Project Site; and

The Administration modified the Development Agreement to incorporate the conditions required by the City Commission at its June 11, 2014 meeting and the City Commission, on second reading and public hearing, approved the Development Agreement at the July 23, 2014 meeting. Following City Commission direction, the attached proposed Sidewalk Café Ordinance amending prohibiting sidewalk cafés at the Project Site was drafted and is presented for consideration. The item was approved on first reading at the December 17, 2014 City Commission meeting, with the exception of a minor amendment since the first reading, indicated in the Ordinance by a double strikethrough.

The Administration recommends approval of the Ordinance on second reading and public hearing. This item is sponsored by Commissioner Michael Grieco.

Advisory Board Recommendation:

N/A

Financial Information:

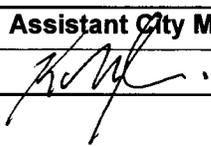
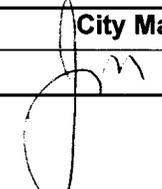
Source of Funds:	Amount	Account
OBPI	1	
	Total	

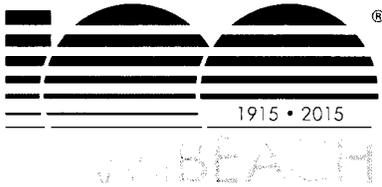
Financial Impact Summary: In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at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

City Clerk's Office Legislative Tracking:

Max Sklar, Tourism, Culture, and Economic Development Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SECOND READING AND PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY", BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY", BY AMENDING DIVISION 5 THEREOF, ENTITLED "SIDEWALK CAFES", BY AMENDING SUBDIVISION II THEREOF, ENTITLED "PERMIT", BY AMENDING SECTION 82-387 THEREOF, ENTITLED "PROHIBITED "NO TABLE" ZONES", BY CORRECTING SCRIVENER'S ERRORS IN SUBSECTION (A) AND ADDING A NEW SUBSECTION (B) PROHIBITING SIDEWALK CAFÉ OPERATIONS/PERMITTEES WITHIN THE CITY'S RIGHT-OF-WAY ON EUCLID AVENUE BETWEEN LINCOLN ROAD AND LINCOLN LANE SOUTH; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on second reading and public hearing.

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.

BACKGROUND

On July 23, 2014, the City Commission adopted Resolution No. 2014-28673 approving and authorizing the City, after a duly noticed public hearing, to enter into a Development Agreement with Jameck Development, Inc. (Jameck or Developer) for the design, development, and construction of certain streetscape improvement in the City's right of way, at the portion of Euclid Avenue between Lincoln Road and Lincoln Lane South. The City is the owner of land located on Euclid Avenue, between Lincoln Road and Lincoln Lane South and Lincoln Center Associates, LLC, a Florida limited liability company (Lincoln Center) is an affiliate of Developer and is the owner of certain land adjacent to the Project Site, on which a parking lot is located (the Lincoln Center Parking Lot).

On May 13, 2013, the Finance and Citywide Projects Committee of the City recommended the approval of the Developer's conceptual plan for the closure of a portion of Euclid Avenue, between Lincoln Road and Lincoln Lane South, to vehicular

traffic, as part of the extension of the Lincoln Road pedestrian mall; the removal of the disconnect vault and its relocation to Lincoln Center Parking Lot; and the construction of streetscape improvements in the City's right-of-way located in the Project Site (the Conceptual Plan); and further requested a Letter to Commission, in connection with the item's consideration at the June 5, 2013 City Commission meeting. On June 5, 2013, the Mayor and City Commission adopted Resolution No. 2013-28236, approving the Conceptual Plan and authorized the City Manager to enter into negotiations with Developer to design and build the Project.

On October 8, 2013, the City's Historic Preservation Board (HPB), pursuant to an order under HPB File No. 7385, issued a Certificate of Appropriateness granting approval of streetscape improvements in the City's right of way including, but not limited to, the removal of the disconnect vault and landscape; the installation of new hardscape, landscape and street lighting; and the closure of a portion of Euclid Avenue to vehicular traffic, as part of an extension of the pedestrian mall. Subsequently, the City and Developer negotiated a Development Agreement for the proposed Project, having an estimated cost of \$618,000, of which \$485,821 shall be funded by the City, from available City Center Redevelopment Area funds, with the balance of the Project costs to be funded by Developer.

In accordance with the requirements of the Florida Local Government Development Act, Section 163.3220, et. seq., Florida Statutes, the Notice of Intent to Consider the Development Agreement was advertised and noticed to be considered at the next two ensuing City Commission meetings, with the First Reading on June 11, 2014 and the Second Reading on July 23, 2014. On June 11, 2014, the Mayor and City Commission approved the Development Agreement, subject to the following conditions:

1. The requirement that the existing commercial loading zone be moved off-street and to Lincoln Lane South; and
2. The prohibition of sidewalk café tables and chairs ("No Table Zone"), as well as other sidewalk café equipment or furnishings, at the Project Site; and

The Administration modified the Development Agreement to incorporate the conditions required by the City Commission at its June 11, 2014 meeting and the City Commission, on second reading and public hearing, approved the Development Agreement at the July 23, 2014 meeting.

Following City Commission direction, the attached proposed Sidewalk Café Ordinance amendment prohibiting personalty or equipment relating to the operation of a restaurant, including without limitation, sidewalk cafés, back-of-house operation, or any other similar items at the Project Site was drafted and is presented for consideration. The attached Ordinance was approved by the City Commission on first reading at the December 17, 2014 meeting, with the exception of the removal of the language indicated by a double strikethrough, which was removed since the first reading.

CONCLUSION

The Administration recommends approval of the Ordinance on second reading and public hearing.

JLM/KGB/MAS

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY", BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY", BY AMENDING DIVISION 5 THEREOF, ENTITLED "SIDEWALK CAFES", BY AMENDING SUBDIVISION II THEREOF, ENTITLED "PERMIT", BY AMENDING SECTION 82-387 THEREOF, ENTITLED "PROHIBITED "NO TABLE" ZONES", BY CORRECTING SCRIVENER'S ERRORS IN SUBSECTION (A) AND ADDING A NEW SUBSECTION (B) PROHIBITING SIDEWALK CAFÉ OPERATIONS/PERMITTEES WITHIN THE CITY'S RIGHT-OF-WAY ON EUCLID AVENUE BETWEEN LINCOLN ROAD AND LINCOLN LANE SOUTH; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

SECTION 1. That Subdivision II of Division 5 of Article IV of Chapter 82 of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE IV. Uses in Public Rights-of-Way

* * *

DIVISION 5. Sidewalk Cafes

* * *

SUBDIVISION II. Permit

* * *

Sec. 82-387. Prohibited "no table" zones.

(a) There shall be no sidewalk cafes permitted and/or placed within a section of the 1100 block of Lincoln Road Mall, between Lenox Avenue and Alton Road; said section as more specifically defined by the following description:

Land Description:

A portion of Lincoln Road lying between Alton Road and Lenox Avenue, as shown on "Commercial Subdivision," according to the plat thereof, as recorded in Plat Book 6, at Page 5 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the southwest corner of Lot 6, Block 39 of said "Commercial Subdivision;" thence south 89°08'55" west along the south line of Block 39 of said "Commercial Subdivision," a distance of 11.20 feet; thence south 00°51'05" east, a distance of 25.00 feet to the point of beginning; thence continue south 00°51'05" east, a distance of 50.00 feet; thence south 89°08'55" west along a line 25.00 feet north and parallel with the south right-of-way line of said Lincoln Road, a distance of 190.08 feet; thence north 00°51'05" west, a distance of 50.00 feet; thence north 89°08'55" east along a line 25.00 feet south and parallel with the north right-of-way line of said Lincoln Road, a distance of 190.08 feet to the point of beginning.

Said land situate, lying and being in the City of Miami Beach, Miami-Dade County, Florida; containing 9,504 square feet, more or less.

(b) There shall be no personalty or equipment relating to the operation of a restaurant, including, without limitation, sidewalk cafés, sidewalk café furniture, garbage receptacles, storage containers, back-of-house operation, equipment or supplies, or any other similar item permitted and/or placed within a section of the improved section of Euclid Avenue, between Lincoln Road and Lincoln Lane South, which section is more particularly described, as follows:

Land Description:

A portion of Euclid Avenue Right-of-Way as shown on the plat of "SECOND COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY", according to the plat thereof, as recorded in Plat Book 6, at Page 33, and the plat of "LINCOLN SUBDIVISION", according to the plat thereof, as recorded in Plat Book 9, at Page 69, both recorded in the Public Records of Miami-Dade County, Florida; bounded on the North by the extension of the South Right of Way Line of Lincoln Road; bounded on the South by the extension of the North Right-of-Way Line of Lincoln Lane South; bounded on the East by the East Right-of-Way line of Euclid Avenue and bounded on the West by the West Right-of-Way Line of Euclid Avenue, less the Northerly 30 feet.

Said land situate, lying and being in the City of Miami Beach, Miami-Dade County, Florida; containing 8,400 square feet, more or less.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith 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 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 the ____ day of _____, 2015.

PASSED and ADOPTED this ____ day of _____, 2015.

ATTEST:

PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Michael Grieco)

Underline denotes additions

~~Strikethrough~~ denotes deletions

~~Double Strikethrough~~ denotes deletions since the First Reading

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Rafael
City Attorney *RA*

1-6-14
Date



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting The First Amendment To The Fiscal Year 2014/15 Operating Budget For The City Center Redevelopment Area. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:05 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVII Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:10 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way" By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones," By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:15 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:20 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District," And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

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Condensed Title:

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 Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities of Persons and Business Entities Providing Rentals, Leases And/Or Tours Of Electric Personal Assistive Mobility Devices." By Amending the Responsibilities Set Forth Therein To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported: Enhance Pedestrian Safety Universally.

Supporting Data (Surveys, Environmental Scan, etc.): According to the 2014 Miami Beach Community Satisfaction Survey Final Report, about 4 out of 10 residents (39%) claimed they would ride bicycles; this is considerably lower than the percentage in 2012 (48%).

Item Summary/Recommendation:

At its October 24, 2012 meeting, the City Commission passed and adopted Ordinance No. 2012-3780 and Resolution No. 2012-28041 which provided various regulations concerning electric personal assistive mobility devices (also known as Segways or EPAMDs). The Ordinance amended Chapter 70, Article II, Division 2 of the City Code, and in particular, Sections 70-66, 70-67, 70-68, 70-69, 70-70, and Section 70-71. The Ordinance restricted the speed of EPAMDs to eight (8) MPH on all sidewalks, sidewalk areas, and bicycle paths, and prohibited the operation of EPAMDs on interior pathways within South Pointe Park and Collins Park and on the sidewalk on the west side of Ocean Drive between South Pointe Drive and 15th St. Pre-existing City Code provisions prohibited motorized means of transportation, except for wheelchairs or other motorized devices when used by disabled persons, in, on, or upon any portion of Lincoln Road Mall from the west sidewalk of Washington Avenue to the east sidewalk of Alton Road.

In addition to City Code regulations contained in Chapter 70 and in the City's Administration Rules, Section 82-438 of the City Code prohibits wheeled conveyances on the wooden elevated Boardwalk, between 24th and 45th Streets, except when required by disabled persons, strollers, or as required by fire, police, ocean rescue, or other city employees and agents as may be authorized by the City Manager. Pursuant to Ordinance No. 2014-3862 on May 21, 2014, the regulations in Section 70-67 were amended to prohibit motorized means of transportation in the following additional areas: A) The Beachwalk between 15th and 23rd Streets and between 64th and 79th Streets, B) The Beachwalk south of 5th St., C) Lummus Park Promenade between 5th and 15th Streets; D) The sidewalks on the east side Of Ocean Drive between South Pointe Drive and 15th Street; E) The South Pointe Park Cutwalk adjacent and parallel to Government Cut; F) The Marina Baywalk adjacent and parallel to Biscayne Bay and South of 5th St.

On June 11, 2014, Ordinance No. 2014-3881 was adopted that prohibited the operation of bicycles on Lincoln Road between 9:00 am and 2:00 am. Ordinance 2014-3881 also revised the definitions in Division 2 of Article II of Chapter 70 of the City Code to define "motorized means of transportation" to include "electric personal assistive mobility devices" and all other devices and means of transportation propelled by other than human power, such as motorized skateboards and skates, but not those devices defined as a "vehicle" under state law.

To address additional safety concerns and accidents already experienced in the City, Ordinance No. 2014-3883 was adopted on July 23, 2014 to further amend the provisions in Chapter 70 by incorporating the Administrative Rules into the City Code and adding stricter penalties for insurance violations for business entities providing rentals, leases, and/or tours. At the July 23, 2014 City Commission meeting, the Commission referred the matter of EPAMDs and motorized means of transportation to the Neighborhood/Community Affairs Committee (NCAC) for further amendments and to bring an Ordinance back to the City Commission in October.

Pursuant to the above direction, an Ordinance was presented to the City Commission on October 22, 2014 and the NCAC on October 31, 2014. Subsequent to the City Commission meeting on October 22, 2014 and during the NCAC meeting on October 31, 2014, additional modifications to the Ordinance were discussed and recommended by the NCAC. Those modifications have been incorporated as part of the Ordinance. Additionally, several amendments which had been included in First Reading were removed at the request of the Ordinance sponsor, Commissioner Jonah Wolfson. The removal of these items were not included in the NCAC agenda of October 31, 2014 and were not discussed at the committee meeting but were included in the red-line handout at that NCAC meeting.

At the November 19, 2014 City Commission meeting, Ordinance No. 2014-3908 was adopted, as amended on the floor, to include roller skating and in-line skating as prohibited activities on Lincoln Road. At the same Commission meeting, the Commission requested the Administration to bring back a proposed new Ordinance to the December 17, 2014 Commission meeting. The new Ordinance would address amendments to Section 70-70 to provide responsibilities for businesses and persons that rent or lease other types of motorized means of transportation, such as motorized skateboards. Currently, the regulations in Section 70-70 only apply to businesses or persons that rent or lease electric personal assistive mobility devices. In the interest of public safety and following up on the request from the Commission at the November 19, 2014 meeting, the Administration is recommending the additional safety regulations and housekeeping amendments in the proposed Ordinance. This Ordinance is sponsored by Commissioner Jonah Wolfson. This Ordinance was adopted on First Reading on December 17, 2014.

Advisory Board Recommendation:

This item was presented to the NCAC for discussion on October 31, 2014. The NCAC approved the proposed ordinance with recommendations for additional amendments.

Financial Information:

Source of Funds:	Amount	Account
OBPI	1	
	Total	

Financial Impact Summary: None.

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E. X6768

Department Director	Assistant City Manager	City Manager
JRG <i>JRG</i>	KGB _____	JLM <i>JLM</i>





MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SECOND READING/PUBLIC HEARING

SUBJECT: **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 AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, AND MOTORIZED MEANS OF TRANSPORTATION," BY AMENDING SECTION 70-70, ENTITLED "RESPONSIBILITIES OF PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS, LEASES AND/OR TOURS OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES," BY AMENDING THE RESPONSIBILITIES SET FORTH THEREIN TO INCLUDE PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS, LEASES, AND/OR TOURS OF OTHER MOTORIZED MEANS OF TRANSPORTATION, AND CORRECTING SCRIVENER'S ERRORS THEREIN; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

This Ordinance is sponsored by Commissioner Jonah Wolfson.

ADMINISTRATION RECOMMENDATION

This Ordinance was adopted on First Reading on December 17, 2014. The Administration recommends that this Ordinance be adopted on Second Reading/Public Hearing.

FINANCIAL IMPACT

Charter section 5.02 requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions." Staff has determined that there will not be a fiscal impact on the City's budget by enacting the proposed ordinance. The implementation of the proposed Ordinance would not require additional staffing. Enforcement of the proposed Ordinance would be achieved through the Code Compliance and Police Departments utilizing existing resources.

BACKGROUND

In 2007, pursuant to Resolution No. 2007-26695, the City of Miami Beach (City) adopted the Atlantic Greenway Network (AGN) master plan to create a safer environment for pedestrians and bicyclists. The AGN proposed a comprehensive network of pedestrian and bicycle facilities that provide direct access to important destinations within the City, linking residential neighborhoods, commercial centers, and parks. The Beachwalk and Baywalk are major components of the AGN system and facilitate the use of alternative and sustainable forms of transportation throughout the City.

The dense urban environment of Miami Beach leads to a high percentage of users competing for public space, including pedestrian pathways and sidewalks. Recently, the use has increased with Electric Personal Assistive Mobility Devices (also known as Segways or “EPAMDs”) along the City’s Beachwalk, sidewalks, and rights-of-way. Complaints with regard to EPAMD use in the City have ranged from the speed at which the users pass pedestrians, often without any warning to the pedestrian; careless and reckless behavior by the users causing congestion and fear of injury on heavily traveled pedestrian walkways; and collisions with pedestrians causing personal injuries. In addition to persons operating EPAMDs, persons that utilize other motorized means of transportation, as defined in the City Code, such as motorized skateboards, also pose a safety threat to pedestrians and others who utilize the City’s sidewalks and pedestrian ways.

HISTORY REGARDING REGULATIONS

Ordinance No. 2012-3750 and Resolution No. 2012-28041

At its October 24, 2012 meeting, the City Commission passed and adopted Ordinance No. 2012-3780 and Resolution No. 2012-28041 which provided various regulations concerning EPAMDs. The Ordinance amended Chapter 70, Article II, Division 2 of the City Code, and in particular, Sections 70-66, 70-67, 70-68, 70-69, 70-70, and Section 70-71. The Ordinance restricted the speed of EPAMDs to eight (8) MPH on all sidewalks, sidewalk areas, and bicycle paths, and prohibited the operation of EPAMDs on interior pathways within South Pointe Park and Collins Park and on the sidewalk on the west side of Ocean Drive between South Pointe Drive and 15th Street. Pre-existing City Code provisions prohibited motorized means of transportation, except for wheelchairs or other motorized devices when used by disabled persons, in, on, or upon any portion of Lincoln Road Mall from the west sidewalk of Washington Avenue to the east sidewalk of Alton Road.

Resolution No. 2012-28041 set forth Administrative Rules to address EPAMDs. The Administrative Rules provided regulations, in addition to those set forth in City Code, for the safe operation of electric personal assistive mobility devices within the City and set forth various responsibilities for a) persons and business entities providing rentals, leases, and/or tours of EPAMDs, and b) operators of EPAMDs.

In addition to City Code regulations contained in Chapter 70 and in the City’s Administrative Rules, Section 82-438 of the City Code prohibits wheeled conveyances on the wooden elevated Boardwalk, between 24th and 45th Streets, except when required by disabled persons, strollers, or as required by fire, police, ocean rescue, or other city employees and agents as may be authorized by the City Manager.

Ordinance No. 2014-3862

Pursuant to Ordinance No. 2014-3862 passed and adopted by the City Commission on May 21, 2014, the regulations in Section 70-67 were amended to prohibit motorized means of transportation in the following additional areas:

- Beachwalk between 15th and 23rd Streets
- Beachwalk between 64th and 79th Streets
- Beachwalk south of 5th Street
- Lummus Park Promenade (also known as the Lummus Park Serpentine Walkway) between 5th and 15th Streets
- Sidewalks on the east side of Ocean Drive between South Pointe Drive and 15th Street
- South Pointe Park cutwalk adjacent and parallel to Government Cut
- Marina Baywalk adjacent and parallel to Biscayne Bay and South of 5th Street

Attached herein is a map depicting the City's coastal pathways, both existing and planned, where motorized means of transportation are prohibited by the City Code and by US Code provisions applicable to federally funded segments of the Beachwalk.

Ordinance No. 2014-3881

On June 11, 2014, Ordinance No. 2014-3881 was adopted that prohibited the operation of bicycles on Lincoln Road between 9:00 am and 2:00 am. Ordinance No. 2014-3881 also revised the definitions in Division 2 of Article II of Chapter 70 of the City Code to define "motorized means of transportation" to include "electric personal assistive mobility devices" and all other devices and means of transportation propelled by other than human power, such as motorized skateboards and skates, but not those devices defined as a "vehicle" under state law. Those devices defined as a "vehicle" under state law, such as mopeds, motorized scooters, and motorized bicycles, are already prohibited on bicycle paths, sidewalks, and sidewalk areas and are enforced by the City's Police Department as moving violations under Section 316.1995 of the Florida Statutes.

Ordinance No. 2014-3883

To address additional safety concerns and accidents already experienced in the City, Ordinance No. 2014-3883 was adopted on July 23, 2014 to further amend the provisions in Chapter 70 by incorporating the Administrative Rules into the City Code (Resolution No. 2012-28041 was, thus, subsequently repealed by Resolution No. 2014-28854) and adding stricter penalties for insurance violations for business entities providing rentals, leases, and/or tours of EPAMDs. These additional provisions continued to address the safety concerns resulting from the accidents and collisions between motorized means of transportation and pedestrians that have occurred on the City's sidewalks, bicycles paths, and pedestrian ways. In addition, events held during high impact periods can increase pedestrian traffic by the thousands, and it is unsafe for any vehicle or motorized means of transportation to operate on streets closed by the Police Department for such events as those streets are then utilized by dense pedestrian traffic. Thus, a provision was added to prohibit motorized means of transportation on any street or road closed to motor vehicular traffic by the Police Department for events during high impact periods.

At the July 23, 2014 City Commission meeting, during the second reading of Ordinance No. 2014-3883, City Commission referred resident suggestions for further amendments to Chapter 70 to the Neighborhood/Community Affairs Committee (NCAC) and to bring an Ordinance back to the City Commission in October.

At the July 25, 2014 NCAC meeting, suggestions for further amendments, proffered by residents in attendance, were discussed. The NCAC passed a motion directing the Administration to review the residents' suggestions and bring a revised Ordinance back to NCAC in October.

Ordinance No. 2014-3908

Pursuant to the above directions, Ordinance No. 2014-3908 was presented to the City Commission on October 22, 2014 and the NCAC on October 31, 2014. The amendments incorporated many of the resident and City staff recommendations.

The Ordinance presented on First Reading on October 22, 2014 before the City Commission set forth various housekeeping amendments, as well as additional safety regulations, such as:

- Adding a definition of "high impact periods" in Sec. 70-66 because these periods, currently defined and cross-referenced in Sec. 46-92(g)(1)(b), are being deleted from

Sec. 46-92(g)(1)(b) in another unrelated ordinance concerning commercial handbills. A corresponding amendment is made in Sec. 70-67(g).

- Amending the definition of motorized means of transportation to exempt motorized devices and wheelchairs when used by disabled persons, and making corresponding amendments throughout Division 2.
- Amending Sec. 70-67 to add South Pointe Park Pier to the list of areas where motorized means of transportation are prohibited, as well as making certain clarifying clean-up amendments.
- Making the responsibilities applicable to EPAMDs users in Sec. 70-69 also applicable to users of other motorized means of transportation.
- Amending Sec. 70-70, regarding the responsibilities of persons and entities that rent EPAMDs, to strengthen the licensing, certification, and document requirements; expand the requirements regarding the providing of a combined release, hold harmless and acknowledgments by renters; and adding regulations regarding tours and prohibitions regarding towed objects or persons.
- Amending Sec. 70-71 to provide minor housekeeping amendments.

Subsequent to the City Commission meeting on October 22, 2014, and during the NCAC meeting on October 31, 2014, additional modifications to the Ordinance were discussed and recommended by the NCAC, including the following:

- Deleting the requirement that the street address and phone number of the entity renting, leasing, or providing tours of EPAMDs be on the device (see Sec. 70-70(n)).
- Adding a requirement that the tour leader of EPAMDs wear a shirt with the name of the entity conducting the tour in lettering at least 4 inches in height on the front and back of the shirt (see Sec. 70-70(e)(4)).
- Clarifying that violations written by a Code Compliance Officer may alternatively be written by a Police Officer (see Secs. 70-66 and 70-71(b)).

At the October 31, 2014 NCAC meeting, the Committee also discussed potential regulations for motorized “toy” vehicles, such as motorized skateboards, and recommended that “toy” vehicles be regulated separately.

In addition, the following items, which had been included in First Reading, were removed at the request of the Ordinance sponsor, Commissioner Jonah Wolfson. The removal of these items were not included in the printed NCAC agenda for October 31, 2014 and were not discussed by the Committee, but were included in the red-lined handout at the NCAC meeting:

- Deleting the proposed prohibition of roller skating and in-line skating on Lincoln Road (see Sec. 70-67(a)).
- Removing the requirement that EPAMD operators only travel in single file during a tour (see Sec. 70-69(c)(5)).
- Eliminating the verbal notification of insurance coverage cancellation (see Sec. 70-70(b)).

In addition, a scrivener’s error in Sec. 70-70 (a)(3) was corrected after First Reading.

PROPOSED ORDINANCE

At the November 19, 2014 City Commission meeting, Ordinance No. 2014-3908 was adopted, as amended on the floor, to include roller skating and in-line skating as prohibited activities on Lincoln Road. At the same Commission meeting, the Commission requested the Administration to bring back a proposed new Ordinance to the December 17, 2014 Commission meeting. The new Ordinance would address amendments to Section 70-70 to provide responsibilities for businesses and persons that rent or lease other types of motorized means of transportation,

such as motorized skateboards. Currently, the regulations in Section 70-70 only apply to businesses or persons that rent or lease electric personal assistive mobility devices (Segways). Motorized skateboards, and other such devices, pose a safety risk to pedestrians and traffic, thus, such devices also require regulations with regard to their rental or lease.

The new Ordinance represents the response from the Administration to the Commission's request. This Ordinance was adopted on First Reading at the December 17, 2014 City Commission meeting.

RECOMMENDATION

In the interest of public safety, the Administration is recommending the additional regulations and housekeeping amendments set forth in the proposed Ordinance.

Attachment: Map of Prohibited Areas


KGB/JRG/XRF

ORDINANCE NO. _____

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 AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, AND MOTORIZED MEANS OF TRANSPORTATION," BY AMENDING SECTION 70-70, ENTITLED "RESPONSIBILITIES OF PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS, LEASES, AND/OR TOURS OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES," BY AMENDING THE RESPONSIBILITIES SET FORTH THEREIN AND TO INCLUDE PERSONS AND BUSINESS ENTITIES PROVIDING RENTALS, LEASES, AND/OR TOURS OF OTHER MOTORIZED MEANS OF TRANSPORTATION, AND CORRECTING SCRIVENER'S ERRORS THEREIN; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach seek to encourage the safe use of sidewalks and bicycle paths in the City; and to facilitate and balance the health, safety, and welfare interests of bicyclists and pedestrians, utilizing bicycle paths, sidewalks, and sidewalk areas in the City; and

WHEREAS, the City of Miami Beach is an international tourist destination that attracts visitors from around the world year round which thereby significantly increases the use and congestion of the City's bike paths, sidewalks, and pedestrian ways; and

WHEREAS, Section 316.008 of the Florida Statutes authorizes local governments to, among other things, regulate traffic by means of police officers, restrict the use of streets, prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic, and regulate persons upon skates, coasters, and other toy vehicles; and

WHEREAS, due to the safety concerns and injuries already experienced on sidewalks and bike paths in the City, the Mayor and City Commission have previously determined that it is in the interest of public safety that electric personal assistive mobility devices, and other motorized means of transportation, be regulated as provided in Division 2 of Article II of Chapter 70 and Article I of Chapter 106 of the City Code and, in furtherance thereof, passed and adopted the provisions in Ordinance Nos. 2012-3780, 2014-3862, 2014-3881 and 2014-3908; and

WHEREAS, Chapter 70 of the City Code provides, among other things, for responsibilities of persons and business entities that rent, lease, and/or provide tours of electric personal assistive mobility devices so that such activities are conducted in the interest of public safety; and

WHEREAS, the Mayor and City Commission have determined that additional regulations for persons and business entities that provide rentals, leases, and/or tours of other types of

motorized means of transportation, as defined in Chapter 70 of the City Code, are necessary in the interest of safety.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, THAT CHAPTER 70, ARTICLE II OF THE CODE OF THE CITY OF MIAMI BEACH IS AMENDED AS FOLLOWS:

SECTION 1. That Division 2 of Article II of Chapter 70 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 70

MISCELLANEOUS OFFENSES

* * *

ARTICLE II. Public Places

* * *

**DIVISION 2. Bicycling, Skateboarding, Roller Skating, In-Line Skating,
and Motorized Means of Transportation**

* * *

Sec. 70-70. Responsibilities of persons and business entities providing rentals, leases, and/or tours of ~~electric personal assistive mobility~~ motorized means of transportation devices.

Except in those instances in which any of the following requirements and prohibitions are expressly limited to electric personal assistive mobility devices and/or other specified devices, Any person or business entity that rents, leases, and/or provides tours for ~~electric personal assistive mobility~~ motorized means of transportation devices shall:

- (a) Obtain a business tax receipt from the City pursuant to chapter 102 of the City Code. A business tax receipt shall not be issued unless the City is furnished with documentary evidence that said person or business entity is currently in compliance with:
 - (1) the insurance requirements in Sec. 70-70(b);
 - (2) the speed certification requirements of Sec. 70-70(c); and
 - (3) the document requirements in Sec. 70-70;
- (b) Maintain a minimum of \$1,000,000.00 in commercial general liability insurance coverage, including bodily injury and property damage, from an insurance company that is Best Guide rated B+ VI or better, that includes medical payment coverage no less than \$5,000 for any injured persons, and that includes the City of Miami Beach as an additional named insured, a waiver of subrogation clause, and shall specifically cover third party damages resulting from the ownership, maintenance, and/or use of the ~~electric personal assistive mobility~~ motorized means of transportation devices, however caused, and shall not have a clause excluding losses resulting therefrom. A certificate of insurance shall be furnished to the City which evidences that said coverage is currently in effect. Not later than ten business days before the expiration of the coverage period

reflected in each Certificate of Insurance, the person or business entity shall furnish to the City a renewal Certificate of Insurance, evidencing said coverage for a renewal period of not less than one year. If, at any time, the person or business entity receives written notification of the cancellation of such coverage, said person or business entity shall immediately advise the City in writing of such notification and cease the lease, rental, and/or use of the motorized means of transportation devices;

- (c) Provide an annual certificate from an authorized ~~electric personal assistive mobility device~~ dealer, of the applicable motorized means of transportation device, dated and executed by the dealer's authorized representative verifying that on a date not more than thirty (30) days before the date of the certificate, the dealer inspected each device made available for rent, lease, or tour and that the device has been set to a maximum speed of eight mph;
- (d) Obtain a combined release of liability, hold harmless agreement, and an acknowledgement of receipt of the summary of Sections 70-66 through 70-71 of the City Code, the map of prohibited areas, the training provided, and the offer of a helmet as required by Sec. 70-70~~(g)~~(f) and Sec. 70-70~~(h)~~(g), all as acceptable to the city attorney, signed by all renters of ~~electric personal assistive mobility~~ motorized means of transportation devices. The combined signed documents shall be made available for inspection by the city at any time during business hours. If the renter is under the age of 18, his or her parent or legal guardian must sign the combined release, ~~and~~ hold harmless agreement, and acknowledgements;
- (e) Lease, rent, or use electric personal assistive mobility devices:
 - (1) only for tours;
 - (2) tours shall only be conducted between sunrise and sunset and not during inclement weather;
 - (3) tours shall be limited to eight (8) tour customers and one (1) employee tour leader; and
 - (4) the tour leader a) must accompany each tour and shall be experienced in the safe use and operation of electric personal assistive mobility devices and b) shall wear a shirt with the name of the person or business entity that is conducting the tour, which name shall be in lettering at least 4" in height on the front and back of the shirt.
- ~~(f)~~ (g) Lease, rent or provide tours on electric personal assistive mobility devices only to persons that weigh 100 or more pounds and all persons under the age of 16 on a tour must wear a bicycle helmet in accordance with F.S. §316.2068, as may be amended;
- ~~(g)~~(h) Provide training as to the safe operation of ~~electric personal assistive mobility~~ motorized means of transportation devices to all lessees or renters of the devices. The person or business entity must maintain written proof, signed by the lessee or renter, that establishes the training provided for the safe operation of the ~~electric personal assistive mobility device~~;

- (h) (i) Provide each renter of ~~a electric personal assistive mobility~~ motorized means of transportation devices with a City approved summary of Sections 70-66 through 70-71 of the City Code and the City's map of prohibited areas of operation;
- (i) (j) Display a copy of Division 2 of Article II of Chapter 70 of the City Code, and a copy of the City's map of prohibited areas of operation, in a conspicuous place at the location where the ~~electric personal assistive mobility~~ motorized means of transportation devices are leased or rented;
- (j) Not lease, rent or provide tours on ~~electric personal assistive mobility~~ motorized means of transportation devices that:
 - (1) are, or are suspected to be, unsafe for use;
 - (2) not set to a maximum speed of 8 mph; and/or
 - (3) have a trailer or any other passengers, or towed objects or persons;
- (k) (l) Not lease, rent or provide tours to persons who:
 - (1) are believed to be intoxicated or under the influence of any drug or substance that impairs the operator's ability to operate the ~~electrical personal assistive mobility~~ motorized means of transportation device;
 - (2) act with reckless disregard or indifference to the safety of others; and/or
 - (3) are incompetent to operate an ~~electric personal assistive mobility~~ a motorized means of transportation device;
- (l) (m) Promptly report any accidents involving leased or rented ~~electric personal assistive mobility~~ motorized means of transportation devices to the Miami Beach Police Department and Miami Beach Fire Rescue;
- (m) (n) Securely affix the name of the person or business entity that rents/leases and/or provides tours, as well as a unique device ID number, all of which shall be in lettering and numbers at least 4" in height, on the front and back of each electric personal assistive mobility device that is leased or rented; and
- (n) (o) Comply with all administrative rules that may be established by the city regarding rentals, leases, tours, and the safe operation of ~~electric personal assistive mobility~~ motorized means of transportation devices.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or 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 on the _____ day of _____, 2015.

PASSED AND ADOPTED this ____ day of _____, 2015.

ATTEST:

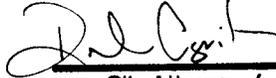
Philip Levine, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethroughs~~ denotes deletions

(Sponsored by Commissioner Jonah Wolfson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12-16-14

Date



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting The First Amendment To The Fiscal Year 2014/15 Operating Budget For The City Center Redevelopment Area. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:05 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVI Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer, Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:10 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones"; By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:15 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses"; By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:20 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts: Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District;" And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District;" Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer, Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

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Condensed Title:

Second Reading of an Ordinance modifying parking requirements for certain uses in the CCC (Civic and Convention Center) District and increase the height limit for hotels in the CCC District.

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 proposed Ordinance amendments would modify parking requirements for convention halls and convention hotels in the CCC District and increase the height limits for hotels in the CCC District to 300 feet.

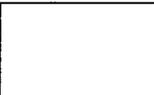
On December 18, 2014, the City Commission approved the subject Ordinance at First Reading.

The Administration recommends that the City Commission adopt the attached Ordinance.

Advisory Board Recommendation:

On November 18, 2014 the Planning Board recommended approval of the subject Ordinance by a vote of 5 to 2 (Planning Board File No. 2224).

Financial Information:

Source of Funds:		Amount	Account
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	2		
	3		
	Total		

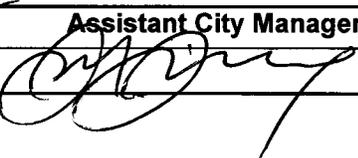
Financial Impact Summary:

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

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SECOND READING – PUBLIC HEARING

SUBJECT: **CCC District Parking and Height Regulations**

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 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO ESTABLISH PARKING REQUIREMENTS FOR THE "CCC CONVENTION CENTER DISTRICT;" AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE 2, "DISTRICT REGULATIONS," DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT," SECTION 142-365, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO MODIFY AND INCREASE REGULATIONS FOR HEIGHT AND NUMBER OF STORIES FOR HOTELS WITHIN THE CCC DISTRICT; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the attached Ordinance.

BACKGROUND

On October 22, 2014, the City Commission referred a discussion item to the Land Use and Development Committee and the Planning Board (Item R9D) to review building parking requirements and height restrictions for the CCC District.

On November 5, 2014, the Land Use and Development Committee referred the item to the Planning Board with a recommendation that hotels within the CCC District be given flexibility to build up to 300 feet and with a parking requirement of 0.4 spaces per unit.

The sponsor of the Ordinance is Commissioner Michael Grieco.

ANALYSIS

Height Regulations

Under Section 142-365 of the Land Development Regulations, the maximum permitted building height within the Civic and Convention Center (CCC) District is 11 stories / 100'. While this limitation is suitable for convention center structures, as well as parking structures, it does present some very significant limitations for larger hotel structures. The proposed revisions to Section 142-365 of the Code would increase the allowable height for Convention Center Hotels to 30 stories / 300'. Included in this report is a massing study of a potential 300' hotel.

It is believed that the proposed modifications to the height limits of the CCC District for hotels will give a potential developer, as well as the City's development review boards, much needed design and planning flexibility to optimize the best possible location for a hotel. Additionally, the increased heights will ensure that the scale, massing and overall design of any potential hotel is distributed appropriately over what is likely to be a smaller footprint, thus increasing the amount of open space on the site.

Parking Regulations

Under Section 130-32 of the Land Development Regulations, the required parking for Convention Hotels ranges from 1 space per room for hotels under 250 rooms, 0.75 spaces per room for hotels between 250 and 499 rooms, and 0.5 spaces per room for hotels over 500 rooms. In addition there are parking requirements for accessory uses, which may be reduced for each room that a hotel contains.

It is typical for many guests of convention hotels to arrive at the facilities using shuttle buses, taxi cabs, or public transportation. Since the facility would be located very close to several of Miami Beach's main attractions, it is unlikely that guests of a Convention Center Hotel will need an automobile upon arrival. Since accessory uses are typically utilized by guests of the hotel they typically do not generate the same parking demand as if they were a standalone use. As a result of this information, it is believed that the site can support a reduction to the parking requirement.

Attached to this report is an analysis of convention center hotels throughout the Country. These hotels, inclusive of accessory uses, contain an average of 0.4 parking spaces per unit. It is suggested that this factor be adopted for convention hotels within the CCC District in Miami Beach.

Additionally, under Section 130-32 of the Land Development Regulations, the required parking for "auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly" is 1 space per 4 seats or 1 space per 60 square feet of floor area available for seats. The refurbished convention center is proposed to contain approximately 700,000 square feet. This current parking requirement would result in a parking requirement of 11,666 parking spaces if considered a brand new use.

Guests of the renovated convention center are expected to arrive by shuttles, cabs, foot, and public transit. Additionally, if a hotel is built within the CCC district, many more will arrive on foot. The CCC District also contains several nearby public parking garages. As a result, it is suggested that 1 parking space for every 1,000 square feet of usable space be required. This would result in a requirement of approximately 700 parking spaces, were the convention center considered a new use.

PLANNING BOARD REVIEW

On November 18, 2014, the Planning Board (by a vote of 5-2) transmitted the proposal to the City Commission with a favorable recommendation.

FISCAL IMPACT

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

SUMMARY

On December 18, 2014, the subject Ordinance was approved at First Reading.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance.

JLM/JMJ/TRM/MAB/RAM
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Massing Study:
300' Convention Hotel with 0.4 parking spaces per unit



Convention Center Hotel Parking Analysis

	# Rooms	Ballroom Meeting Space	SF Per Room	Parking Spaces		Dedicated per Room	
				Dedicated	Access to Shared		
Hilton Milwaukee City Center	729	26,915	36.9	850	0	1.2	
Marriott Tampa Waterside Hotel & Marina	719	40,963	57.0	650	0	0.9	Access to 650 spaces shared with adjacent land uses.
Renaissance St Louis Grand Hotel	917	50,624	55.2	800	0	0.9	
Omni Nashville Hotel	800	55,185	69.0	600	0	0.8	
Hilton Austin Convention Center	800	65,701	82.1	500	0	0.6	Some of the spaces are used by condos integrated into the hotel.
Hyatt Regency Jacksonville Riverfront	963	77,563	80.5	600	0	0.6	
Hyatt Regency Century Plaza LA	726	74,103	102.1	400	0	0.6	
Fairmont San Jose	805	43,460	54.0	300	0	0.4	
Loews Miami Beach Hotel	790	43,089	54.5	280	0	0.4	Plus access to additional spaces across street.
Westin Seattle	891	46,643	52.3	200	0	0.2	
Renaissance Washington DC Downtown Hotel	807	57,154	70.8	140	700	0.2	Hotel as 140 valet spaces with access to 700 spaces shared with adjacent property owners.
Marriott Santa Clara	759	26,889	35.4	0	800	0.0	Utilize roughly 800 of 1000 spaces adjacent public parking deck.
Hilton Baltimore	757	58,874	77.8	0	550	0.0	
Westin Boston Waterfront	793	48,652	61.4	0	300	0.0	
Marriott Baltimore Waterfront	750	48,991	65.3	0	278	0.0	
Hilton Minneapolis	821	54,789	66.7	0	1,200	0.0	City owned lot underneath hotel. Shared by hotel and adjacent properties.
Average						0.4	

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 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO ESTABLISH PARKING REQUIREMENTS FOR THE "CCC CONVENTION CENTER DISTRICT;" AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE 2, "DISTRICT REGULATIONS," DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT," SECTION 142-365, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO MODIFY AND INCREASE REGULATIONS FOR HEIGHT AND NUMBER OF STORIES FOR HOTELS WITHIN THE CCC DISTRICT; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update and clearly define the requirements of the Land Development Regulations as they pertain to zoning districts and regulations; and

WHEREAS, the City finds that the development of a Convention Center Hotel to be necessary to ensure that the Convention Center hosts events that will significantly contribute to the economic development of the City of Miami Beach; and

WHEREAS, additional flexibility for heights and parking requirements would encourage the development of a high quality Convention Center Hotel to supplement the refurbished Convention Center; and

WHEREAS, these amendments will allow increased height and reduced parking requirements in the district, for the development the Convention Center Hotel; and

WHEREAS, the City finds that there will be sufficient centralized parking and alternative transportation options within the CCC Convention Center District to support a reduction in parking requirements within the district; 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 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-street parking requirements for parking district no. 1," of the Land Development Regulations of the Miami Beach City Code, is hereby amended as follows:

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:

* * *

(25A)CCC civic and convention center district: The following parking regulations shall apply to structures situated in the CCC civic and convention center district. The number of off-street parking spaces required for any structure shall be determined by the primary use of the structure in accordance with the requirements as follows:

- i. Auditorium, convention hall or meeting rooms: 1 space per 1,000 square feet of floor area available for seats.
- ii. Hotel, convention: 0.4 spaces per unit.
- iii. When not listed above, the parking requirement for primary uses listed in this section shall apply.

The City Commission may waive the total amount of required parking for uses in the CCC District by up to 20 percent.

SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article 2, "District Regulations," Division 7, "CCC Civic and Convention Center District," Section 142-365, "Development regulations and area requirements," of the Land Development Regulations of the Miami Beach City Code, is hereby amended as follows:

Sec. 142-365. - Development regulations and area requirements.

(a) The development regulations in the CCC civic and convention center district are as follows:

(1) Max. FAR: 2.75.

(b) There are no lot area, lot width or unit size requirements for the CCC civic and convention center district. Building height and story requirements are as follows:

(1) Maximum building height for hotels: 300 feet;
for all other uses: ~~is~~ 100 feet.

(2) Maximum number of stories for hotels: 30;
for all other uses: ~~is~~ 11.

SECTION 3. REPEALER.

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

SECTION 4. CODIFICATION.

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

SECTION 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.

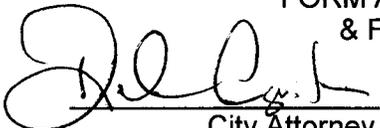
PASSED and ADOPTED this _____ day of _____, 2015.

ATTEST:

Philip Levine, Mayor

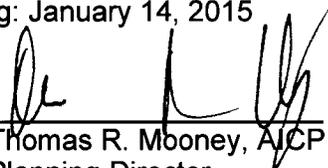
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney, 1/7/15 Date


First Reading: December 18, 2014
Second Reading: January 14, 2015

Verified by: 

Thomas R. Mooney, AICP
Planning Director

(Sponsor Commissioner Michael Grieco)



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement For The City Center Redevelopment Area. Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVII Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:05 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way" By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones"; By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Cafe Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:10 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:15 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District," And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer, Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

Condensed Title:

First Reading to consider an Ordinance Amendment to modify the regulations and requirements for short-term rentals to include properties located within the Collins Waterfront Local Historic District.

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 – PUBLIC HEARING

The proposed Ordinance would amend the Land Development Regulations to allow for short-term rentals for RM-1 properties in the Collins Waterfront Historic District under certain circumstances.

On October 22, 2014, the City Commission continued the item to a date certain of November 19, 2014. On November 19, 2014, the item was continued to December 17, 2014, at which time it was continued to January 14, 2015.

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 Ordinance at First Reading and set a Second Reading Public Hearing for February 11, 2015.

Advisory Board Recommendation:

On August 26, 2014 the Planning Board recommended approval of the subject Ordinance by a vote of 6 to 0 (Planning Board File No. 2204).

Financial Information:

Source of Funds:		Amount	Account
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	2		
	3		
	Total		

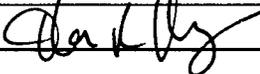
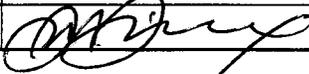
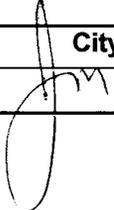
Financial Impact Summary:

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

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2015\January\RM-1 Collins Park STR - SUM First Read.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: January 14, 2015

SUBJECT: **Short Term Rentals in the Collins Waterfront Historic District**

FIRST READING – PUBLIC HEARING

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 IV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 3, "SUPPLEMENTARY USE REGULATIONS", TO MODIFY THE REGULATIONS AND REQUIREMENTS FOR SHORT TERM RENTALS TO INCLUDE PROPERTIES LOCATED WITHIN THE COLLINS WATERFRONT LOCAL HISTORIC DISTRICT; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; 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 Ordinance at First Reading and set a Second Reading Public Hearing for February 11, 2015.

BACKGROUND

On April 23, 2014, at the request of Commissioner Michael Grieco, the City Commission referred a discussion item to the Land Use and Development Committee, which would allow short term rentals in the RM-1 districts in the Collins Waterfront Historic District, under limited circumstances.

On June 12, 2014, the Land Use and Development Committee recommended that the subject Ordinance be referred to the Planning Board. On July 23, 2014, the City Commission referred the proposed Ordinance to the Planning Board (Item C4C).

The RM-1 zoning district, within the Collins Waterfront Historic District, does not permit hotels, and does not permit short-term rentals of apartments. The proposed Ordinance would allow short term rentals in the RM-1 areas of the Collins Waterfront Historic District, under limited circumstances, similar to Ordinance 2010-3685, adopted by the City on June 9, 2010, which permitted short term rentals in very limited circumstances within the Flamingo Park neighborhood.

ANALYSIS

The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences. The main permitted uses in the RM-1 district are single-family detached dwellings, townhomes and residential apartments. With the exception of those properties fronting Harding Avenue or Collins Avenue, from the City Line on the north to 73rd Street on the south, hotels are not permitted within the RM-1 zoning district.

Section 142-1111 of the City Code regulates the short-term rental of apartment units or townhomes. Under the City Code, 'short term rentals' are defined as the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, RO-3 or TH for periods of less than six months and one day. Properties zoned RM-2, RM-3, CD-2 and CD-3 permit hotels, so rental periods less than 6 months are permitted, subject to all applicable building and fire regulations.

The RM-1 zoning district does not permit hotels, and does not permit short-term rentals of apartments. Ordinance 2010-3685, adopted by the City on June 9, 2010, clarified this, while grandfathering-in a small number of existing short term rentals in very limited circumstances within the Flamingo Park neighborhood. Section 142-1111 of this Ordinance contains a provision that would allow other neighborhoods to permit short term rentals in the future by action of the City Commission.

The attached Ordinance would allow short term rentals in the RM-1 areas in the Collins Waterfront Historic District, under similar limited circumstances. Apparently there are already several buildings in this area (roughly bounded by Collins Canal on the south, Pinetree Drive on the west, 25th Street on the north, and Lake Pancoast on the east) already engaged in short-term rentals. This ordinance would legalize those properties currently operating such transient operations.

Attached, is a map showing the subject RM-1 zone, as well as the adjacent zoning districts. The subject area is bounded by more intense commercial and high density multi-family districts to the immediate south (CD-3 zone across Collins Canal) and east (RM-3 District across Lake Pancoast). To the west of the subject area are Government (Fire Station 2) and Institutional (Hebrew Academy) uses. The area to the immediate north of West 25th Street is zoned single-family.

The proposed Ordinance would provide more flexibility in terms of allowable uses for recently restored historic buildings within the RM-1 zoned area of the Collins Waterfront Local historic district. In order to provide an appropriate buffer from the more low scale single family district, it is suggested that any property within this district that has a property line on West 25th Street not be permitted to have short term rentals. Also, the eligibility for short term rentals should be limited to fully restored, 'Contributing' buildings within the district.

In summary, with appropriate safeguards, and given the intensity of the districts and uses on the west, south and east sides of the subject RM-1 district, the proposal for a limited short-term rental eligibility window is not expected to have any detrimental impacts on the surrounding area. The Ordinance attached includes the safeguards and eligibility limitations delineated herein.

PLANNING BOARD REVIEW

On August 26, 2014, the Planning Board (by a vote of 6-0) transmitted the proposal to the City Commission with a favorable recommendation.

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

On October 22, 2014, the City Commission discussed the proposed Ordinance Amendment at First Reading. Some concerns regarding the size of the area proposed for allowing short term rentals, the total numbers of properties, as well as outreach to area residents, were raised. The item was continued to a date certain of November 19, 2014. Subsequent to the October 22, 2014 meeting, the original proposers of the Ordinance requested that the matter be continued to December 17, 2014, in order to adequately address the issues and concerns raised at the October 22, 2014 Commission meeting.

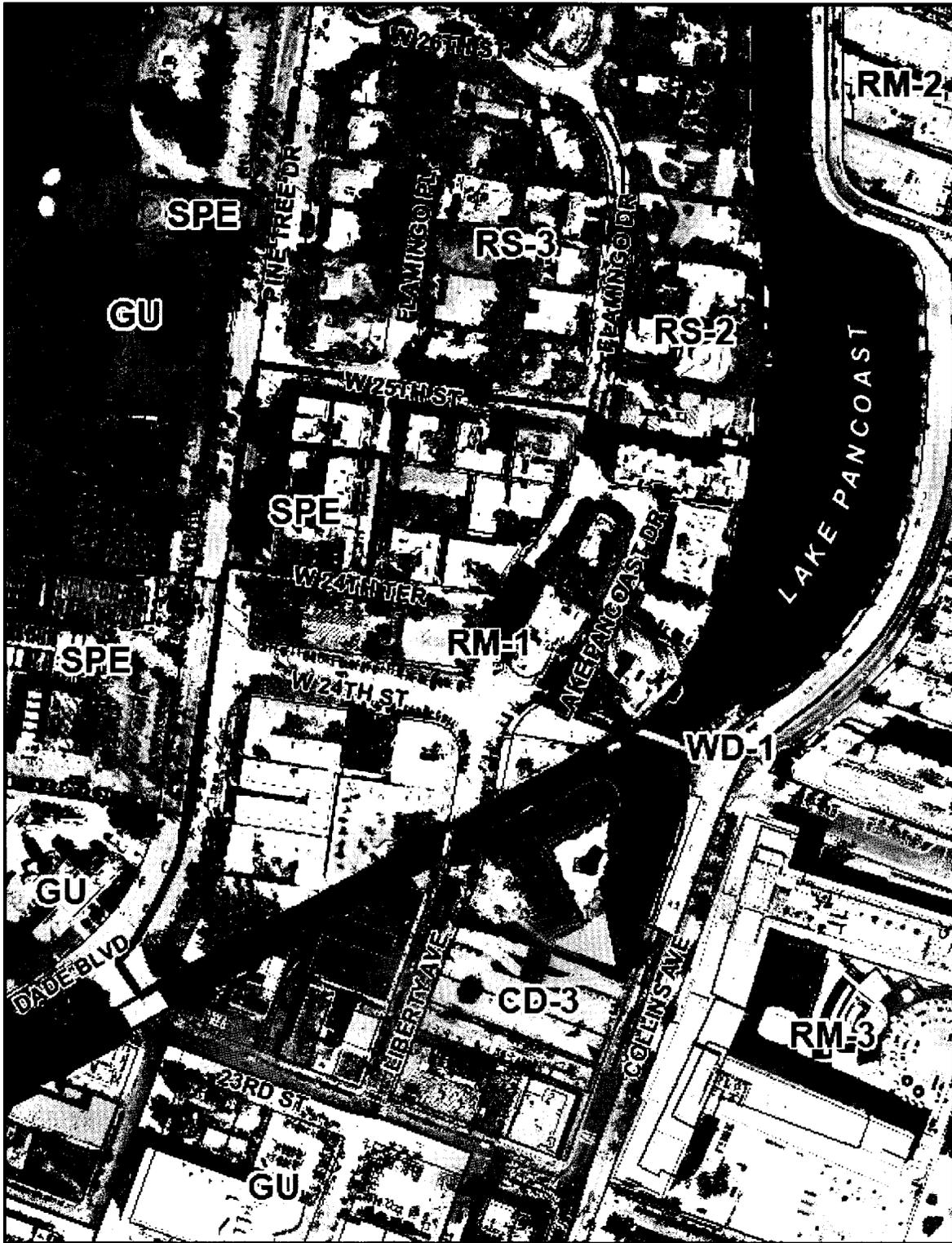
On November 19, 2014 the matter was opened and continued to a date certain of December 17, 2014.

Pursuant to the direction of the City Commission, revised, smaller boundaries are proposed for the proposed Short Term Rental District. Specifically, this type of use would only be permitted on properties located south of West 24th Terrace. Additionally, a limitation has been placed on the mix of rental types within a building proposing short term rentals. These modifications have been incorporated into the text of the revised Ordinance.

On December 17, 2014, the proposed Ordinance was discussed by the Commission and additional clarifications were requested. The matter was continued to a date certain of January 14, 2015. The requirement for on-site management has now been clarified, as well as limitations on any mix of uses within a property incorporating short term rentals.

CONCLUSION

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 Ordinance at First Reading and set a Second Reading Public Hearing for February 11, 2015.



**COLLINS WATERFRONT LOCAL HISTORIC DISTRICT - RM-1
SHORT-TERM RENTAL AMENDMENT ZONING MAP**



**GOLDEN GATE
CONDOMINIUM**
2395 Lake Pancoast Dr.
14 Unit Condominium

2382 FLAMINGO DRIVE
11 Unit Apartment Building
Barry Glazer & Gina Gargeu

**THE MANTELL
CONDOMINIUM**
255 West 24th Street
Condominium previously
grandfathered for short-term
rentals

**TRADEWINDS/
MUSEUM WALK**
2365 Pine Tree Drive
2351 Pine Tree Drive
2335 Pine Tree Drive
2315 Pine Tree Drive
320 West 24th Street

SHORT TERM RENTALS IN COLLINS WATERFRONT DISTRICT

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, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", AT DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS", TO MODIFY THE REGULATIONS AND REQUIREMENTS FOR SHORT TERM RENTALS TO INCLUDE PROPERTIES LOCATED WITHIN THE COLLINS WATERFRONT LOCAL HISTORIC DISTRICT; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Land Development Code contains provisions for the short term rental of apartments and townhomes in certain zoning districts that do not permit hotel uses; and

WHEREAS, the City of Miami Beach desires to amend existing regulations pertaining to the short term rental of apartments and townhomes for the Collins Waterfront Historic District to allow short term rentals in a portion of that District; and

WHEREAS, the Planning Board recommended approval of this Ordinance at its meeting dated August 26, 2014, by a vote of 6-0; and

WHEREAS, the amendment will regulate properties adjacent to a commercial zoning district which are, by their nature, more intense in use; 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. Chapter 142, entitled "Zoning Districts and Regulations", Article IV, entitled "Supplementary District Regulations", at Division 3, entitled "Supplementary Use Regulations", of the City Code is hereby amended as follows:

Sec. 142-1111. Short-term rental of apartment units or townhomes.

(a) Limitations and prohibitions.

- (1) Unless a specific exemption applies below, tThe rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, RO-3 or TH for periods of less than six (6) months and one (1) day, ~~unless expressly provided for in these land development~~

~~regulations (such as for a portion of the RM-1 district, and for apartment hotels in the RPS-1 and RPS-2 districts) is not a permitted use in such districts unless conducted in accordance with this section.~~

- (2) Any advertising or advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six (6) months and one (1) day, as provided herein, or use of the residential premises in violation of this section.

a. "Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six (6) months and one (1) day, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

(3) None of the districts identified below shall be utilized as a hotel. The short term rental use requires at least a seven (7) night reservation.

(b) *Previously existing short-term rentals in specified districts.* For a period of six (6) months after the effective date of the ordinance enacting this section (June 19, 2010), owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below. ~~Other neighborhoods may be added to this provision in the future by action of the City commission.~~

~~(1) Districts: Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts.~~

(1) Eligibility: Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts. ~~Eligibility:~~ Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below:

(A) For apartment buildings of four (4) or more units, or for four (4) or more apartment units in one (1) or more buildings under the same City of Miami Beach Resort Tax ("resort tax") account. In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:

(i) Have been registered with the City for the payment of resort tax and made resort tax payments as of March 10, 2010; and

(ii) Have had ~~City of Miami Beach Resort Tax~~ resort tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and

(iii) Have been registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

For properties containing more than one apartment building, eligibility may apply to an individual building satisfying subsections a. through c. above.

(B) For apartment and townhouse buildings of three (3) or less units, or for three (3) or less apartment units in one (1) or more buildings under the same resort tax state license. In order to demonstrate current, consistent and predominant short-term renting, the property must:

(i) Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

(2) Time periods for the districts identified in subsection (b)(1), to apply for short-term rental approvals.

~~(1)(A)~~ Owners demonstrating compliance with subsection (b)(1)(A)(i) or (ii) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(f), within a time period of six (6) months from the ~~effective date of this section~~ (June 19, 2010), or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

~~(2)(B)~~ Within three (3) months of the ~~effective date of the ordinance enacting this section~~ (June 19, 2010), eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

~~(3)(C)~~ Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.

~~(4)(D)~~ Applications under this ordinance Section may be accepted until 60 days after ~~adoption of this subsection~~ (adopted on April 11, 2012; ~~60 days expire June 11, 2012~~), upon determination to the planning director that a government licensing error prevented timely filing of the application.

(3) Eligibility within the Collins Waterfront Local Historic District. Owners of property located in the Collins Waterfront Local Historic District shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the requirements and provisions set forth below:

(A) Only those properties located south of West 24th Terrace shall be eligible for short term rentals;

(B) Only buildings classified as 'Contributing' in the City's Historic Properties Database shall be eligible for short term rentals. The building and property shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the Certificate of Appropriateness Criteria in Chapter 118, Article X of these Land Development Regulations;

(C) The property must have registered with the State of Florida as a transient or condominium pursuant to Chapter 509, Florida Statutes, as of the effective date of enacting this section.

(D) The property must have registered with the City for the payment of resort tax and made resort tax payments as of as of the effective date of this Ordinance.

(E) Short-term rental use shall be based on a single use for the property. No building or property seeking to have short-term rentals will be permitted to have mixed residential uses.

(F) Any property seeking to have short term rental will need to demonstrate that there is on-site management.

(4) Time period to apply for short-term rental approvals for those properties located in the Collins Waterfront Architectural District.

(A) Owners demonstrating compliance with subsection (b)(3), above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(e) within a time period of three (3) months from the effective date of enacting this section, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(B) Within three (3) months of the effective date of the ordinance enacting this section, eligible owners shall have obtained all the necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by the effective date of this Ordinance, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent the Building or Fire Departments from undertaking enforcement action prior to such date.

(5) In the event a building approved for short-term rentals in accordance with subsections (b)(3) and (4), above is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.

~~(d)(c) Regulations. For those properties eligible for short term rental use as per (b) or (d) above, unless otherwise expressly provided for in these land development regulations,~~

~~short-term rental of apartment and townhome residential units~~ shall be permitted, provided that the following mandatory requirements are followed:

(1) *Approvals required: applications.* Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.

The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.

(2) *Time period.* All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.

(3) *Contact person.* All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the City, who must be available for contact on a 24-hour basis, seven (7) days a week, and who must live on site or have a principal office or principal residence located within the ~~Flamingo Park or Espanola Way~~ historic districts identified in subsection (b). Each agreement, license, or lease, of scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the City manager or designee.

(4) *Entire unit.* Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.

(5) *Rules and procedures.* The City manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.

(6) *Signs.* No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.

(7) *Effect of violations on licensure.* Approvals shall be issued for a one-year period, but shall not be issued or renewed if violations on three or more separate days at the unit, or at another unit in the building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term

rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.

(8) *Resort taxes.* Owners are subject to resort taxes for rentals under this section, as required by City law.

(9) *Association rules.* Where a condominium or other property owners association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (c)(1) above are not prohibited by the association's governing documents, shall be submitted to the City as part of the application. If the applicant, after best efforts, is unable to obtain such a letter from the association, he or she may submit the latest version of the association's documents to the City Attorney's office for confirmation of the above.

(10) *Variances.* No variances may be granted from the requirements of this section.

~~(e)~~ (d) *Enforcement.*

(1) Violations of section 142-1111(b) shall be subject to the following fines. The special master may not waive or reduce fines set by this section.

aA. If the violation is the first violation: \$500.00.

bB. If the violation is the second violation within the preceding 12 months: \$1,500.00.

cC. If the violation is the third violation within the preceding 12 months: \$5,000.00.

dD. If the violation is the fourth violation within the preceding 12 months: \$7,500.00.

eE. If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use allowing short-term rental.

Fines for repeat violations by the same offender shall increase regardless of locations.

(2) In addition to or in lieu of the foregoing, the City may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.

(3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a) and alternative enforcement of subsection 142-1111(b) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (d)(3) above.

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 _____ 2015.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

First Reading: January 14, 2015
Continued to: February 11, 2015
Second Reading: _____
Verified By: _____
Thomas R. Mooney, AICP
Planning Director

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney
1-7-15

Date

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

(Sponsor Commissioner Michael Grieco)



**CITY OF MIAMI BEACH CITY COMMISSION
NOTICE OF PUBLIC HEARING
AN ORDINANCE TO AMEND THE
SUPPLEMENTARY USE REGULATIONS FOR
SHORT-TERM RENTALS TO INCLUDE
PROPERTIES LOCATED WITHIN THE
COLLINS WATERFRONT HISTORIC DISTRICT**

NOTICE IS HEREBY given that a First Reading / Public hearing will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015 at 10:25 a.m.**, or as soon thereafter as the matter can be heard, to consider:

SHORT TERM RENTALS IN COLLINS WATERFRONT DISTRICT

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This item 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 980



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVII Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:05 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way" By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones"; By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Cafe Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:10 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:15 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District," And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum – Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

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Condensed Title:

First Reading to consider an Ordinance Amendment to modifying and clarifying allowable additions to non-conforming buildings.

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 proposed Ordinance would allow for projecting balconies and balconies supported by columns to extend up to 30 feet from an existing building wall up to the highest habitable floor of the building and not be considered a ground floor addition. Such construction would be subject to the review and approval of the design review board or historic preservation board, as applicable.

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 Ordinance at First Reading and set a Second Reading Public Hearing for February 11, 2015.

Advisory Board Recommendation:

On December 15, 2014 the Planning Board recommended approval of the subject Ordinance by a vote of 6 to 0 (Planning Board File No. 2204).

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		

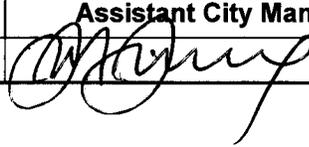
Financial Impact Summary:

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

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

FIRST READING

SUBJECT: **Nonconforming Buildings – Balconies**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES", ARTICLE IX, "NONCONFORMANCES," BY AMENDING SECTION 118-395, "REPAIR AND/OR REHABILITATION OF NONCONFORMING BUILDINGS AND USES," BY MODIFYING AND CLARIFYING ALLOWABLE ADDITIONS TO NON-CONFORMING BUILDINGS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; 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 Ordinance at First Reading and set a Second Reading Public Hearing for February 11, 2015.

BACKGROUND

On October 29, 2014, at the request of Commissioner Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee and the Planning Board (Item C4B) to permit the addition of balconies on non-conforming buildings.

On November 5, 2014, the Land Use and Development Committee referred the item to the Planning Board with a recommendation that the ordinance only apply to balconies and balconies with columns on non-conforming buildings.

ANALYSIS

Under current Land Development Regulations, the addition of balconies that project from a building's façade and which are supported by columns, are considered a ground floor addition. Ground floor additions have pre-existing height limits, depending on the zoning

district in which they are located. Therefore, balconies that require structural columns for support cannot be added to existing nonconforming buildings if such buildings exceed the maximum allowable height in their district.

The proposed Ordinance would allow for projecting balconies and balconies supported by columns to extend up to 30 feet from an existing building wall up to the highest habitable floor of the building and not be considered a ground floor addition. Such construction would be subject to the review and approval of the design review board or historic preservation board, as applicable.

There is increasing demand for larger balconies as the residents of residential buildings desire greater ability to enjoy the outdoors and the unique environment of Miami Beach. Existing regulations, such as required yards, and the design review or historic preservation process will ensure that the larger balconies do not negatively impact surrounding properties.

PLANNING BOARD REVIEW

On December 15, 2014, the Planning Board (by a vote of 6-0) transmitted the proposal to the City Commission with a favorable recommendation.

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 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the Ordinance at First Reading and set a Second Reading Public Hearing for February 14, 2015.

NON CONFORMING BUILDINGS – BALCONIES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA BY AMENDING CHAPTER 118, “ADMINISTRATIVE AND REVIEW PROCEDURES”, ARTICLE IX, ENTITLED “NONCONFORMANCES,” BY AMENDING SECTION 118-395, ENTITLED “REPAIR AND/OR REHABILITATION OF NONCONFORMING BUILDINGS AND USES,” BY MODIFYING AND CLARIFYING ALLOWABLE ADDITIONS TO NON-CONFORMING BUILDINGS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 118, of Article IX; at Section 118-395, provides for regulations relating to nonconforming uses and structures; and

WHEREAS, certain properties may have been constructed without balconies, or may desire to enlarge existing balconies, and may want to add that amenity to their property, but would be precluded from doing so under the nonconformance section of the Code; and

WHEREAS, while not increasing nonconforming structures or uses, a revision to Section 118-395 would make clear that a property may add a balcony or other similar structure(s), provided there are no issues relating to exceeding required maximum Floor Area Ratios, or any possible violation of setback requirements; 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 118, “Administrative and Review Procedures,” Article IX, entitled “Nonconformances,” and Section 118-395, entitled “Building nonconforming in height, density, parking, floor area ratio or bulk,” are hereby amended as follows:

* * *

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

- (a) *Nonconforming uses.* If a building which contains a nonconforming use is, repaired or rehabilitated at a cost exceeding fifty (50) percent of the value of the building as determined by the building official, it shall not be thereafter used except in conformity with the use regulations in the applicable zoning district contained in these land development regulations and all rights as a nonconforming use are terminated.

- (b) *Nonconforming buildings.*
- (1) Nonconforming buildings which are repaired or rehabilitated by less than fifty (50) percent of the value of the building as determined by the building official shall be subject to the following conditions:
- a. Repaired or rehabilitated residential and/or hotel units shall meet the minimum unit size requirements as set forth for the zoning district in which the property is located. The number of units in the building shall not be increased.
 - b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the City to reflect its current use.
 - c. Such repairs or rehabilitation shall meet the requirements of the City property maintenance standards, the applicable Florida Building Code, and the Fire Safety Code.
 - d. If located within a designated historic district, or an historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. If the repair or rehabilitation of a contributing structure conflicts with any of these regulations, the property owner shall seek relief from the applicable building or ~~Fire life-Ssafety Ceode~~ Code.
 - e. Any new construction shall comply with the existing current development regulations in the zoning district in which the property is located, provided however, that open private balconies, except that as it pertains to height, open private balconies, including projecting balconies and balconies supported by columns, not to exceed a depth of 30 feet from an existing building wall, and may be permitted as a height exception. The addition of balconies may be permitted, including up to the height of the highest habitable floor for a building non-conforming in height, provided such balconies meet applicable FAR and setback regulations. Any addition of a balcony shall be subject to the review and approval of the design review board or historic preservation board, as may be applicable.
- (2) Nonconforming buildings which are repaired or rehabilitated by more than fifty (50) percent of the value of the building as determined by the building official, shall be subject to the following conditions:
- a. All residential and hotel units shall meet the minimum and average unit size requirements for rehabilitated buildings as set forth in the zoning district in which the property is located.
 - b. The entire building, and any new ~~addition~~ construction shall meet all requirements of the City property maintenance standards, the applicable Florida Building Code and the Fire Safety Code.

- c. The entire building and any new ~~addition~~ construction shall comply with the current development regulations in the zoning district in which the property is located. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.

* * *

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 re-numbered or re-lettered 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 _____, 2015.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

First Reading: January 14, 2015
Second Reading: February 11, 2015

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
Date 1/7/15

(Sponsor Commissioner Joy Malakoff)

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Condensed Title:

An Ordinance amending Chapter 106, "Traffic and Vehicles" Article II, entitled "Metered Parking"; creating Division 3, entitled, "Construction Parking and Traffic Management Plan"; providing for codification, repealer, severability, and an effective date

Key Intended Outcome Supported:

Commission a Comprehensive Mobility Plan Which Gives Priority Recommendations (From Non-Vehicular to Vehicular and Including Parking).

Supporting Data (Surveys, Environmental Scan, etc.): 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 better to live, work or play.

Item Summary/Recommendation:

There are areas of the city with concentrations of construction activity and related construction employee vehicles parking for extended periods usurping parking availability all day at on-street parking spaces and municipal parking lots. The presence of these vehicles has caused reduced parking availability, vehicular traffic congestion on commercial and residential streets, impedes the movement of traffic, and unduly restricts access to patrons and visitors to commercial areas and residents and their visitors to their homes. On December 10, 2014, the Land Use and Development Committee (LUDC) endorsed the proposed ordinance and directed the Administration to further analyze the \$100,000 construction value threshold requiring a Construction Parking Plan and recommended the proposed ordinance to the Mayor and City Commission. Other communities with similar challenges, including Los Altos, and Pasadena, California, have regulated construction parking and require a Construction Management Plan (CMP). To this end, the City Attorney's Office and Administration, including representatives from the City Manager's Office, Building Department, Code Compliance, Planning Department, and Parking Department have collaborated and drafted a proposed ordinance requiring all construction projects with, a value to be determined, have an approved Construction Management Plan (CMP) in order to obtain a building and/or grading and shoring permit. **The Administration recommends the City Commission: 1) accept the recommendation of the LUDC via separate motion; and 2) approve the attached Ordinance at First Reading and schedule a Second Reading Public Hearing for February 11, 2015.**

Advisory Board Recommendation:

On January 5, 2015, the Transportation, Parking & Bicycle-Pedestrian Facilities Committee endorsed a recommendation to amend the City Code and require a Construction Parking and Traffic Management Plan, as described.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
OBPI	Total		

Financial Impact Summary: The two (2) alternatives below are based on threshold levels for requiring a CMP: **1. Alternative One - Threshold Value of \$100,000+:** This analysis is based on 835 annual building permits with related CMPs. Revenues generated by this program are estimated to be \$120,000 in permit fees and \$205,000 in fine revenues, for total annual revenues of \$325,000 and \$1,625,000 over five years. If the program is successful, fine revenues should decline over time. Expenses for the permitting, review, and analysis (Engineering Assistant III - (2) FTE) is estimated at \$172,000 (includes capital expense for vehicles in year one), annually and \$692,000 over five years. The expense for Code Enforcement (Code Compliance Officer - (2) FTE) is estimated at \$160,000 (includes capital expense for vehicles in year one), annually and \$632,000 over five years. This equates to a total annual expense (Year One) of \$332,000 and \$1,324,000 over five years. **2. Alternative Two - Threshold Value of \$250,000+:** This analysis is based on 392 annual building permits with related CMPs. Revenues generated by this program are estimated to be \$56,500 in permit fees and \$102,500 in fine revenues, for total annual revenues of \$159,000 and \$795,000 over five years. However, if the program is successful, fine revenues should decline over time. Expenses for the permitting, review, and analysis (Engineering Assistant III - (1) FTE) is estimated at \$86,000 (includes capital expense for vehicles in year one), annually and \$346,000 over five years. The expense for Code Enforcement (Code Compliance Officer - (1) FTE) is estimated at \$80,000 (includes capital expense for vehicles in year one), annually and \$316,000 over five years. This equates to a total annual expense (Year One) of \$166,000 and \$662,000 over five years.

City Clerk's Office Legislative Tracking:

Saul Frances, extension 6483

Sign-Offs:

Department Director	Assistant City Manager	City Manager
SF <i>[Signature]</i> MF <i>[Signature]</i> HC <i>[Signature]</i>	KGB <i>[Signature]</i> JJ <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: January 14, 2015

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, CHAPTER 106 “TRAFFIC AND VEHICLES”, AT ARTICLE II ENTITLED “METERED PARKING; CREATING DIVISION 3 ENTITLED “– CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN”; AND CREATING SECTIONS 106-116 THROUGH 106-130; PROVIDING FOR LEGISLATIVE INTENT; DEFINITIONS; CREATING A REQUIREMENT THAT ALL CONTRACTORS PROVIDE TRAFFIC PLAN TO THE BUILDING AND PARKING DEPARTMENT(S) PRIOR TO OBTAINING A BUILDING OR GRADING AND SHORING PERMIT FOR ALL PROJECTS OVER A CERTAIN CONSTRUCTION THRESHOLD; TO ENSURE THAT ALL EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS ARE PART OF A TRAFFIC MANAGEMENT AND PARKING PLAN FOR PARKING OF VEHICLES; PROVIDING FOR PENALTIES, ENFORCEMENT PROCEDURES AND APPEALS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE. [Sponsored by Commissioner Michael Grieco]**

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 schedule a Second Reading Public Hearing for February 11, 2015.

BACKGROUND

As you know, there are areas of the city with concentrations of construction activity and related construction employee vehicles parking for extended periods usurping parking availability all day at on-street parking spaces and municipal parking lots. The presence of these vehicles has caused reduced parking availability, vehicular traffic congestion on commercial and residential streets, impedes the movement of traffic, and unduly restricts access to patrons and visitors to commercial areas and residents and their visitors to their homes.

On September 10, 2014, the Mayor and Commission approved Item No. C41, entitled, “Referral to Land Use and Planning Board regarding ordinance amendment to Chapter 106 relating to parking to require a parking plan during construction for commercial building projects”.

On December 10, 2014, the Land Use and Development Committee endorsed the proposed ordinance and directed the Administration to further analyze the \$100,000 construction value threshold requiring a Construction Parking Plan and recommended the proposed ordinance to the Mayor and City Commission.

ANALYSIS

Other communities with similar challenges, including Los Altos, and Pasadena, California, have regulated construction parking and require a Construction Management Plan (CMP). The requirement of a CMP is recommended in order to increase parking availability in commercial and residential areas.

To this end, the City Attorney's Office and Administration, including representatives from the City Manager's Office, Building Department, Code Compliance, Planning Department, and Parking Department have collaborated and drafted a proposed ordinance requiring all construction projects with a value of \$100,000 or higher have an approved Construction Management Plan (CMP) in order to obtain a building and/or grading and shoring permit.

Construction Management Plan (CMP)

In order to maintain a Building Permit and/or Grading and Shoring Permit, in good standing, for all projects with a value to be determined (see analysis below), an approved CMP is required. The CMP shall minimize construction employee vehicle parking impacts to the surrounding neighborhood (commercial or residential) and adjacent properties and their occupants. The CMP must:

- Reduce construction employee vehicle parking impacts related to the proposed construction;
- Contain construction related parking to project site and areas approved by the City;
- Reduce construction noise impacts to the greatest extent technically and economically feasible; and
- Minimize off-site dust and air quality impacts per best management practices.

Definitions:

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Commercial area* means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by commercial, or retail property. Commercial area shall contain at least half a City block bordered by three public streets, and, if there is an alleyway, also by the alleyway.
- *Construction Employee Vehicle (CEV)* means a motor vehicle operated in or parked by an employee, or subcontractor of a construction contractor for extended periods of the day, which result in an impact on the community as identified below as a CEVPI.
- *Construction Employee Vehicle Parking Impact (CEVPI)* means:
 - A condition whereby:
 - Municipal (on and off-street) parking spaces are limited in quantities and for extended periods of the day factually occupied Monday through Saturday, of any month by construction employee, contractor or subcontractor vehicles; and

- CEVs park on municipal on and off-street parking spaces, intended for commercial or residential uses; or
- A condition whereby any number of construction related vehicles are being driven into or left regularly in a commercial or residential area and the CEV drivers are parking at those locations for purposes unrelated to commercial, retail or residential uses.
- *Residential areas* means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as schools, parks, churches, hospitals, and nursing homes. A residential area shall contain at least half a City block bordered by three (3) public streets, and, if there is an alleyway, also by the alleyway.

Creation of Construction Management Plan (CMP):

In order to obtain or maintain a Building and/or Grading and Shoring Permit for all projects with a value in excess of (value to be determined), the Contractor of record shall be required to provide to the City a CMP. The Parking Director shall review the CMP. Failure to provide the CMP, or obtain Parking Director approval of the CMP shall preclude the issuance of a Building or Grading and Shoring Permit. The CMP shall minimize CEVPI to the surrounding commercial or residential areas. The CMP must:

1. Reduce CEVPI related to the proposed construction;
2. Contain construction related parking within the project site, whenever possible;
3. Document where the parking areas will be provided for the employees, subcontractors, and contractors, if not on site; and
4. The contractor, owner of the property, and tenant are required to sign, under oath, the proposed CMP, confirming their understanding of the plan, and the penalties associated with non-compliance.

Requirements of CMP:

1. The CMP shall contain the following required elements to address the CEVPI:
 - a. A copy of the building permit application/processing number, that is not expired, with the Building Department.
 - b. A system to minimize the effect of CEV parking in commercial and residential neighborhoods.
 - c. Document the number of workers; identify by description and vehicle license plate number all vehicles that will be present on the site during various phases of construction; and indicate whether sufficient privately owned/operated off-street parking will be provided. Provide proof of such off-street private parking arrangements.
 - d. The construction contractor, owner/developer shall schedule a pre-construction meeting with City staff after permit issuance, but prior to start of work, to review CMP implementation.
2. The Construction Site Parking and Staging Plan shall provide the following specific information:

- a. All construction related parking (whether for employees, contractors, subcontractors, suppliers, etc.) shall be located on-site where the construction is to take place, or at an approved off-site locations, as approved by City Staff. Swale, right-of-way, or parking metered locations may be permitted, upon approval of the Parking Director, to be used for loading, deliveries, and supplies. However, this temporary authorization shall not be considered a proper parking area for employees, subcontractors or contractors under the CMP.
- b. Delineate the details as to the number of proposed vehicles; type of vehicles accessing the construction site; identify the vehicles by year, make, model, and Florida license plate number.
- c. Identify where all on-site parking will be located (minimum 8.5'x18' per stall) and how vehicles will enter and exit the construct site from or the street.
- d. If off-site parking is required to accommodate employee, subcontractor or contractor parking needs, identify the off-site location to be used and how the employees, subcontractors or contractors will get to and from the construction site. Provide proof of lease, exclusive use, etc. to the Parking Director as park of the CMP.
- f. Identify any fencing around the construction site and all access points. A site plan may be required
- g. Identify material staging area(s).
- h. Provide any other notes necessary to clarify the CMP, as may be applicable.

Review and approval:

The CMP shall be reviewed and require the approval of the Parking Director.

Issuance of permit:

1. A CMP permit shall be issued upon approval of the CMP and payment of fees.
2. A CMP permit fee in the amount of \$144 shall be assessed for each CMP and related building permit.
3. Thereafter a building or a grading and shoring permit may issue. Failure to obtain Parking Department authorization of a CMP permit shall preclude the issuance of building permit.

Parking in designated areas:

1. Pursuant to the requirements of this section, contractors, subcontractors and construction employees shall register and provide vehicle make, model, year, color, and license plate to the Parking Department.
2. CEVs shall prominently display a parking permit for the corresponding parking facility(ies) related to the building permit/construction project identified in the underlying CMP. Such parking permit shall be displayed so as to be clearly visible to the City's enforcement personnel.
3. CEVs found at any location other than those stipulated in the CMP shall be in violation of this section

Enforcement:

- (1) A City code inspector may issue a citation for a violation of this Chapter. Enforcement shall be through Chapter 30 of the City's Code. A City Code Inspectors means the code compliance officers, parking department employees, or any authorized agent or employee of the City whose duty it is to assure code compliance.
- (2) All violations of this chapter are civil infractions. Each violation of this chapter shall constitute a separate offense. Violations of this chapter, will be punished as follows:
 - (a) For a first offense, a \$5,000.00 fine issued to both contractor and property owner/tenants.
 - (b) For a second offense a \$10,000.00 fine issued to both contractor and property owner/tenant.
 - (c) For a third offense, a \$15,000.00 fine issued to both contractor and property owner/tenant.
 - (d) For each additional/subsequent offense a one-day stop work order issued by the City's Building Official.
 - (e) For purposes of this section, an offense shall be deemed to have occurred on the date that the violation occurred.
 - (f) The failure of any person to pay the appropriate fine within the time allowed or to appeal the violation shall constitute a waiver of the right to an administrative hearing before the special master and fines may be accessed accordingly.
 - (g) 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 and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that which remains unpaid, the city may foreclose or otherwise execute upon the lien.

Revocation of permits and other penalties:

Any Contractor, subcontractor, property owner or tenant who has obtained a valid citation under section 106-123, and who has failed to pay the fine, and failed to cure the violation, shall have the Building Permit revoked. Failure to comply shall subject such participant to enforcement procedures by the City and may result in fines of up to an additional \$500.00, per day, and liens as provided by law.

Use of Funds:

All fines collected and all CMP fees collected shall be first utilized to fund administrative expenditures of the City in administering the program, including Parking Department review, Code Compliance Enforcement and Building Department Review. Any additional funds shall be placed in the Fee in Lieu of Parking fund to assist the City in providing enhanced parking facilities.

Appeals:

Appeals of a citation shall be pursuant to Chapter 30, before the City's Special Master. The procedures relating to code compliance citations shall control the appeal period, notice requirements, and rules relating to same.

Construction Value Thresholds:

The chart below illustrates the volume of building permits at varying construction value thresholds issued in FY 2013/14. There were a total of 1,766 building permits which would be applicable to the proposed ordinance, commencing with a \$100,000 construction value threshold (CVT). The \$100,000 CVT includes residential projects which have sufficient construction activities that adversely impact residential neighborhood parking. Please note as the thresholds below increase in value, the quantities of residential projects transitions to commercial projects.

BUILDING PERMIT CONSTRUCTION VALUES					
(cumulative from \$1M to \$100K)					
10/1/2013 to 09/30/2014					
Month	\$100,000	\$250,000	\$500,000	\$750,000	\$1,000,000
Oct-13	80	32	22	19	14
Nov-13	63	30	15	11	11
Dec-13	44	17	10	8	5
Jan-14	63	33	26	21	14
Feb-14	46	22	10	8	7
Mar-14	66	32	17	10	5
Apr-14	80	45	33	27	16
May-14	86	51	30	23	17
Jun-14	58	29	20	11	7
Jul-14	113	41	28	22	14
Aug-14	70	39	13	6	5
Sep-14	66	21	12	12	10
Total	835	392	236	178	125

FISCAL IMPACT

The two (2) alternatives below are based on threshold levels for requiring a CMP and their related fiscal impacts:

1. Alternative One - Threshold Value of \$100,000+:

This analysis is based on permitting, including: processing, review, inspection, and enforcement of 835 annual building permits with related CMPs.

Revenues generated by this program are estimated to be \$120,000 in permit fees and \$205,000 in fine revenues, for total annual revenues of \$325,000 and \$1,625,000 over five years. However, if the program is successful, fine revenues should decline over time.

Expenses for the permitting, review, and analysis (Engineering Assistant III - (2) FTE) is estimated at \$172,000 (includes capital expense for vehicles in year one), annually and \$692,000 over five years. The expense for Code Enforcement (Code Compliance Officer – (2) FTE) is estimated at \$160,000 (includes capital expense for vehicles in year one), annually and \$632,000 over five years. This equates to a total annual expense (Year One) of \$332,000 and \$1,324,000 over five years.

2. Alternative Two - Threshold Value of \$250,000+:

This analysis is based on permitting, including: processing, review, inspection, and enforcement of 392 annual building permits with related CMPs.

Revenues generated by this program are estimated to be \$56,500 in permit fees and \$102,500 in fine revenues, for total annual revenues of \$159,000 and \$795,000 over five years. However, if the program is successful, fine revenues should decline over time.

Expenses for the permitting, review, and analysis (Engineering Assistant III - (1) FTE) is estimated at \$86,000 (includes capital expense for vehicles in year one), annually and \$346,000 over five years. The expense for Code Enforcement (Code Compliance Officer – (1) FTE) is estimated at \$80,000 (includes capital expense for vehicles in year one), annually and \$316,000 over five years. This equates to a total annual expense (Year One) of \$166,000 and \$662,000 over five years.

CONCLUSION

In conclusion, 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 schedule a Second Reading Public Hearing for February 11, 2015, approve an amendment, on first reading, to Chapter 106, "Traffic and Vehicles" at Article II, entitled "Metered Parking"; creating Division 3, entitled, "Construction Parking and Traffic Management Plan"; providing for codification, repealer, severability, and an effective date; and further recommend scheduling of a second and final public hearing.


JLM/KGB/SF

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, CHAPTER 106 “TRAFFIC AND VEHICLES”, AT ARTICLE I, DIVISION 1 ENTITLED “GENERALLY”, TO CLARIFY THAT A PARKING ENFORCEMENT SPECIALIST MAY ISSUE CODE COMPLIANCE VIOLATIONS UNDER SECTION 106-116 THROUGH 106-126, WITH ENFORCEMENT THROUGH THE SPECIAL MASTER; AND AT ARTICLE II ENTITLED “METERED PARKING; CREATING DIVISION 3 ENTITLED “– CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN”; AND CREATING SECTIONS 106-116 THROUGH 106-130; PROVIDING FOR LEGISLATIVE INTENT; DEFINITIONS; CREATING A REQUIREMENT THAT ALL CONTRACTORS PROVIDE TRAFFIC PLAN TO THE BUILDING AND PARKING DEPARTMENT(S) PRIOR TO OBTAINING A BUILDING OR GRADING AND SHORING PERMIT FOR ALL PROJECTS OVER A CERTAIN CONSTRUCTION THRESHOLD; TO ENSURE THAT ALL EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS ARE PART OF A TRAFFIC MANAGEMENT AND PARKING PLAN FOR PARKING OF VEHICLES; PROVIDING FOR PENALTIES, ENFORCEMENT PROCEDURES AND APPEALS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Code at Chapter 106, entitled “Traffic and Vehicles,” regulates all matters relating to traffic and vehicles within the City of Miami Beach; and

WHEREAS, There exists in areas of the City, heavy concentration of construction activity and related construction employee vehicles that park for extended periods usurping parking availability all day; congregating at various points; and committing offenses against the peace and dignity of the City and the residents thereof; and

WHEREAS, the presence of these vehicles cause vehicular traffic congestion on commercial and residential streets, impede the movement of traffic, and unduly restrict access to patrons and visitors to commercial areas and residents and their visitors to their homes; and

WHEREAS, such vehicular congestion creates polluted air, excessive noise, trash and refuse; and

WHEREAS, that the conditions and impacts mentioned above reduces parking availability and creates blighted or deteriorated residential areas; and

WHEREAS, the establishment of a requirement of a Construction Management Plan for traffic and parking to preserve the resident quality of life and character of residential neighborhoods, preserve property values, and preserve the safety of children and other pedestrians; and

WHEREAS, to ensure that the definitions are clear, concise, and for facility of use to the community and,

WHEREAS, the proposed modification to the Chapter 106 of the City Code 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 106 TRAFFIC AND VEHICLES

* * *

ARTICLE I

DIVISION I- GENERALLY

* * *

Sec. 106-53. - Duties of parking enforcement specialist in case of overtime parking.

(a) It shall be the duty of the parking enforcement specialist of the city, acting in accordance with instructions issued by the parking director, to issue a citation to the violators of section 106-46 or 106-48, containing the following information:

- (1) The number of the parking meter that indicated that the vehicle occupying the parking space adjacent to such parking meter is or had been parked in violation of any of the provisions of section 106-46 or 106-48.
- (2) The state and license number of such vehicle.
- (3) The date and time at which such vehicle was seen or found parked in violation of any of the provisions of section 106-46 or 106-48.
- (4) Any other facts a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation, and facilitate the determining of ownership of such vehicle.

(b) When the operator of the vehicle is not available each such parking enforcement specialist shall attach to such vehicle the citation to the owner thereof that such vehicle has been parked in violation of section 106-46 or 106-48, and instructing such owner to either pay the parking fine or contest the citation as provided on the citation within 30 days in regard to such violation.

(c) The parking enforcement specialist shall enforce the provisions of Article II, Division 3, sections 106-116 through 116-126, through the code compliance procedures of Chapter 30. An appeal of a citation under Article II, Division 3, shall be to the Special Master.

ARTICLE II METERED PARKING

* * *

DIVISION 3. CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN

Sec. 106-116. Declaration of necessity and purpose.

It is hereby found and declared that:

- (a) There exists in areas of the City, heavy concentration of construction activity and related construction employee vehicles that park for extended periods usurping parking availability all day; congregating at various points; and committing offenses against the peace and dignity of the City and the residents thereof.
- (b) The presence of these vehicles cause vehicular traffic congestion on commercial and residential streets, impede the movement of traffic, and unduly restrict access to patrons and visitors to commercial areas and residents and their visitors to their homes.
- (c) Such vehicular congestion creates polluted air, excessive noise, trash and refuse.
- (d) That the conditions and evils mentioned in subsections (1), (2), and (3) of this section reduces parking availability and creates blighted or deteriorated residential and commercial areas.
- (e) The establishment of a requirement that a contractor provide a Construction Management Plan (CMP) due to the traffic and parking impacts caused by the construction product would

assist the City in preserving the residents' quality of life; ensure the high quality of our residential and commercial neighborhoods; would preserve property values; and preserve the safety of children and of all pedestrians in the City.

Sec. 106-117. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial area means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by commercial, or retail property. Commercial area shall contain at least half a City block bordered by three public streets, and, if there is an alleyway, also by the alleyway.

Construction Employee Vehicle (CEV) means a motor vehicle operated in or parked by an employee, or subcontractor of a construction contractor for extended periods of the day, which result in an impact on the community as identified below as a CEVPI.

Construction Employee Vehicle Parking Impact (CEVPI) means:

(1) A condition whereby:

a. Municipal (on and off-street) parking spaces are limited in quantities and for extended periods of the day factually occupied Monday through Saturday, of any month by construction employee, contractor or subcontractor vehicles; and

b. CEVs park on municipal on and off-street parking spaces, intended for commercial or residential uses; or

(2) A condition whereby any number of construction related vehicles are being driven into or left regularly in a commercial or residential area and the CEV drivers are parking at those locations for purposes unrelated to commercial, retail or residential uses.

Residential areas means a contiguous or nearly contiguous area containing public streets or parts thereof primarily abutted by residential property or residential and nonbusiness property such as schools, parks, churches, hospitals, and nursing homes. A residential area shall contain at least half a City block bordered by three (3) public streets, and, if there is an alleyway, also by the alleyway.

Sec. 106-118. Creation of Construction Management Plan (CMP).

In order to obtain or maintain a Building and/or Grading and Shoring Permit for all projects with a value in excess of _____, the Contractor of record shall be required to provide to the City a CMP. The Parking Director shall review the CMP. Failure to provide the CMP, or obtain Parking Director approval of the CMP shall preclude the issuance of a Building or Grading and Shoring Permit. The CMP shall minimize CEVPI to the surrounding commercial or residential areas. The CMP must:

a. _____ Reduce CEVPI related to the proposed construction;

b. _____ Contain construction related parking within the project site, whenever possible;

c. _____ Document where the parking areas will be provided for the employees, subcontractors, and contractors, if not on site; and

d. _____ The contractor, owner of the property, and tenant are required to sign, under oath, the proposed CMP, confirming their understanding of the plan, and the penalties associated with non-compliance.

Sec. 106-119. Requirements of CMP.

- (1) The CMP shall contain the following required elements to address the-CEVPI:
- a. A copy of the building permit application/processing number, that is not expired, with the Building Department.
 - b. A system to minimize the effect of CEV parking in commercial and residential neighborhoods.
 - c. Document the number of workers; identify by description and vehicle license plate number all vehicles that will be present on the site during various phases of construction; and indicate whether sufficient privately owned/operated off-street parking will be provided. Provide proof of such off-street private parking arrangements.
 - d. The construction contractor, owner/developer shall schedule a pre-construction meeting with City staff after permit issuance, but prior to start of work, to review CMP implementation.
- (2) The Construction Site Parking and Staging Plan shall provide the following specific information:
- a. All construction related parking (whether for employees, contractors, subcontractors, suppliers, etc.) shall be located on-site where the construction is to take place, or at an approved off-site locations, as approved by City Staff. Swale right-of-way, or parking metered locations may be permitted, upon approval of the Parking Director, to be used for loading, deliveries, and supplies. However, this temporary authorization shall not be considered a proper parking area for employees, subcontractors or contractors under the CMP.
 - b. Delineate the details as to the number of proposed vehicles; type of vehicles accessing the construction site; identify the vehicles by year, make, model, and Florida license plate number.
 - c. Identify where all on-site parking will be located (minimum 8.5'x18' per stall) and how vehicles will enter and exit the construct site from or the street.
 - d. If off-site parking is required to accommodate employee, subcontractor or contractor parking needs, identify the off-site location to be used and how the employees, subcontractors or contractors will get to and from the construction site. Provide proof of lease, exclusive use, etc. to the Parking Director as park of the CMP.
 - f. Identify any fencing around the construction site and all access points. A site plan may be required
 - g. Identify material staging area(s).
 - h. Provide any other notes necessary to clarify the CMP, as may be applicable.

Sec. 106-120. Review and approval.

The CMP shall be reviewed and require the approval of the Parking Director.

Sec. 106-121. Issuance of permit.

- 1. A CMP permit shall be issued upon approval of the CMP and payment of fees.
- 2. A CMP permit fee in the amount of \$ _____, shall be assessed for each CMP and related building permit.
- 3. Thereafter a building or a grading and shoring permit may issue. Failure to obtain Parking Department authorization of a CMP permit shall preclude the issuance of building permit.

Sec. 106-122. Parking in designated areas.

- (1) Pursuant to the requirements of section 106-119, contractors, subcontractors and construction employees shall register and provide vehicle make, model, year, color, and license plate to the Parking Department.

(2) CEVs shall prominently display a parking permit for the corresponding parking facility(ies) related to the building permit/construction project identified in the underlying CMP. Such parking permit shall be displayed so as to be clearly visible to the City's enforcement personnel.

(3) CEVs found at any location other than those stipulated in the CMP shall be in violation of this section

Sec. 106-123. Enforcement.

(1) A City code inspector may issue a citation for a violation of this Chapter. Enforcement shall be through Chapter 30 of the City's Code. A City Code Inspectors means the code compliance officers, parking department employees, a parking enforcement specialist, or any authorized agent or employee of the City whose duty it is to assure code compliance.

(2) All violations of this chapter are civil infractions. Each violation of this chapter shall constitute a separate offense. Violations of this chapter, will be punished as follows:

- (a) For a first offense, a \$5,000.00 fine issued to both contractor and property owner/tenant.
- (b) For a second offense a \$10,000.00 fine issued to both contractor and property owner/tenant.
- (c) For a third offense, a \$15,000.00 fine issued to both contractor and property owner/tenant.
- (d) For each additional/subsequent offense a one day stop work order issued by the City's Building Official.
- (e) For purposes of this section, an offense shall be deemed to have occurred on the date that the violation occurred.
- (f) The failure of any person to pay the appropriate fine within the time allowed or to appeal the violation shall constitute a waiver of the right to an administrative hearing before the special master and fines may be accessed accordingly.
- (g) 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 and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that which remains unpaid, the city may foreclose or otherwise execute upon the lien.

Sec. 106-124. Revocation of permits and other penalties.

Any Contractor, subcontractor, property owner or tenant who has obtained a valid citation under section 106-123, and who has failed to pay the fine, and failed to cure the violation, shall have the Building Permit revoked. Failure to comply shall subject such participant to enforcement procedures by the City and may result in fines of up to an additional \$500.00, per day, and liens as provided by law.

Sec. 106-125. Use of Funds.

All fines collected and all CMP fees collected shall be first utilized to fund administrative expenditures of the City in administering the program, including Parking Department review, Code Compliance Enforcement and Building Department Review. Any remaining funds shall be transferred to the Fee in Lieu of Parking fund to assist the City in providing enhanced parking facilities. Any transfer of funds to the Fee in Lieu of Parking fund shall be documented to reflect the fine source, and amount.

Sec. 106-126. Appeals.

Appeals of a citation shall be pursuant to Chapter 30, before the City's Special Master. The procedures relating to a code compliance citations under Chapter 30 shall control the appeal period, notice requirements, and rules relating to same.

* * *

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 _____, 2015.

First Reading: _____

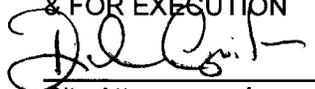
Second Reading: _____

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney *LM*

1-7-15
Date

Underscore denotes new language
Strikethrough denotes removed language

(Sponsored by Commissioner Michael Grieco)

Condensed Title:

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Repealing Ordinance No. 1201, Entitled "An Ordinance Of The City Of Miami Beach, Florida, Changing The Name Of Forty-First (41st) Street To Arthur Godfrey Road," To Remove The "Arthur Godfrey Road" Name From Forty-First Street And To Request That The Florida Department Of Transportation (DOT) Remove The Name "Arthur Godfrey Road" Designation From FDOT Road And Highway Signs; Providing For Repealer, Severability, And Effective Date.

Key Intended Outcome Supported:

Supporting Data (Surveys, Environmental Scan, etc)

Item Summary/Recommendation:

On February 15, 1956, the Mayor and City Commission of the City of Miami Beach, petitioned by a group of property owners along 41st Street, adopted ordinance No. 1201, which changed the name of 41st Street to Arthur Godfrey Road. Forty-First (41st) Street is part of the State Road system (State Road 112), thus under the jurisdiction of the Florida Department of Transportation (FDOT). Typically, the State legislature must approve the addition or removal of a co-name for a State Road. However, research performed by the Office of the City Attorney has indicated that the State Legislature has never designated State Road 112/41st Street as "Arthur Godfrey Road". As such, the City Commission may remove the "Arthur Godfrey Road" co-name by repealing Ordinance No. 1201.

At its June 11, 2014 meeting, the City Commission held a discussion regarding the removal of the "Arthur Godfrey Road" co-name from 41st Street. At the meeting, the Commission stated that Arthur Godfrey is no longer well-known or well-regarded by many in the City of Miami Beach and referred the item to the Neighborhood/Community Affairs Committee (NCAC) for discussion and direction. FDOT staff has confirmed that upon receiving a City Commission resolution, the existing highway signs located over the eastbound lanes of I-195/Julia Tuttle Causeway will be modified accordingly at no cost to the City. The existing internally illuminated street name signs at signalization intersections from Alton Road to Collins Avenue are maintained by the Miami-Dade County Traffic Signals and Signs Division. The City has communicated with the County to obtain information on cost and standard of installation of new internally illuminated street name signs and ground-mounted street name signs. As a matter of practice, the County only places ground-mounted signs and internally illuminated street name signs on non-state roads, however, the County has expressed that if the FDOT approves the removal of the co-designation on State Road 112/41st Street, the County will remove the existing internally illuminated street name signs and install new signage along the corridor. The cost for the installation of sixteen (16) new internally illuminated street name signs and two (2) ground-mounted street name signs showing only the 41st Street designation between Collins Avenue and Alton Road is approximately \$5,600. Funding has not been budgeted for this project, however, if the item is sponsored and placed on the Board of County Commissioners agenda by the District's County Commissioner, the installation of the new co-designation street name signs would be at no cost to the City. If the co-designation is not sponsored by the District's County Commissioner, the City will identify the funds required for replacement of the existing signs along the corridor. **THE ADMINISTRATION RECOMMENDS ACCEPTING THE RECOMMENDATION OF THE NCAC BY SEPARATE MOTION AND APPROVING THE ORDINANCE ON FIRST READING.**

Advisory Board Recommendation:

The Neighborhood/Community Affairs Committee passed a motion at its October 31, 2014 meeting recommending that the Administration prepare an ordinance repealing Ordinance No. 1201, thus removing the co-name "Arthur Godfrey Road" from 41st Street.

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:

The estimated cost for installation of the co-designation signs by the County is \$5,600. Funding has not been budgeted for this project.

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E. Ext. 6768

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JRG <i>JRG</i>	KGB	JLM <i>JLM</i>

T:\AGENDA\2014\November\Transportation\Ordinance Repealing The "Arthur Godfrey Road" Co-Name from 41st Street SUMM.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: January 14, 2015

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING ORDINANCE NO. 1201, ENTITLED "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, CHANGING THE NAME OF FORTY-FIRST (41ST) STREET TO ARTHUR GODFREY ROAD," TO REMOVE THE "ARTHUR GODFREY ROAD" NAME FROM FORTY-FIRST STREET AND TO REQUEST THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) REMOVE THE NAME "ARTHUR GODFREY ROAD" DESIGNATION FROM FDOT ROAD AND HIGHWAY SIGNS; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

FUNDING

The estimated cost of installation of the co-designation signs by Miami-Dade County is \$5,600. Funding has not been budgeted for this project.

BACKGROUND

On February 15, 1956, the Mayor and City Commission of the City of Miami Beach, petitioned by a group of property owners along 41st Street, adopted Ordinance No. 1201, which co-designated 41st Street as Arthur Godfrey Road. At that point, property owners sought to add the name as a tribute to Arthur Godfrey, whose enthusiasm and interest in our City has stimulated and publicized the many virtues of South Florida.

Forty-First (41st) Street is part of the State Road system (State Road 112), thus under the jurisdiction of the Florida Department of Transportation (FDOT). Typically, the State legislature must approve the addition or removal of a co-name for a State Road. However, research performed by the Office of the City Attorney has indicated that the State Legislature has never designated State Road 112/41st Street as "Arthur Godfrey Road". As such, the City Commission may remove the "Arthur Godfrey Road" co-name by repealing Ordinance No. 1201.

At its June 11, 2014 meeting, the City Commission held a discussion regarding the removal of the "Arthur Godfrey Road" co-name from 41st Street. At the meeting, the City Commission stated that Arthur Godfrey is no longer well-known or well-regarded by many in the City of Miami

Beach and referred the item to the Neighborhood/Community Affairs Committee (NCAC) for discussion and direction. The NCAC passed a motion at its October 31, 2014 meeting, recommending that the Administration prepare an ordinance repealing Ordinance No. 1201, thus removing the co-name “Arthur Godfrey Road” from 41st Street.

ANALYSIS

In order to remove the “Arthur Godfrey Road” co-designation, City Commission must approve the repealing of Ordinance No. 1201.

As previously mentioned, 41st Street is part of the State Road system (State Road 112) and connects with I-195/Julia Tuttle Causeway on the west end. FDOT staff has confirmed that upon receiving a City Commission resolution, the existing highway signs located over the eastbound lanes of I-195/Julia Tuttle Causeway will be modified accordingly at no cost to the City.

The existing internally illuminated street name signs at signalization intersections from Alton Road to Collins Avenue are maintained by the Miami-Dade County Traffic Signals and Signs Division. The City has communicated with the County to obtain information on cost and standard of installation of new internally illuminated street name signs and ground-mounted street name signs. As a matter of practice, the County only places ground-mounted signs and internally illuminated street name signs on non-state roads, however, the County has expressed that if the FDOT approves the removal of the co-designation on State Road 112/41st Street, the County will remove the existing internally illuminated street name signs and install new signage along the corridor.

The cost for the installation of sixteen (16) new internally illuminated street name signs and two (2) ground-mounted street name signs showing only the 41st Street designation between Collins Avenue and Alton Road is approximately \$5,600. Funding has not been budgeted for this project, however, if the item is sponsored and placed on the Board of County Commissioners agenda by the District’s County Commissioner, the installation of the new co-designation street name signs would be at no cost to the City. If the co-designation is not sponsored by the District’s County Commissioner, the City will identify the funds required for replacement of the existing signs along the corridor.

RECOMMENDATION

The Administration recommends approval of the Ordinance on First Reading repealing Ordinance No. 1201, entitled An Ordinance of the City of Miami Beach, Florida, changing the name of Forty-First (41st) Street to Arthur Godfrey Road.

SJG J.F.D.
KGB/JRG/JFD

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING ORDINANCE NO. 1201, ENTITLED "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, CHANGING THE NAME OF FORTY-FIRST (41ST) STREET TO ARTHUR GODFREY ROAD," TO REMOVE THE "ARTHUR GODFREY ROAD" CO-NAME FROM FORTY-FIRST STREET AND TO REQUEST THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) REMOVE THE "ARTHUR GODFREY ROAD" DESIGNATION FROM FDOT ROAD AND HIGHWAY SIGNS; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on February 15, 1956, the Mayor and City Council of the City of Miami Beach ("City"), petitioned by a group of property owners along 41st Street, adopted Ordinance No. 1201, attached as Exhibit "A" hereto, to change the name of 41st Street to Arthur Godfrey Road; and

WHEREAS, 41st Street is maintained by the State of Florida and designated by FDOT as State Road 112; and

WHEREAS, for the State to designate a State road with a new name, the State legislature must approve the designation; however, in this instance, the State legislature never designated 41st Street as "Arthur Godfrey Road," and FDOT has no record of a roadway designation of "Arthur Godfrey Road" on 41st Street; and

WHEREAS, therefore, the City Commission may remove the "Arthur Godfrey Road" co-name by repealing Ordinance No. 1201, without any action by the State legislature; and

WHEREAS, on June 11, 2014, the City Commission held a discussion regarding removing the "Arthur Godfrey Road" co-name from 41st Street; and

WHEREAS, at its October 31, 2014 meeting, the Neighborhood/Community Affairs Committee unanimously adopted a motion recommending that the Administration prepare an ordinance repealing Ordinance No. 1201 to remove the name "Arthur Godfrey Road" from 41st Street; and

WHEREAS, the City Commission hereby accepts the recommendation of the Neighborhood/Community Affairs Committee.

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

SECTION 1. That Ordinance No. 1201 is hereby repealed in its entirety as follows:

ORDINANCE NO. 1201

~~**AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, CHANGING THE NAME OF FORTY-FIRST (41st) STREET TO ARTHUR GODFREY ROAD.**~~

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA:

~~SECTION 1:~~ That that certain highway shown and designated as "Forty First Street" or "41st Street" on Plats of the Ocean Front Property of Miami Beach Improvement Company, of Flamingo Terrace Subdivision, of Orchard Sub-Division Numbers 2 and 3, of Orchard Subdivision Number 4, of Flamingo Bay Subdivision, of Garden Subdivision, of Nautilus Addition, of First Addition to Mid-Golf Subdivision, of Nursery Subdivision, of Nautilus Extension Second and of 41st Street Business Subdivision, said plats being recorded in the Public Records of Dade County, Florida, respectively in Plat Book 5 at pages 7 and 8, in Plat Book 10 at page 3, in Plat Book 8 at page 116, in Plat Book 25 at page 30, in Plat Book 6 at page 101, in Plat Book 29 at page 67, in Plat Book 8 at page 130, in Plat Book 7 at page 161, in Plat Book 23 at page 66, in Plat Book 34 at page 81 and in Plat Book 34 at page 92, is hereby changed in name and designation, and shall hereafter be known, designated and referred to as "Arthur Godfrey Road".

~~SECTION 2:~~ That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

~~SECTION 3:~~ That this ordinance shall go into effect immediately upon its passage and posting as required by law.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2015.

PASSED and ADOPTED this _____ day of _____, 2015.

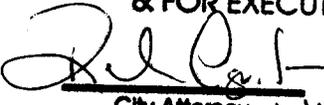
ATTEST:

RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Joy Malakoff)

PHILIP LEVINE, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 12/29/14

City Attorney NK Date

Underline denotes additions
~~Strike through~~ denotes deletions.

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Condensed Title:

First Reading of an Ordinance Amending Chapter 46-92 of the Code of Miami Beach to extend the existing prohibition of expanded polystyrene products on beaches and in parks within the city to include city marinas, piers, docks, and boat ramps.

Key Intended Outcome Supported:

Enhance the Environmental Sustainability of the Community.

Supporting Data: 2% of residential respondents indicated trash and litter is an area that the City needs to improve. In the 2014 Community Satisfaction Survey, residential respondent and business owner satisfaction with canal/waterway cleanliness dropped 4% and 2% from 2012, respectively.

Item Summary/Recommendation:

FIRST READING

Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways. It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City's vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City's streets, public places, and waterways. Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it. Waterfront facilities including marinas, piers, docks, and boat ramps provide the public with direct access to Biscayne Bay, the Atlantic Ocean, and the City's waterways. Keeping expanded polystyrene products out of publically owned and leased facilities can help reduce litter nuisance because lightweight articles, such as expanded polystyrene products, are picked up and dispensed by wind and rain. The proposed Ordinance will reduce the presence of this pollutant on the City's waterfronts and waterways and enhance the City's environmental sustainability.

On July 23, 2014, the City Commission passed Ordinance No. 2014-3884 expanding the restrictions on the sale and use of expanded polystyrene (commonly known as Styrofoam) products, to reduce litter and pollutants in the City's waterways and to enhance the environmental sustainability of the City. Ordinance 2014-3884 prohibits the following: (1) the carrying of expanded polystyrene products into City beaches and parks; (2) the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors, vendors, lessees, concessionaires, operators of City facilities and properties, and special event permittees; and (3) the placement of expanded polystyrene food service articles on the right-of-way and the provision by sidewalk café permittees of expanded polystyrene food service articles to sidewalk café patrons.

The proposed Ordinance amends Chapter 46 of the City Code by amending Section 46-92 to include the definitions of "polystyrene" and of "expanded polystyrene". Additionally, the proposed Ordinance extends the existing prohibition of expanded polystyrene products on beaches and in parks within the city to include city marinas, piers, docks, and boat ramps because these facilities are in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment. The proposed Ordinance also amends Chapter 82 of the City Code by amending Section 82-7 to include the definition of "polystyrene" and to expand the definition of "city facility" to include facilities leased to the City and marinas, piers, docks or boat ramps owned, operated, leased, or managed by the City. In addition, the proposed Ordinance amends section 82-7 to expand the definition of "city property" to include property leased to the City. Moreover, the proposed Ordinance amends Section 82-366 to include the definitions of "expanded polystyrene," "expanded polystyrene food service articles," and "polystyrene".

Advisory Board Recommendation:

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Financial Information:

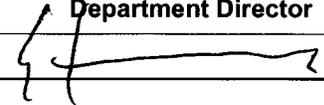
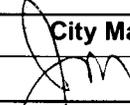
Source of Funds:		Amount	Account
	1		
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Elizabeth Wheaton x6121

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

FIRST READING

SUBJECT:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND SUBSECTION (A) TO DEFINE THE TERMS "POLYSTYRENE" AND "EXPANDED POLYSTYRENE" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT ONTO ANY CITY MARINA, PIER, DOCK, OR BOAT RAMP; 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 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO DEFINE THE TERM "POLYSTYRENE" AND TO AMEND THE DEFINITION OF "CITY FACILITY" TO INCLUDE CITY MARINAS, PIERS, DOCKS, AND BOAT RAMPS AND TO AMEND THE DEFINITIONS OF "CITY FACILITY" AND "CITY PROPERTY" TO INCLUDE PROPERTY LEASED TO THE CITY AND CLARIFYING THE EFFECTIVE DATE OF SECTION 82-7; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION I, ENTITLED "GENERALLY," BY AMENDING SECTION 82-366 THEREOF, ENTITLED "DEFINITIONS," TO DEFINE THE TERMS "POLYSTYRENE," "EXPANDED POLYSTYRENE," AND "EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES"; AND PROVIDING FOR

REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the Ordinance on First Reading.

BACKGROUND

Miami Beach is a barrier island with approximately 70 miles of shoreline along numerous canals and waterways, including Indian Creek, Surprise Lake, Lake Pancoast as well as the Atlantic Ocean and the Biscayne Bay Aquatic Preserve. The waters surrounding the City support a wide variety of flora and fauna, including threatened and endangered species like the West Indian manatee, the American crocodile, Johnson's seagrass, and smalltoothed sawfish. These waters also act as nurseries and habitat for migratory birds, including brown pelicans and ospreys, and for commercially and recreationally important fish, such as snapper, sailfish, and mahi-mahi. Furthermore, the City's beaches support shorebird species, including seagulls and royal terns, and are a designated nesting habitat for the protected Loggerhead, Green, and Leatherback sea turtles.

It is especially critical that the City limit pollutants from entering the environment due to its proximity to the City's vast system of interconnected waterways and sensitive marine habitats. One pollutant of particular concern is expanded polystyrene, a petroleum based by-product which constitutes a large portion of the litter in the City's streets, public places, and waterways. The Environmental Protection Agency has determined that floatable debris, like expanded polystyrene, can have "serious impacts on human health, wildlife, the aquatic environment and the economy" (Assessing and Monitoring Floatable Debris, August 2002; EPA-842-B-02-002). Expanded polystyrene is a particularly harmful pollutant because it is non-biodegradable and not readily recyclable. Furthermore, it fragments into smaller pieces that easily enter and remain in the environment harming or killing marine life and other wildlife that accidentally ingest it.

On July 23, 2014, the City Commission passed Ordinance No. 2014-3884 expanding the restrictions on the sale and use of expanded polystyrene (commonly known as Styrofoam) products, to reduce litter and pollutants in the City's waterways and to enhance the environmental sustainability of the City. Ordinance 2014-3884 prohibits the following: (1) the carrying of expanded polystyrene products into City beaches and parks; (2) the sale or use in public facilities and on public property of expanded polystyrene food service articles by City contractors, vendors, lessees, concessionaires, operators of City facilities and properties, and special event permittees; and (3) the placement of expanded polystyrene food service articles on the right-of-way and the provision by sidewalk café permittees of expanded polystyrene food service articles to sidewalk café patrons.

The proposed Ordinance amends Chapter 46 of the City Code by amending Section 46-92 to include the definitions of "polystyrene" and of "expanded polystyrene". Additionally, the proposed Ordinance extends the existing prohibition of expanded polystyrene products on beaches and in parks within the city to include city marinas, piers, docks, and boat ramps because these facilities are in close proximity to bodies of water and, therefore, litter at these locations can easily enter the marine environment.

The proposed Ordinance also amends Chapter 82 of the City Code by amending Section 82-7 to include the definition of “polystyrene” and to expand the definition of “city facility” to include facilities leased to the City and marinas, piers, docks or boat ramps owned, operated, leased, or managed by the City. In addition, the proposed Ordinance amends section 82-7 to expand the definition of “city property” to include property leased to the City. Moreover, the proposed Ordinance amends Section 82-366 to include the definitions of “expanded polystyrene,” “expanded polystyrene food service articles,” and “polystyrene”.

Waterfront facilities including marinas, piers, docks, and boat ramps provide the public with direct access to Biscayne Bay, the Atlantic Ocean, and the City’s waterways. Keeping expanded polystyrene products out of publically owned and leased facilities can help reduce litter nuisance because lightweight articles, such as expanded polystyrene products, are picked up and dispensed by wind and rain. The proposed Ordinance will reduce the presence of this pollutant on the City’s waterfronts and waterways and enhance the City’s environmental sustainability.

FIVE YEAR 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 evaluated the long term economic impact (at least 5 years) of this proposed legislative action. As the Amendment to the Ordinance is only intended to clarify the definition of expanded polystyrene and clarify the locations polystyrene is prohibited, there is no financial impact.

CONCLUSION

The Administration recommends approving the Ordinance.

Attachment: Expanded Polystyrene Ban Ordinance

JMJ/MVF/ESW

T:\AGENDA\2015\January\Environmental\Polystyrene Ordinance (UPDATED) - MEM First Reading.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III, ENTITLED "LITTER," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 46-92 THEREOF, ENTITLED "LITTER; DEFINITIONS; PROHIBITIONS ON LITTER; PENALTIES FOR LITTER AND COMMERCIAL HANDBILL VIOLATIONS; COMMERCIAL HANDBILL REGULATIONS, FINES, AND REBUTTABLE PRESUMPTIONS; SEIZURE AND REMOVAL OF LITTER BY THE CITY; ENFORCEMENT; APPEALS; LIENS" TO AMEND SUBSECTION (A) TO DEFINE THE TERMS "POLYSTYRENE" AND "EXPANDED POLYSTYRENE" AND TO AMEND SUBSECTION (C) TO PROHIBIT ANY PERSON FROM CARRYING ANY EXPANDED POLYSTYRENE PRODUCT ONTO ANY CITY MARINA, PIER, DOCK, OR BOAT RAMP; 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 82-7 THEREOF, ENTITLED "PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES," TO DEFINE THE TERM "POLYSTYRENE" AND TO AMEND THE DEFINITION OF "CITY FACILITY" TO INCLUDE CITY MARINAS, PIERS, DOCKS, AND BOAT RAMPS AND TO AMEND THE DEFINITIONS OF "CITY FACILITY" AND "CITY PROPERTY" TO INCLUDE PROPERTY LEASED TO THE CITY AND TO CLARIFY THE EFFECTIVE DATE OF SECTION 82-7; AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION I, ENTITLED "GENERALLY," BY AMENDING SECTION 82-366 THEREOF, ENTITLED "DEFINITIONS," TO DEFINE THE TERMS "POLYSTYRENE," "EXPANDED POLYSTYRENE," AND "EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

WHEREAS, expanded polystyrene, a petroleum by-product commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade in the environment; and

WHEREAS, expanded polystyrene is a common pollutant, which fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife, thus harming or killing them; and

WHEREAS, due to the physical properties of expanded polystyrene, the EPA states “that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy”; and

WHEREAS, disposable food service articles constitute a portion of the litter in the City of Miami Beach’s streets, parks, public places, and waterways; and

WHEREAS, the City’s goal is to replace expanded polystyrene food service articles with reusable, recyclable or compostable alternatives; and

WHEREAS, the City encourages the use of unbleached, non-coated, recycled-content paper food service articles and other fiber-based food service articles as the most environmentally preferable alternatives when the use of reusable food ware is not feasible; and

WHEREAS, as an environmental leader among local governments in the State of Florida, the City of Miami Beach, by virtue of this Ordinance, will strengthen its litter laws by prohibiting any person from carrying expanded polystyrene products onto City marinas, piers, docks, and boat ramps and by prohibiting the use of expanded polystyrene food service articles by City contractors and special event permittees on City marinas, piers, docks, or boat ramps; and

WHEREAS, this Ordinance will preserve and enhance the environment of the City of Miami Beach.

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

SECTION 1. That Section 46-92 of Division 1 of Article III of Chapter 46 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 46
ENVIRONMENT**

* * *

ARTICLE III. Litter

DIVISION 1. Generally

* * *

Sec. 46-92. Litter; definitions; prohibitions on litter; penalties for litter and commercial handbill violations; commercial handbill regulations, fines, and rebuttable presumptions; seizure and removal of litter by the city; enforcement; appeals; liens.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(5) *Litter* means any paper, handbill, commercial handbill, garbage, bottle caps, chewing gum, tobacco products, including, but not limited to, used

and unused cigarettes, cigars, pipe or chewing tobacco, polystyrene or plastic products, or other waste, including, but not limited to, tree, plant, and grass cuttings, leaves, or other yard maintenance debris, that has been placed or deposited on a public sidewalk, street, road, avenue, beach, swale, median, building, fence, wall, boardwalk, beachwalk, baywalk, cutwalk, park, or in a gutter, drain, or sewer, or on any other public property, right-of-way or place, or on any object located on public property, or on the kneewall, window ledge or sill of any public or private building, or on a motor vehicle, or on any other type of private real or personal property. Handbills and commercial handbills attached to a trash receptacle, but not within the trash receptacle in the usual manner, shall also be considered litter.

* * *

(8) Polystyrene means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.

(9) Expanded polystyrene means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

* * *

(c) *Prohibitions on beaches, marinas, piers, docks, boat ramps, and in parks.* It shall be unlawful for any person to carry onto any beach within the city a glass or metal bottle or other glass or metal container. In addition, it shall be unlawful for any person to carry any expanded polystyrene product onto any beach or into any park within the city, or onto any city marina, pier, dock, or boat ramp, or for any business to provide plastic straws with the service or delivery of any beverage to patrons on the any beach within the city.

SECTION 2. That Section 82-7 of Article I 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. 82-7 Prohibitions regarding sale or use of expanded polystyrene food service articles by city contractors and special event permittees.

(a) *Legislative intent.* Expanded polystyrene, a petroleum byproduct commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years to degrade. Expanded polystyrene is a common pollutant, which

fragments into smaller, non-biodegradable pieces that are harmful to marine life, other wildlife, and the environment. The City's goals are to reduce the use of expanded polystyrene and encourage the use of reusable, recyclable, or compostable alternatives.

(b) *Definitions.* For purposes of this section only, the following definitions shall apply:

(1) *City contractor* means a contractor, vendor, lessee, concessionaire of the City, or operator of a City facility or property.

(2) *Polystyrene* means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.

(3) *Expanded polystyrene* means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

~~(3)~~ (4) *Expanded polystyrene food service articles* means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.

~~(4)~~ (5) *City facility* includes, but is not limited to, any building, structure, park, beach, or golf course, marina, pier, dock, or boat ramp leased to the City, or owned, operated, leased, or managed by the City.

~~(5)~~ (6) *City property* includes, but is not limited to, any land, water, or air rights leased to the City, or owned, operated, leased, or managed by the City.

~~(6)~~ (7) *Special event permittee* means any person or entity issued a special event permit by the City for a special event on City property or in a City facility.

(c) City contractors and special event permittees shall not sell, use, provide food in, or offer the use of expanded polystyrene food service articles in City facilities or on City property. A violation of this section shall be deemed a default under the terms of the City contract, lease, or concession agreement and is grounds for revocation of a special event permit. This subsection shall not apply to expanded polystyrene food service articles used for prepackaged food that have been filled and sealed prior to receipt by the City contractor or special event permittee.

(d) Any City contract, lease, or concession agreement entered into prior to August 2, 2014 ~~the effective date of this section~~ or any special event permit issued prior to August 2, 2014 ~~the effective date of this section~~ shall not be subject to the requirements of this section, unless the City contractor or special event permittee voluntarily agrees thereto.

SECTION 3. That Section 82-366 of Subdivision I of Division 5 of Article IV of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows and Section 82-385(p) is provided for reference purposes:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE IV. Uses in Public Rights-of-Way

* * *

DIVISION 5. Sidewalk Cafes

Subdivision I. Generally

Sec. 82-366. Definitions.

* * *

Code compliance officer means the code compliance officers, fire inspectors, or any other authorized agent or employee of the city whose duty it is to assure code compliance.

Expanded polystyrene means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

Expanded polystyrene food service articles means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene.

* * *

Permittee means the recipient of a sidewalk café permit under the terms and provisions of this division.

Polystyrene means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.

* * *

Subdivision II. Permit

* * *

Sec. 82-385. Minimum standards, criteria, and conditions for operation of sidewalk cafes.

* * *

(p) No food preparation, food storage, expanded polystyrene food service articles, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. In addition, expanded polystyrene food service articles shall not be provided to sidewalk café patrons.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY.

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

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made 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. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2015.

PASSED AND ADOPTED this _____ day of _____, 2015.

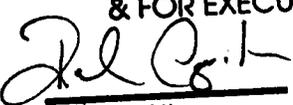
ATTEST:

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


City Attorney
1/7/15

Date
NK

R7

RESOLUTIONS

R7

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting the Second Amendment to the Capital Budget for Fiscal Year 2014/15.

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 2014/15 – 2018/19 Capital Improvement Plan and FY 2014/15 Capital Budget was adopted on December 2, 2014 by resolution 2014-28863.

The First Amendment to the FY 2014/15 Capital Budget was also approved on December 2, 2014 by resolution 2014-28864.

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 second amendment to the FY 2014/15 Capital Budget.

The second amendment to the FY 2014/15 Capital Budget totals an increase of \$6,347,000 and a re-appropriation of \$107,000 in order to provide additional funding to the following eight capital projects.

1. West Avenue/ Bay Road Improvements
2. Munis/ Energov Technology Project
3. North Shore Bandshell Sound System Upgrade
4. Police Station Building Firing Range Ventilation System Replacement
5. Flagler Monument Solar Illumination
6. Information & Communication Technology Contingency
7. Scott Rakow & North Shore Swimming Pools
8. Standardized Park Trash Receptacle Replacement

Advisory Board Recommendation:

Financial Information:

Source of Funds:	Amount	Account
<i>JS</i>	\$1,500,000	301-Capital Projects Financed by Other Funds
	\$ 197,000	307- North Beach Quality of Life
	\$ 117,000	125- Capital Renewal & Replacement
	\$ 233,000	302- PAYGO
	\$4,300,000	389- South Pointe Capital
OBPI	Total	\$6,347,000

City Clerk's Office Legislative Tracking:

Sign-Offs: Department Director	Assistant City Manager	City Manager
<i>[Signature]</i>		<i>[Signature]</i>





MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: January 15, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2014/15.**

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 2014/15 – 2018/19 Capital Improvement Plan and FY 2014/15 Capital Budget was adopted on December 2, 2014 by resolution 2014-28863.

The First Amendment to the FY 2014/15 Capital Budget was also approved on December 2, 2014 by resolution 2014-28864.

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 Second amendment to the FY 2014/15 Capital Budget.

SECOND AMENDMENT TO THE FY 2014/15 CAPITAL BUDGET

The second amendment to the FY 2014/15 Capital Budget totals an increase of \$6,347,000 and a re-appropriation of \$107,000 in order to provide additional funding to the following eight capital projects.

1. **West Avenue/ Bay Road Improvements:** The first capital budget amendment approved on December 2, 2014, partially funded a project change order previously approved on October 29, 2014. The change order consists of street reconstruction along 10th, 14th and 17th Streets, West Avenue between 6th and 8th Streets, as well as an additional pump station on 17th Street and Alton Road. Of the \$12.3 million of additional funding necessary for the change order, \$8.0 million was funded through the first capital budget amendment. The remaining \$4.3 million is proposed to be funded from the South Pointe Capital Fund balance. This funding source is now available to be spent on flooding/sea-level rise projects citywide following the approval of the new Convention Development Tax agreement between the City and Miami-Dade County in December.

Prior Years' Appropriations	\$29,942,008
January 15 Budget Amendment	4,300,000
Proposed Total Appropriations	\$34,242,008

2. **Munis/Energov Technology Project:** This project will replace the City's current Eden ERP system with Munis, the City's current Permits Plus permitting and licensing software with Energov, and include a full business process review of all functional areas of both systems. Of the \$7.2 million overall cost for the Munis/Energov project, \$5.7 million was appropriated on July 30, 2014. The remainder of \$1.5 million project budget would be funded from one-time FY 2013/14 year end operating funds to be transferred to the "Capital Projects-Financed by Other Funds" Fund.

Prior Years' Appropriations	\$5,700,000
January 15 Budget Amendment	1,500,000
Proposed Total Appropriations	\$7,200,000

3. **North Shore Band Shell Sound System Upgrade:** This project requires a budget amendment to increase funding by \$197,000 based on the cost proposal received. The project was initially budgeted at \$40,000. Pursuant to the City's ongoing contract for audio visual services, the Procurement department requested quotes from all pre-qualified contractors for the purchase and installation of AV Equipment at the North Shore Band, as specified by EDA following the sound modeling and test. The request for quotes resulted in one response from Pro Sound Inc. EDA has reviewed cost proposal and confirmed that it meets the requirements of the specifications as developed.

On December 17, 2014, the Commission approved the furnishing, installation, testing and equalization of an audio and visual system meeting the specifications of the House Sound System for the Band Shell, and further authorized a waiver of competitive bidding requirements to allow the Administration to negotiate a contract with Pro Sound, Inc. to complete said work.

This amendment would be funded from the 307-North Beach Quality of Life fund balance.

Prior Years' Appropriations	\$40,000
January 15 Budget Amendment	197,000
Proposed Total Appropriations	\$237,000

4. **Police Station Building - Fire Range Ventilation System Replacement:** This Replacement & Renewal project requires an additional \$51,000 to accommodate higher cost of construction, owner's contingency, additional professional services and other soft costs. This amendment would be funded from the 125-Renewal & Replacement fund balance.

Prior Years' Appropriations	\$487,120
January 15 Budget Amendment	51,000
Proposed Total Appropriations	\$538,120

5. **Flagler Monument Solar Illumination:** This project requires an additional \$233,000 in funding to accommodate the inclusion of structural and electrical designs as well as foundation and logistic factors, which were not previously considered in the original project. This amendment would be funded from the 302-PAYGO fund balance.

Prior Years' Appropriations	\$89,000
January 15 Budget Amendment	233,000
Proposed Total Appropriations	\$322,000

- 6. Information & Communication Technology Contingency:** This budget amendment would sweep \$3,000 from leftover funds in five completed IT Tech projects and realign \$76,000 of funding from the Tyler Cashiering project, which was included in the budget for the Munis/Energov project, to the IT Tech-Contingencies project for unanticipated needs that may occur during FY 2014/15.

Prior Years' Appropriations (current balance approximately \$57,000)	\$403,722
January 15 Budget Amendment	76,000
Proposed Total Appropriations	\$479,722

- 7. Scott Rakow & North Shore Swimming Pools:** This budget amendment requires an additional \$66,000 to fund emergency repairs at the Scott Rakow pool for electrical deficiencies which have been identified by an engineering inspection conducted. This amendment would be funded from the 125-Renewal & Replacement fund balance.

Prior Years' Appropriations	\$86,460
January 15 Budget Amendment	66,000
Proposed Total Appropriations	\$152,460

- 8. Standardized Park Trash Receptacle Replacement:** This budget amendment requires an additional \$31,000 to fully fund the replacement of park trash receptacles throughout the city in FY 2014/15. This amendment would be funded from funds previously allocated for the replacement of park picnic tables, which requires less funding than previously appropriated.

Prior Years' Appropriations	\$40,000
January 15 Budget Amendment	31,000
Proposed Total Appropriations	\$71,000

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2014/15.

WHEREAS, the final Capital Improvement Plan for FY 2014/15 – 2018/19 and the final Capital Budget for FY 2014/15 was adopted via Resolution 2014-28863 on December 2, 2014; and

WHEREAS, the first amendment to the Miami Beach Capital Budget for FY 2014/15 was also adopted on December 2, 2014 via Resolution No. 2014-28864; and

WHEREAS, the proposed amendment to the FY 2014/15 Capital Budget are included in "Attachment A – Source of Funds" and "Attachment B – Program"; and

WHEREAS, it is recommended the FY 2014/15 Capital Budget be amended to add appropriations totaling \$6,347,000 to eight projects, and re-appropriate \$107,000 between existing projects highlighted in "Attachment C – Projects".

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 Second Amendment to the Capital Budget for Fiscal Year 2014/15 as shown in Attachment A (Source of Funds), Attachment B (Programs) and Attachment C (Projects).

PASSED AND ADOPTED this 15th day of January, 2015.

ATTEST:

PHILIP LEVINE, MAYOR

RAPHAEL E. GRANADO, CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

1-7-15

Date

**ATTACHMENT A
FY 2014/15 CAPITAL BUDGET
SOURCE OF FUNDS
Amended 1/15/15**

Funding Source	Amended 11/15/14	Amended 1/15/15	Revised
2003 GO Bonds - Neighborhood Improvement	\$ 160,000		\$ 160,000
2003 GO Bonds - Fire Safety	625,000		625,000
2010 Parking Bonds Reso. 2010-27491	2,301,000		2,301,000
7th Street Garage	1,217,695		1,217,695
Capital Projects Financed by Other Funds	765,000	1,500,000	2,265,000
Capital Reserve	8,521,285		8,521,285
Convention Center	525,000		525,000
Concurrency Mitigation	2,060,000		2,060,000
Equipment Loan/Lease	4,947,000		4,947,000
Fleet Management Fund	50,000		50,000
Half Cent Transit Surtax - County	2,333,000		2,333,000
Info & Communications Technology Fund	280,000		280,000
Local Option Gas Tax	336,000		336,000
MB Quality of Life Resort Tax Fund - 1%	5,111,900		5,111,900
Miami-Dade County Bond	54,400,000		54,400,000
NB Quality of Life Resort Tax Fund - 1%	2,787,000	197,000	2,984,000
Non TIF RDA	(11,712,000)		(11,712,000)
Parking Operations Fund	2,270,000		2,270,000
Pay-As-You-Go	2,630,000	233,000	2,863,000
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	14,476,000		14,476,000
Proposed Parking Bonds	59,500,000		59,500,000
Proposed Sormwater Bonds	51,876,000		51,876,000
RDA Garage Fund	2,719,000		2,719,000
Renewal & Replacement Fund	2,083,120	117,000	2,200,120
SB Quality of Life Resort Tax Fund - 1%	1,870,000		1,870,000
Sanitation Enterprise Fund	375,000		375,000
South Pointe Capital	10,574,000	4,300,000	14,874,000
W&S GBL Series 2010 CMB Reso 2009-27243	458,000		458,000
Water and Sewer Enterprise Fund	150,000		150,000
Total Appropriation as of 01/15/15	\$ 738,239,000	\$ 6,347,000	\$ 744,586,000

NOTE: The Information Communication & Technology Contingency project and the Trash Receptacle Replacement project will be funded by funds previously appropriated to other projects.

**ATTACHMENT B
FY 2014/15 CAPITAL BUDGET
PROGRAMS
Amended 1/15/15**

Program Area	Amended 11/15/14	Amended 1/15/15	Revised
Bridges	\$ 283,000		\$ 283,000
Community Centers	42,000		42,000
Convention Center	522,013,000		522,013,000
Environmental	224,000		224,000
Equipment	6,177,000		6,177,000
General Public Buildings	5,588,000		5,588,000
Information Technology	280,000	1,500,000	1,780,000
Monuments	0	233,000	233,000
Parking	833,000		833,000
Parking Garages	61,374,214		61,374,214
Parking Lots	468,000		468,000
Parks	7,962,900	197,000	8,159,900
Renewal & Replacement	5,725,601	117,000	5,842,601
Seawalls	254,000		254,000
Streets/ Sidewalk Imps	94,153,393	4,300,000	98,453,393
Transit/ Transportation	8,771,000		8,771,000
Utilities	24,089,892		24,089,892
Total Appropriation as of 01/15/15	\$ 738,239,000	\$ 6,347,000	\$ 744,586,000

NOTE: The Information Communication & Technology Contingency project and the Trash Receptacle Replacement project will be funded by funds previously appropriated to other projects.

**ATTACHMENT C
CAPITAL BUDGET
PROJECTS
Amended 1/15/15**

Capital Project Name	Amended 11/15/14	Amended 1/15/15	Revised Capital Budget
Munis/ Energov Technology Project	\$ 5,700,000	\$ 1,500,000	\$ 7,200,000
West Avenue/ Bay Road Improvements	29,942,008	4,300,000	34,242,008
North Shore Band Shell Sound System Upgrade	40,000	197,000	237,000
Police Station Building Firing Station Ventelation	487,120	51,000	538,120
Flagler Monument Solar Illumination	89,000	233,000	322,000
Info & Communication Technology Contingency	403,722	76,000	479,722
Scott Rakow & North Shore Swimming Pools	86,460	66,000	152,460
Park Trash Recepticle Replacement	40,000	31,000	71,000
Park Picnic Tables Replacement	71,000	(31,000)	40,000
Total	\$ 36,859,310	\$ 6,423,000	\$ 43,282,310



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVI Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:05 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way" By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones," By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:10 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/OR Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:15 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District," And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum – Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

Condensed Title:

RESCINDING RESOLUTION #2003-25266 AND ADOPTING A RESOLUTION AUTHORIZING THE CITY TO MAKE CHANGES IN INDEXES USED FOR REIMBURSEMENT OF TRAVEL EXPENSES INCURRED FOR CITY BUSINESS FOR CITY EMPLOYEES AND OUTSIDE CONTRACTED CONSULTANTS

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term.

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

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:

On July 30, 2003, the City Commission adopted Resolution 2003-25266 confirming the City's Policy to use the Runzheimer's Meal and Lodging Cost Index for per diem and travel expenses (including lodging, meals and ground transportation). This resolution has not been updated since that time and the Administration is proposing changes in indexes used for reimbursement of travel expenses to more accurately reflect actual costs and to clarify reimbursement to outside contracted consultants.

The Runzheimer's lodging rates used in this index are based upon averages and do not reflect seasonal rates where applicable. In most cases, the hotel rates at governmental conferences exceed those index rates. For example, a hotel stay at a recent Orlando Governmental conference was \$149.00 while the Runzheimer index to be used was \$74.25. Administration recommends that the City's travel policy be changed to include reasonable conference rates or government rates to be accepted over the average rates specified in the Runzheimer's Index. Any exceptions would require the City Manager's approval. Travel expenses for all other items will be limited to the Runzheimer's index.

In addition, the City's travel policy does not address any travel expense reimbursement rates to be utilized by outside consultants. City consultants cannot utilize government rates and rates for the Runzheimer's index do not reflect seasonal rates. As a result, the City reimburses travel expenses at actual cost, unless otherwise negotiated.

The mileage rate used for reimbursement of travel is based upon the rate provided in the Florida State Statutes which is currently set at \$0.445 per mile. This rate is infrequently changed by the State with the last change occurring in 2006 from \$0.29 per mile to its current rate. The IRS updates its mileage index annually and the rate for 2015 is \$0.575. Given the high variability of fuel prices, Administration recommends using the IRS rate that is updated annually more accurately reflects the actual costs associated with operating a vehicle.

The Administration recommends that the City Commission rescind the previous Resolution #2003-25266 and adopt a new Resolution which revises the amounts allowable for lodging rates for city employees, addresses the reimbursement of allowable travel charges incurred by outside contracted consultants, and allows the mileage reimbursement rate to be tied to the IRS mileage rate.

Advisory Board Recommendation:

At the January 7, 2015 meeting of the Finance and Citywide Project Committee, the Committee referred the item to January 14, 2015, City Commission meeting without a recommendation due to a lack of detail regarding the reimbursement rates. The requested detail is included as an attachment to the memo.

Financial Information:

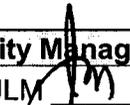
Source of Funds:		Amount	Account
	1		
	2		
	Total		

Financial Impact Summary: The annual cost of travel expenses is subject to funds availability approved through the City's budgeting process.

City Clerk's Office Legislative Tracking:

John Woodruff, Director

Sign-Offs:

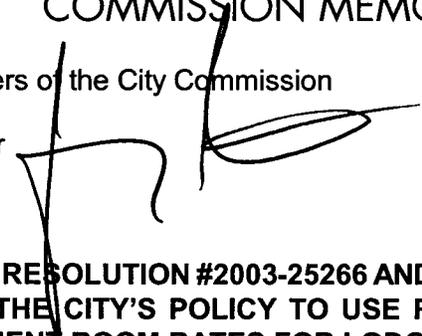
Department Director	Assistant City Manager	City Manager
		JLM 





COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: January 14, 2015

SUBJECT: **A RESOLUTION RESCINDING RESOLUTION #2003-25266 AND ADOPTING A RESOLUTION CONFIRMING THE CITY'S POLICY TO USE REASONABLE CONFERENCE OR GOVERNMENT ROOM RATES FOR LODGING AND THE RUNZHEIMER MEAL AND LODGING COST INDEX FOR PER DIEM MEALS AND OTHER TRAVEL EXPENSES FOR CITY EMPLOYEES; AND FOR CITY CONSULTANTS, THE U.S. GENERAL SERVICES ADMINISTRATION (GSA) RATES FOR LODGING AND THE RUNZHEIMER MEAL AND LODGING COST INDEX FOR ALL OTHER TRAVEL EXPENSES; AND FOR ALL MILEAGE REIMBURSEMENT, THE IRS MILEAGE RATE.**

BACKGROUND

On June 11, 2003, Senate Bill 1426 gave local governments the authority to provide their own policies for reimbursement of travel expenses and per diem. If the City does not provide for its own per diem and travel policies, expenses are subject to the provisions in Section 112.061 of the Florida Statutes.

On July 30, 2003, the City Commission adopted Resolution 2003-25266 confirming the City's Policy to use the Runzheimer's Meal and Lodging Cost Index for per diem and travel expenses (including lodging, meals and ground transportation). This resolution has not been updated since that time and the Administration is proposing changes in indexes used for reimbursement of travel expenses to more accurately reflect actual costs and to clarify reimbursement to outside contracted consultants.

ANALYSIS

The Runzheimer's lodging rates used in this index are based upon averages and do not reflect seasonal rates where applicable. In most cases, the hotel rates at governmental conferences exceed those index rates. For example, a hotel stay at a recent Orlando Governmental conference was \$149.00 while the Runzheimer index to be used was \$74.25.

Administration recommends that the City's travel policy be changed to include reasonable conference rates or government rates to be accepted over the average rates specified in the Runzheimer's Index. Any exceptions would require the City Manager's approval. Travel expenses for all other items will be limited to the Runzheimer's index.

In addition, the City's travel policy does not address any travel expense reimbursement rates to be utilized by outside consultants. City consultants cannot utilize government rates and rates for the Runzheimer's index do not reflect seasonal rates. As a result, the City reimburses travel expenses at actual cost, unless otherwise negotiated. Administration recommends that the City's travel policy include that the City's contracted consultants utilize

the U.S. General Service Administration (GSA) rates (which reflect seasonal rates) plus taxes for lodging and the Runzheimer's index for all other expense items.

The Runzheimer's index is attached in "Exhibit A" and the GSA lodging rate for Miami Beach is attached "Exhibit B".

The mileage rate currently used for reimbursement of travel is based upon the rate provided in the Florida State Statutes which is currently set at \$0.445 per mile. This rate is infrequently changed by the State with the last change occurring in 2006 from \$0.29 per mile to its current rate. The IRS updates its mileage index annually and the rate for 2015 is \$0.575.

Given the high variability of fuel prices, Administration recommends using the IRS rate that is updated annually more accurately reflects the actual costs associated with operating a vehicle.

At the January 7, 2015 meeting of the Finance and Citywide Project Committee, the Committee referred the item to January 14, 2015, City Commission meeting without a recommendation due to a lack of detail regarding the reimbursement rates.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission rescind the previous Resolution #2003-25266 and adopt a new Resolution which revises the amounts allowable for lodging rates for city employees, addresses the reimbursement of allowable travel charges incurred by outside contracted consultants, and allow the mileage reimbursement rate to be tied to the IRS mileage rate.

JLM/JW



EXHIBIT "A"

CITY OF MIAMI BEACH HOTEL & MEAL ALLOWANCE GUIDE EFFECTIVE MARCH 1, 2014

City Name	State	Breakfast	Lunch	Dinner	Avg .Hotel	Taxi AP-DT	Shuttle AP-DT	Car-Rnt. Comp	Car-Rnt. Inter.
AKRON	OH	14.93	15.44	37.17	89.33	35	11.5	45.13	47.53
ALBANY	NY	21.65	19.21	37.77	103.74	30.5	18	34.53	38.69
ALBUQUERQUE	NM	19.97	18.51	38.55	70.43	16.5	15	46.14	48.74
ALLEN TOWN/BETHLEHEM	PA	13.25	14.56	31.2	90.7	20	0	32.91	34.25
ANAHEIM/ORANGE COUNTY	CA	21.46	21.61	45.55	93.72	34	14	67.24	69.2
ANCHORAGE	AK	19.36	19.18	38.27	127.9	22	30	39.04	43.37
ASHEVILLE	NC	17.07	17.06	35.72	84.36	40	40	32.7	41.22
ATLANTA	GA	22.67	18.48	37.75	77.31	30	16.5	49.14	51.12
AUSTIN	TX	20.03	18.39	32.46	94.91	22	14	97.98	100.84
BALTIMORE	MD	23.75	20.07	41.9	100.74	35	13	89.55	90.53
BATON ROUGE	LA	16.5	16.28	33.86	95.13	24	14	51.35	57.68
BILLINGS	MT	13.13	12.38	31.96	91.68	8	0	62.28	65.76
BIRMINGHAM	AL	19.99	17.4	36.16	86.59	20	0	43.66	46.68
BOISE	ID	17.26	14.44	37.4	87.2	13	0	48.83	53.66
BOSTON/CAMBRIDGE	MA	26.76	21.33	44.72	146.03	45	25	44.31	52.49
BUFFALO	NY	19.31	17.26	39.73	102.88	38	17.5	65.47	67.69
BURLINGTON	VT	24.59	18.96	37.4	108.9	18	0	28.97	32.97
CHARLESTON	WV	15.6	16.3	33.02	98.68	12	0	44.14	47.59
CHARLOTTE	NC	17.74	15.23	33.48	82.98	25.5	20	95.46	99.23
CHATTANOOGA	TN	19.45	16.19	39.9	96.49	30	0	43.35	44.97
CHEYENNE	WY	14.44	13.43	27.32	92.28	10	0	36.66	38.31
CHICAGO	IL	25.18	21.7	45.01	162.69	41	26	106.33	107.86
CINCINNATI	OH	19.49	18.23	36.67	81.39	30	22	63.21	65.54
CLEVELAND	OH	20.88	18.62	37.9	92.19	33	15	52.14	54.83
COLUMBIA	SC	16.85	15.44	42.27	82.14	17	0	36.72	38.99
COLUMBUS	OH	15.08	14.39	29.23	91.07	31	15	49.35	53.42
DALLAS	TX	21.55	18.82	41.03	78.25	44.5	30	96.56	99.41
DAYTON	OH	17.9	15.56	36.86	77.97	35	17	36.05	38.1
DENVER	CO	20.94	18.37	31.36	104.88	55.15	19	96.43	99.65
DES MOINES	IA	16.85	14.92	30.46	93.04	15	0	47.66	50.61
DETROIT/DEARBORN	MI	13.09	13.36	32.71	93.76	43	21	81.56	83.24
EL PASO	TX	14.9	16.42	37.02	83.16	22	14	36.1	36.74
FARGO	ND	14.86	14.49	32.64	88.1	12	0	67.46	71.19
FORT LAUDERDALE	FL	23.79	21.06	44.96	94.35	20	13	40.91	42.63
FORT MYERS	FL	14.06	14.97	23.94	88.8	30	0	70.9	72.61
FORT WORTH	TX	18.7	16.5	35.5	88.25	47.5	30	96.56	99.41
GRAND RAPIDS	MI	15.37	14.39	28.63	89.6	32	0	49.48	55.28

**CITY OF MIAMI BEACH
HOTEL & MEAL ALLOWANCE GUIDE
EFFECTIVE MARCH 1, 2014**

City Name	State	Breakfast	Lunch	Dinner	Avg .Hotel	Taxi AP-DT	Shuttle AP-DT	Car-Rnt. Comp	Car-Rnt. Inter.
GREEN BAY	WI	14.62	13.5	28.98	85.13	32	0	44.79	47.78
GREENVILLE/SPARTANBURG	SC	17.58	16.05	40.09	80.42	24	0	48.15	51.43
HARRISBURG	PA	17.83	15.84	38.71	92.13	26	0	58.6	60.95
HARTFORD	CT	17.92	17.37	36.52	96.32	45	20	94.28	95.9
HONOLULU	HI	17.24	18.95	37.08	168.72	30.5	13	57.48	60.24
HOUSTON	TX	24.07	18.89	36.12	96.33	55.25	23	70.52	73.37
INDIANAPOLIS	IN	20.75	17.81	38.08	80.96	35	20	80.57	87.87
JACKSON	MS	16.29	15.76	35.65	77.04	35	0	58.64	63.55
JACKSONVILLE	FL	21.16	17.98	34.18	78.44	23.5	15	30	31.35
KANSAS CITY	MO	19.79	17.07	34.74	80.45	55	17	66.44	72.13
KNOXVILLE/OAK RIDGE	TN	19.87	15.61	34.98	85.66	0	0	46.49	52.66
LAS VEGAS	NV	19.79	19.84	48.11	72.78	35	16	35.6	38.37
LEXINGTON	KY	17.33	15.7	35.52	77.43	25	0	42.52	43.89
LITTLE ROCK	AR	15.7	15.59	39.47	81.68	18	0	33.46	36.79
LOS ANGELES	CA	26.56	22.35	38.84	106.13	57.5	22	51.84	56.37
LOUISVILLE	KY	22.76	16.2	37.24	83.74	18	12	57.55	59.6
MADISON	WI	18.28	16.55	33.48	91.52	19	0	71.05	74.67
MANCHESTER	NH	14.54	16.57	31.42	97.01	15	0	50.25	54.29
MEMPHIS	TN	21.6	17.07	42.81	85.24	32	0	50.61	54.11
MIAMI	FL	23.04	20.22	35.75	108.48	22	14	46.66	48.37
MILWAUKEE	WI	19.14	15.66	34.25	87.3	30	12	61.26	69.27
MINNEAPOLIS	MN	20.08	19.25	36.49	87.5	49	18	102.02	105.73
MOBILE	AL	19.56	18.52	34.45	97.67	36	18	38.33	40.67
MONTGOMERY	AL	12.04	13.16	40.52	79.88	0	0	35	38.33
NASHVILLE	TN	23.19	19.14	36.69	103.15	25	18	58.6	61.19
NEW HAVEN	CT	16.9	17.12	35.62	89.6	0	0	94.28	95.9
NEW ORLEANS	LA	23.76	19.93	38.46	107.51	33	20	68.14	74.38
NEW YORK - MANHATTAN	NY	31.66	34.36	48.48	257.69	37	15	85.53	87.05
NEWARK	NJ	19.05	17.62	33.66	122.99	22	21	81.94	84.84
NORFOLK	VA	18.16	17.08	33.66	81.36	18	21	55.5	58.47
OAKLAND/BERKELEY	CA	20.36	20.31	36.59	104.73	31	26	87.84	93.05
OKLAHOMA CITY	OK	17	15.02	31.7	85.82	25	17	84.79	89.25
OMAHA	NE	15.67	15.33	37.24	91.82	12	10	51.87	53.5
ORLANDO	FL	17.45	17.19	33.46	74.25	35	18	42.09	43.12
PENSACOLA	FL	13.68	13.63	33.99	104.34	20	0	36.45	37.46
PEORIA	IL	14.21	14.33	31.3	90.91	21	0	47.25	50.01
PHILADELPHIA	PA	21.69	19.73	40.84	148.61	28.5	12	88.38	90
PHOENIX	AZ	18	18.84	34.94	83.08	19	13	98.22	100.11

**CITY OF MIAMI BEACH
HOTEL & MEAL ALLOWANCE GUIDE
EFFECTIVE MARCH 1, 2014**

City Name	State	Breakfast	Lunch	Dinner	Avg .Hotel	Taxi AP-DT	Shuttle AP-DT	Car-Rnt. Comp	Car-Rnt. Inter.
PITTSBURGH	PA	21.42	20.2	43.1	103.33	40	17	99.58	107.57
PORTLAND	ME	18.53	17.34	37.06	108	18.5	0	87	89.33
PORTLAND	OR	20.64	16.79	37.38	87.72	33	25	89.39	90.65
PROVIDENCE	RI	21.93	17.43	37.24	100.57	30	11	69.76	75.52
RALEIGH	NC	19.8	15.13	33.28	81.18	30	12	73.04	74.33
RENO	NV	17.94	15.95	34.72	79.22	20	5	78.79	81.54
RICHMOND	VA	18.9	17.64	35.36	75.42	30	33.75	86.7	89.35
RIVERSIDE/SAN BERNARDINO	CA	19.96	18.62	42.45	77.82	45	39	59.84	62.15
ROCHESTER	NY	17.41	16.67	34.68	101.46	26	0	58.51	62.66
SACRAMENTO	CA	23.46	21.05	37.34	86.8	56	13	124.63	127.58
SAINT LOUIS	MO	23.28	19	33.52	108.31	35	22	72.2	75.87
SAINT PAUL	MN	15.06	16.56	36.68	93.49	38	18	102.02	105.73
SAINT PETERSBURG/CLEARWATER	FL	17.87	17.13	34.78	90.41	40	0	91.42	95.5
SALEM	OR	13.39	14.71	33.15	95.56	0	0	89.39	90.65
SALT LAKE CITY	UT	22.09	18.99	45.45	102.71	22.4	14	54.14	56.03
SAN ANTONIO	TX	21.8	17.9	36.36	86.32	23	18	69.41	72.58
SAN DIEGO	CA	24.45	23.1	37.83	93.89	14	12	46.9	48.54
SAN FRANCISCO	CA	30.89	23.84	43.67	161	44	17	114.6	120.36
SAN JOSE/SILICON VALLEY	CA	23.42	21.27	41.7	119.34	39	30	107.36	115.84
SARASOTA/BRADENTON	FL	17.67	17.13	35.3	98.56	21	0	43.19	45.23
SCRANTON/WILKES-BARRE	PA	13.15	14.27	33.5	90.28	0	0	42.65	45
SEATTLE	WA	22.28	20.01	42.33	101.94	45	11	96.11	102.04
SHREVEPORT	LA	13.9	16.32	27.78	78.28	18	0	30.51	33.5
SIoux FALLS	SD	14.3	14.7	28.07	82.65	10	0	43.43	45.06
SPOKANE	WA	17.38	18.99	40.19	91.51	25	10	35.92	38.76
SPRINGFIELD	MA	16.61	15.79	33.29	93.78	45	20	94.28	95.9
SYRACUSE	NY	17.61	16.38	34.38	83.62	28.8	0	67.46	74.17
TALLAHASSEE	FL	14.95	15.2	29.04	77.35	22	0	45.72	47.07
TAMPA	FL	17.26	18.37	45.33	81.76	25	32	91.42	95.5
TOLEDO	OH	17.42	16.58	34.18	82.5	45	35	54.11	62.26
TUCSON	AZ	21.33	18.25	35.11	78.65	35	16	80.19	83.12
TULSA	OK	19.1	16.5	33.6	80.45	24	0	69.09	70.68
WASHINGTON	DC	23.72	21.2	37.41	192.36	26.5	21	104.44	108.07
WEST PALM BEACH/BOCA RATON	FL	17.89	17.2	34.52	99.93	12	10	63.71	64.4
WICHITA	KS	19	15.53	33.69	88.26	17	0	54.97	58.94
WILMINGTON	DE	17.24	15.96	32.51	85.62	59	41	88.38	90
YOUNGSTOWN	OH	14.04	13.57	27.95	97.17	24	0	38.26	39.96



[Home](#) > [Policy & Regulations](#) > [Travel and Relocation Policy](#) > [Per Diem](#) > [Per Diem Rates](#) >

FY 2015 Per Diem Rates for Miami, Florida

(October 2014 - September 2015)

SEARCH BY CITY, STATE OR ZIP CODE

Enter your city OR Enter your ZIP Code

ADDITIONAL PER DIEM TOPICS

- [Meals & Incidental Expenses Breakdown \(M&IE\)](#)
- [FAQs](#)
- [State Tax Exemption Forms](#)
- [Factors Influencing Lodging Rates](#)
- [FY 2014 Per Diem Highlights](#)
- [Fire Safe Hotels](#)
- [Have a Per diem Question?](#)
- [Downloadable Per Diem Files](#)

Cities not appearing below may be located within a county for which rates are listed. To determine what county a city is located in, visit the [National Association of Counties \(NACCO\) website](#) (a non-federal website).

The following rates apply for **Miami , Florida**

Primary Destination* (1)	County (2, 3)	Max lodging by Month (excluding taxes)											Meals & Inc. Exp.**	
		2014			2015									
		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug		Sep
Miami	Miami-Dade	152	152	152	203	203	203	146	146	119	119	119	119	66

* NOTE: Traveler reimbursement is based on the location of the work activities and not the accommodations, unless lodging is not available at the work activity, then the agency may authorize the rate where lodging is obtained.

** Meals and Incidental Expenses, see [Breakdown of M&IE Expenses](#) for important information on first and last days of travel.

CONTACTS

- [Additional Contacts for](#)
- [Travel Management Policy](#)

NEED MORE INFORMATION?

- [Rates for Alaska, Hawaii, U.S. Territories and Possessions \(set by DoD\)](#)
- [Rates in Foreign Countries \(Set by State Dept.\)](#)
- [Federal Travel Regulations \(FTR\)](#)

RELATED TOPICS

- [Travel Resources](#)
- [E-Gov Travel](#)
- [FedRooms](#)
- [POV Mileage Reimbursement Rates](#)

Last Reviewed 2014-12-02

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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 RECOMMENDATION OF THE CITY MANAGER TO PURCHASE ADDITIONAL CONDUCTED ELECTRONIC WEAPONS AND OTHER ACCESSORIES (THE "EQUIPMENT") FROM TASER INTERNATIONAL, INC., IN THE TOTAL AMOUNT OF \$519,230, PREVIOUSLY APPROVED AS A SOLE SOURCE PURCHASE PURSUANT TO RESOLUTION 2014-28726, AND AUTHORIZING THE CITY ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH TASER INTERNATIONAL, INC., FOR THE PURCHASE OF THE EQUIPMENT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THAT AGREEMENT WITH TASER INTERNATIONAL INC., WHICH SHALL DEFER PAYMENT OF THE EQUIPMENT OVER A FIVE (5) YEAR PERIOD, UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS.

Key Intended Outcome Supported:

Insist on Police Department Accountability and Skilled Management Leadership

Issue:

Should the Administration adopt the Resolution?

Item Summary/Recommendation:

Since 2003, the Miami Beach Police Department has utilized the Taser weapons system as one tool in use of force encounters. There is ample research to support the effectiveness of this technology in reducing injuries and deaths to police officers and citizens. In effect, the Taser has become a very effective device to gain compliance when force is necessary to physically detain a subject.

Unfortunately, the model originally purchased by the Department, the Taser X-26 Electronic Control Weapon (ECW), has reached the end of its service life and as of December 31, 2014, Taser International will no longer manufacture or maintain it. In preparation, two years ago the department began a transition phase to a new Taser Smart-weapon, the X-2, and has been pleased with the product.

The X-2 ECW is a significant upgrade from the Taser X-26 in both technology and safety. This is a critically important factor from the perspective of community relations and public perception. In this same spirit, the new model now includes a variety of features that will aid in the Department's ability to deploy a more effective, less lethal weapon. In short, the X-2 model contains the latest technology in ECWs and uses less energy to produce the same neuromuscular incapacitation.

Obviously the cost of upgrading and outfitting all patrol officers with the new unit presents some fiscal challenges. However, in late 2014, Taser International began a program that allows agencies to upgrade from the X-26 through a specific financing agreement. By using funding that is currently budgeted as a down payment, the Department can replace all ECW's immediately.

After the initial down payment of \$187,000, the financing program will require four subsequent, annual payments of \$83,000. The agreement includes all new Taser X-2 ECWs with corresponding holsters, batteries and cartridges needed for training and deployment. Additionally, the financing agreement ensures the current pricing for the duration of the five year agreement and includes a five year extended warranty for all the ECWs.

The Department will need a total of 345 ECW's to fully equip all sworn personnel, including Reserve Officers. This will also provide for a small inventory of ECW's as spares and replacements when units require service. It should also be noted that the financing agreement, as proposed by Taser, would replace all 55 of our previously purchased black X-2 ECWs and all new X-2s purchases with the yellow-colored version, allowing immediate identification of the device as an ECW and not a firearm.

Essentially for the cost of slightly more than what is normally budget annually for Taser maintenance, the Department can replace all existing Taser X-26s with a newer, safer product. The only additional cost is

that of replacement batteries and cartridges for the ECWs.

CONCLUSION

As a Police Department, it is crucially important that officers have access to tools that protect them in the course of their duties. However, another equally critical element includes safeguarding the health and safety of those we serve, including those we have to arrest or detain. It is my belief that the deployment of the new Taser technology will provide an appropriate balance to protect both the officer and the community from unexpected tragedy or unintended consequences.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the City Manager's recommendation to purchase additional conducted electronic weapons and accessories (the "Equipment"), from Taser International Inc., in the total amount of \$519,230, previously approved as a sole source purchase pursuant to Resolution No. 2014-28726, and authorizing the City Administration to negotiate an agreement with Taser International, Inc., for the purchase of the equipment; and further authorizing the City Manager to execute that agreement with Taser International Inc., which shall defer payment of the equipment over a five (5) year period, upon conclusion of successful negotiations.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:		Amount	Account
AS. OBPI (AW)	1	\$187,000	011-1130-000325
	Total	\$187,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DJO <i>DJO</i>		<i>JM</i>

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 14, 2015

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO PURCHASE ADDITIONAL CONDUCTED ELECTRONIC WEAPONS AND OTHER ACCESSORIES (THE "EQUIPMENT") FROM TASER INTERNATIONAL, INC. IN THE TOTAL AMOUNT OF **\$519,230**, PREVIOUSLY APPROVED AS A SOLE SOURCE PURCHASE PURSUANT TO RESOLUTION **2014-28726**, AND AUTHORIZING THE CITY ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH TASER INTERNATIONAL, INC. FOR THE PURCHASE OF THE EQUIPMENT; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THAT AGREEMENT WITH TASER INTERNATIONAL WHICH SHALL DEFER PAYMENT OF THE EQUIPMENT OVER A 5 YEAR PERIOD, UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

ANALYSIS

Since 2003, the Miami Beach Police Department has utilized the Taser weapons system as one tool in use-of-force encounters. The leading thinking and best practice in American policing continues to be that these weapons are a compassionate less-lethal-force option. The vast majority of larger police departments issue them to patrol officers. There is ample research to support the effectiveness of this technology in reducing injuries and deaths to police officers and citizens. The Taser is an effective device to gain compliance when force is necessary to physically detain a subject.

The model originally purchased by the Department, the Taser X-26 Electronic Control Weapon (ECW), has reached the end of its service life. As of December 31, 2014, Taser International no longer manufactures or maintains it. In preparation, two years ago the Department began a transition phase to a newer Taser Smart-

weapon, the X-2, and has been pleased with the product.

The X-2 ECW is a significant upgrade from the Taser X-26 in both technology and safety. This is an important factor from the perspective of community relations and public perception. The new model now includes a variety of features that will aid in the Department's ability to deploy a more effective, less lethal weapon. In short, the X-2 model contains the latest technology in ECWs and uses less energy to produce the same neuromuscular incapacitation.

The cost of upgrading and outfitting all patrol officers with the new unit presents some fiscal challenges. However, in late 2014, Taser International began a program that allows agencies to upgrade from the X-26 through a specific financing agreement. By using funding that is currently budgeted as a down payment, the Department can replace all ECW's immediately.

After the initial down payment of \$187,000, to be taken from existing funding in the current fiscal year, the financing program will require four subsequent, annual payments of \$83,000. The agreement includes all new Taser X-2 ECWs, with corresponding holsters, batteries and cartridges needed for training and deployment. Additionally, the financing agreement locks in the current pricing for the duration of the five-year agreement and includes a five-year extended warranty for all the ECWs.

The Department will need a total of 345 ECW's to fully equip all patrol personnel, including Reserve Officers. This will also provide for a small inventory of ECW's as spares and replacements when units require service. It should also be noted that the financing agreement, as proposed by Taser, would replace all 55 of our previously purchased black X-2 ECWs and all new X-2s purchases with the yellow-colored version. This change in color is being done for safety reasons. The yellow Taser provides immediate identification of the device to suspects -- and to fellow officers on scene -- as an ECW and not a firearm.

For the cost of slightly more than what is normally budget annually for Taser maintenance, the Department can replace all existing Taser X-26s with a newer, safer product. The only additional cost is that of replacement batteries and cartridges for the ECWs.

CONCLUSION

The upgrade of the Police Department's less-than-lethal ECWs is necessary at this time because the existing Tasers have become obsolete and because the newer devices are safer and more compassionate weapons. This proposal results in the immediate replacement of all 345 weapons in the MBPD inventory, with the cost covered over the next five years. Money for this fiscal year's down payment exists within the Police Department budget. The out-year cost of \$83,000 annually for the next four years is reasonable for this important technology. It is my belief that the deployment of the new Taser technology will provide an appropriate balance to protect both the officers and the community from unexpected tragedy or unintended consequences.


JLM:DJ0:WRG:tr

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 A Desired Minimum Elevation For The Crown Of Roads In The City To Be One Foot Higher Than The Tailwater Boundary Condition Elevation Established By The Mayor And City Commission To Allow For Proper Drainage Within The City And Protection From Tidal Flooding.

Key Intended Outcome Supported:

Well maintained infrastructure

Item Summary/Recommendation:

The City is heavily investing in infrastructure improvements in order to mitigate flooding and meet the challenges of sea level rise. The benefits from having new storm water pump stations, check valves, and raising streets with low elevation will work collectively to maximize the effectiveness of these drainage systems and minimize flooding on the streets. A new minimum standard for the crown of road will set elevations of the cross section of the road.

Not all roads in the City are below the proposed elevation, but there are some that have been historically prone to flooding due to tidal events. The result will allow the City to maintain better drainage for safer travel during potential flooding events. It will also extend the useful life of these new roads by raising the base foundation material such that it will not be saturated with water, reducing cost for reconstruction in the future and less construction impacts in our neighborhoods.

Resolution 2014-28499 was passed by City Commission on February 12, 2014 which modified the tailwater elevation from 0.5 feet NAVD to 2.7 feet NAVD of the Stormwater Management Master Plan for all tidal boundary conditions.

Bergeron Land Development, Inc. (Bergeron) is currently working on a project on West Avenue, from 5th to 8th Streets, the short section on 6th Street, between Alton and West Avenue, as well as a project on 17th Street, between Alton and the bridge and a section of West Avenue, from Lincoln Road up to 17th Street. As part of the project, Bergeron has been assisting the City in developing concepts related to street elevations, which will be required in order to raise the streets to a level that will be less susceptible to flooding. A typical design section is attached for four separate locations/scenarios within this project area.

At the December 10, 2014 Flooding Mitigation Committee meeting, a presentation of these four scenarios was made by Bergeron regarding the existing road conditions and the result of raising the roadway, in relation to the finished floor elevation of the adjacent properties. In order to maintain access to those businesses and obtain the overall desired infrastructure, a harmonization or transition from the proposed roadway elevation down to an existing finished floor elevation will be required in some cases. During the presentation different harmonization alternatives were presented to the Committee so that initial concerns could be discussed. The Committee talked through the concerns with the alternatives presented and requested that this item be brought to a full Commission for further discussion.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Eric Carpenter, Public Works X6012

Sign-Offs:

Department Director ETC <i>[Signature]</i>	Assistant City Manager MT <i>[Signature]</i>	City Manager 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 Morales, City Manager

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A DESIRED MINIMUM ELEVATION FOR THE CROWN OF ROADS IN THE CITY TO BE ONE FOOT HIGHER THAN THE TAILWATER BOUNDARY CONDITION ELEVATION ESTABLISHED BY THE MAYOR AND CITY COMMISSION TO ALLOW FOR PROPER DRAINAGE WITHIN THE CITY AND PROTECTION FROM TIDAL FLOODING.**

BACKGROUND

The City is heavily investing in infrastructure improvements in order to mitigate flooding and meet the challenges of sea level rise. The benefits from having new storm water pump stations, check valves, and raising streets with low elevation will work collectively to maximize the effectiveness of these drainage systems and minimize flooding on the streets. A new minimum standard for the crown of road will set elevations of the cross section of the road.

Not all roads in the City are below the proposed elevation, but there are some that have been historically prone to flooding due to tidal events. The result will allow the City to maintain better drainage for safer travel during potential flooding events. It will also extend the useful life of these new roads by raising the base foundation material such that it will not be saturated with water, reducing cost for reconstruction in the future and less construction impacts in our neighborhoods.

Resolution 2014-28499 was passed by City Commission on February 12, 2014 which modified the tailwater elevation from 0.5 feet NAVD to 2.7 feet NAVD of the Stormwater Management Master Plan for all tidal boundary conditions.

In accordance with the reasons listed above, the Public Works Department is recommending the crown of road to be a minimum of one foot above the tailwater design elevation.

Bergeron Land Development, Inc. (Bergeron) is currently working on a project on West Avenue, from 5th to 8th Streets, the short section on 6th Street, between Alton and West Avenue, as well as a project on 17th Street, between Alton and the bridge and a section of West Avenue, from Lincoln Road up to 17th Street. As part of the project, Bergeron has been assisting the City in developing concepts related to street elevations, which will be required in order to raise the streets to a level

that will be less susceptible to flooding. A typical design section is attached for four separate locations/scenarios within this project area.

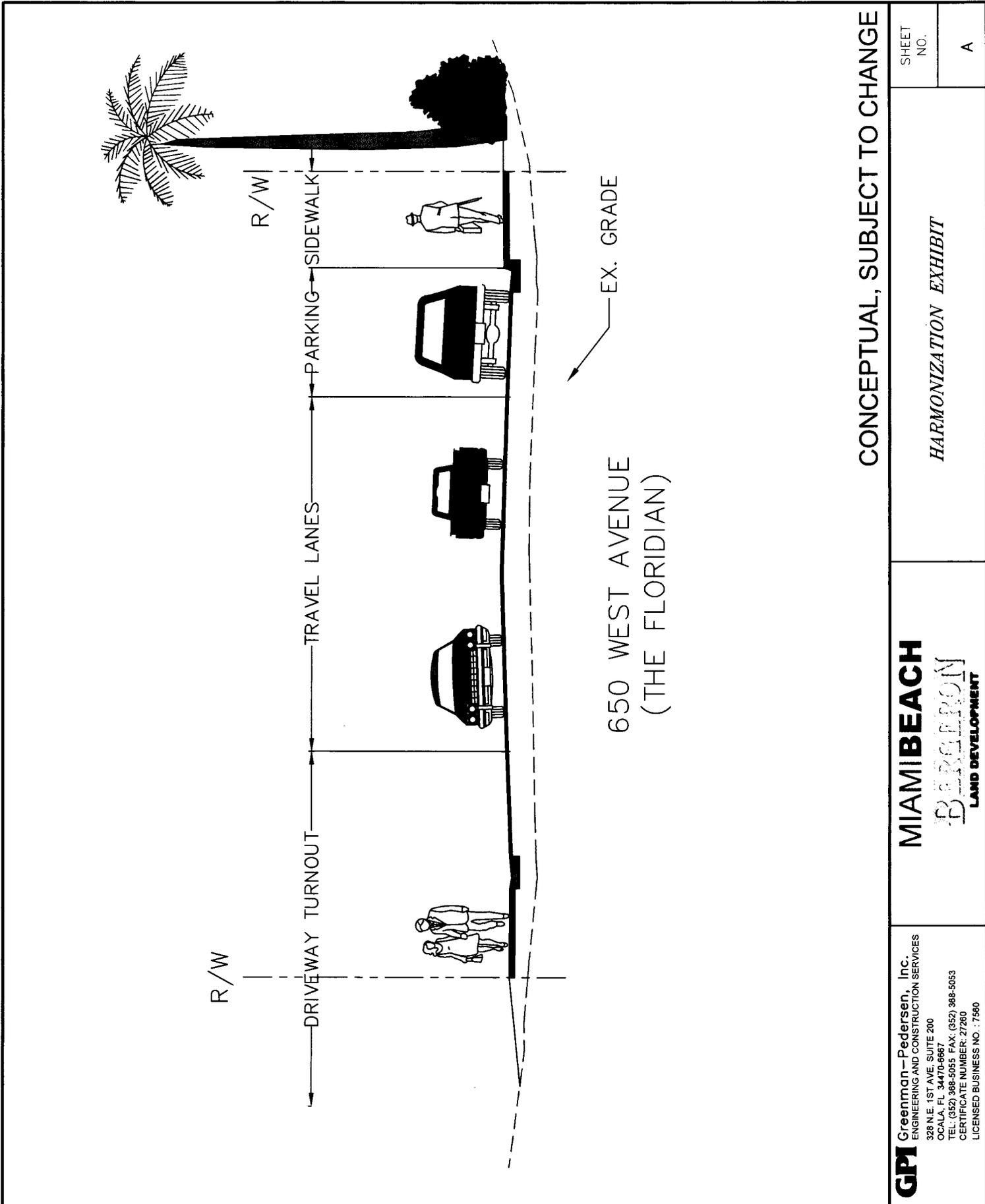
At the December 10, 2014 Flooding Mitigation Committee meeting, a presentation of these four scenarios was made by Bergeron regarding the existing road conditions and the result of raising the roadway, in relation to the finished floor elevation of the adjacent properties. In order to maintain access to those businesses and obtain the overall desired infrastructure, a harmonization or transition from the proposed roadway elevation down to an existing finished floor elevation will be required in some cases. During the presentation different harmonization alternatives were presented to the Committee so that initial concerns could be discussed. The Committee talked through the concerns with the alternatives presented and requested that this item be brought to a full Commission for further discussion.

CONCLUSION

The Administration recommends adopting the Resolution.

JM/MT//JJF/BAM/FRS

T:\AGENDA\2015\January\PUBLIC WORKS\Elevation.memo.doc



CONCEPTUAL, SUBJECT TO CHANGE

<p>MIAMI BEACH </p>	<p>HARMONIZATION EXHIBIT</p>	<p>SHEET NO. A</p>
<p>GPI Greenman-Pedersen, Inc. ENGINEERING AND CONSTRUCTION SERVICES 328 N.E. 1ST AVE, SUITE 200 OCALA, FL 34470-6667 TEL: (352) 368-5055 FAX: (352) 368-5053 CERTIFICATE NUMBER: 27260 LICENSED BUSINESS NO.: 7560</p>		



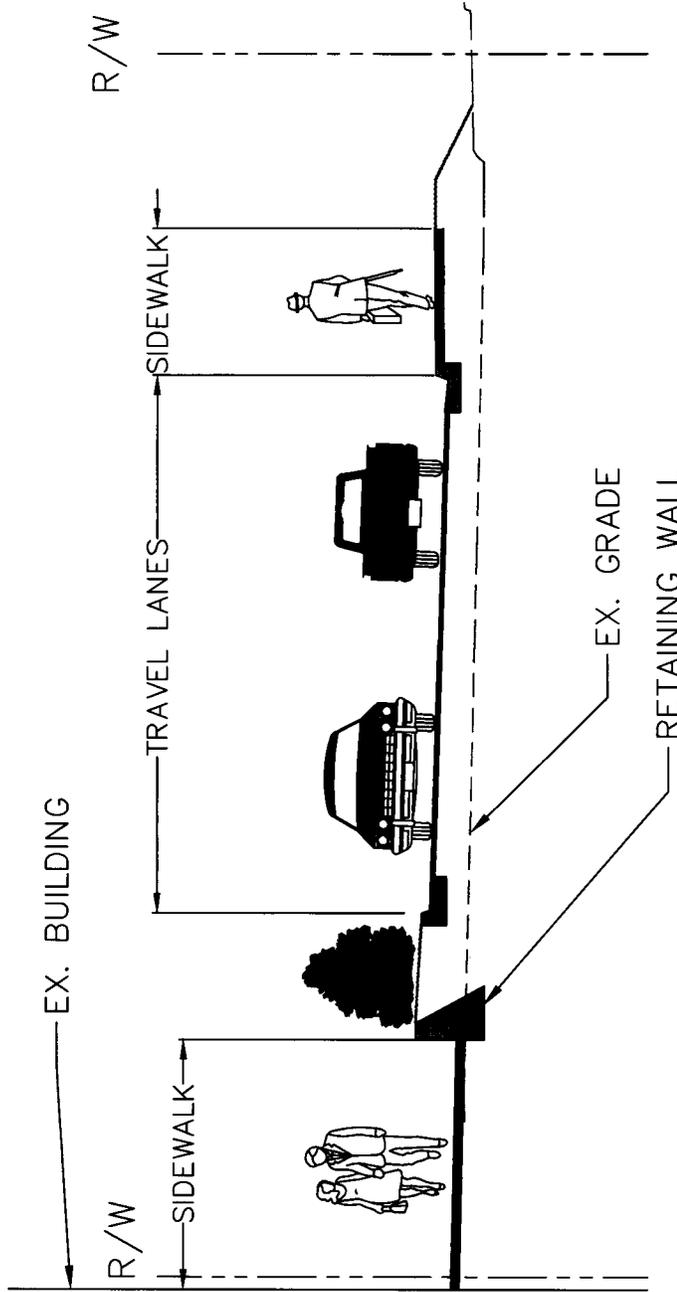
GPI Greenman-Pedersen, Inc.
 ENGINEERING AND CONSTRUCTION SERVICES
 323 N.E. 1ST AVE, SUITE 200
 OCALA, FL 34470-6867
 TEL: (352) 368-5055 FAX: (352) 368-5053
 CERTIFICATE NUMBER: 27260
 LICENSED BUSINESS NO. : 7580

MIAMI BEACH
Baron
 LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET
 NO.

A1



520 WEST AVENUE
(ANTHONY'S PIZZA)

CONCEPTUAL, SUBJECT TO CHANGE

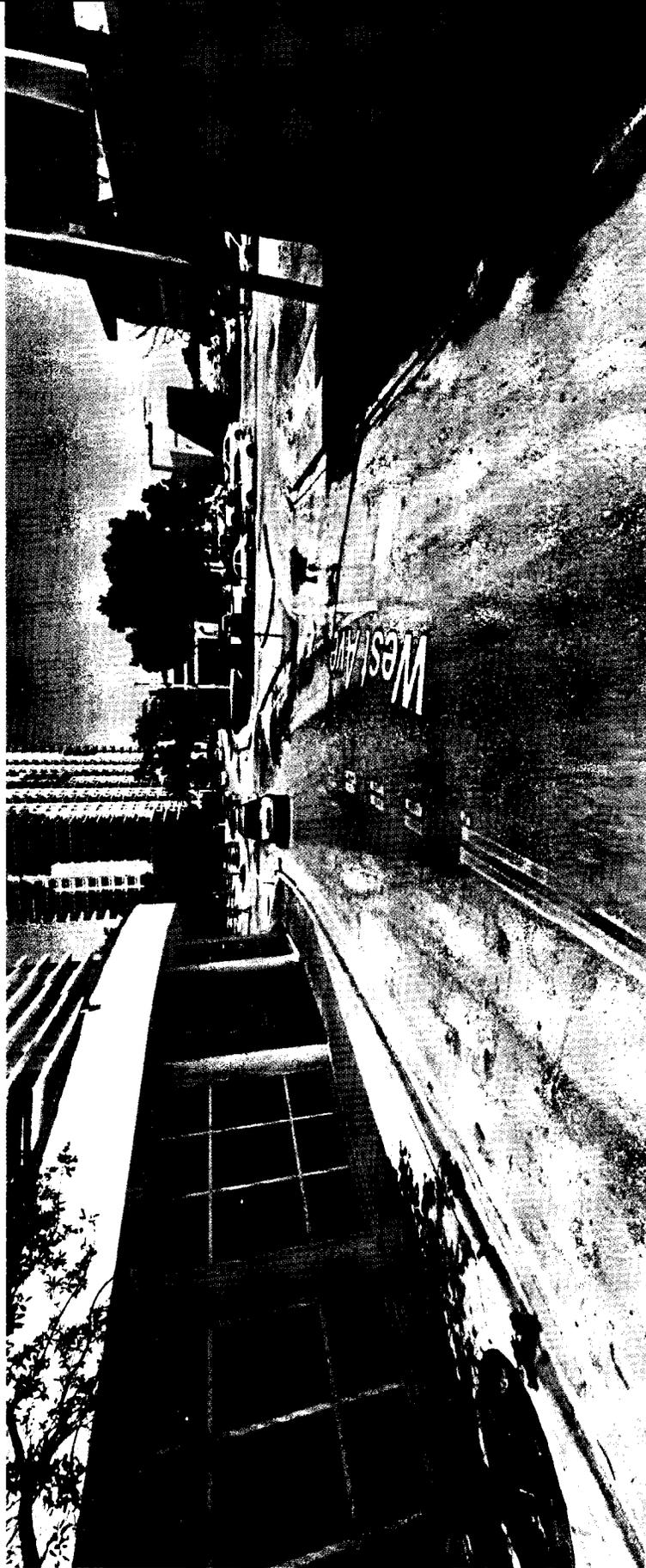
GPI Greenman-Pedersen, Inc.
ENGINEERING AND CONSTRUCTION SERVICES
328 N.E. 1ST AVE, SUITE 200
OCALA, FL 34470-6661
TEL: (352) 368-5055 FAX: (352) 368-5053
CERTIFICATE NUMBER: 27280
LICENSED BUSINESS NO.: 7580

MIAMI BEACH
BARBERON
LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET
NO.

B



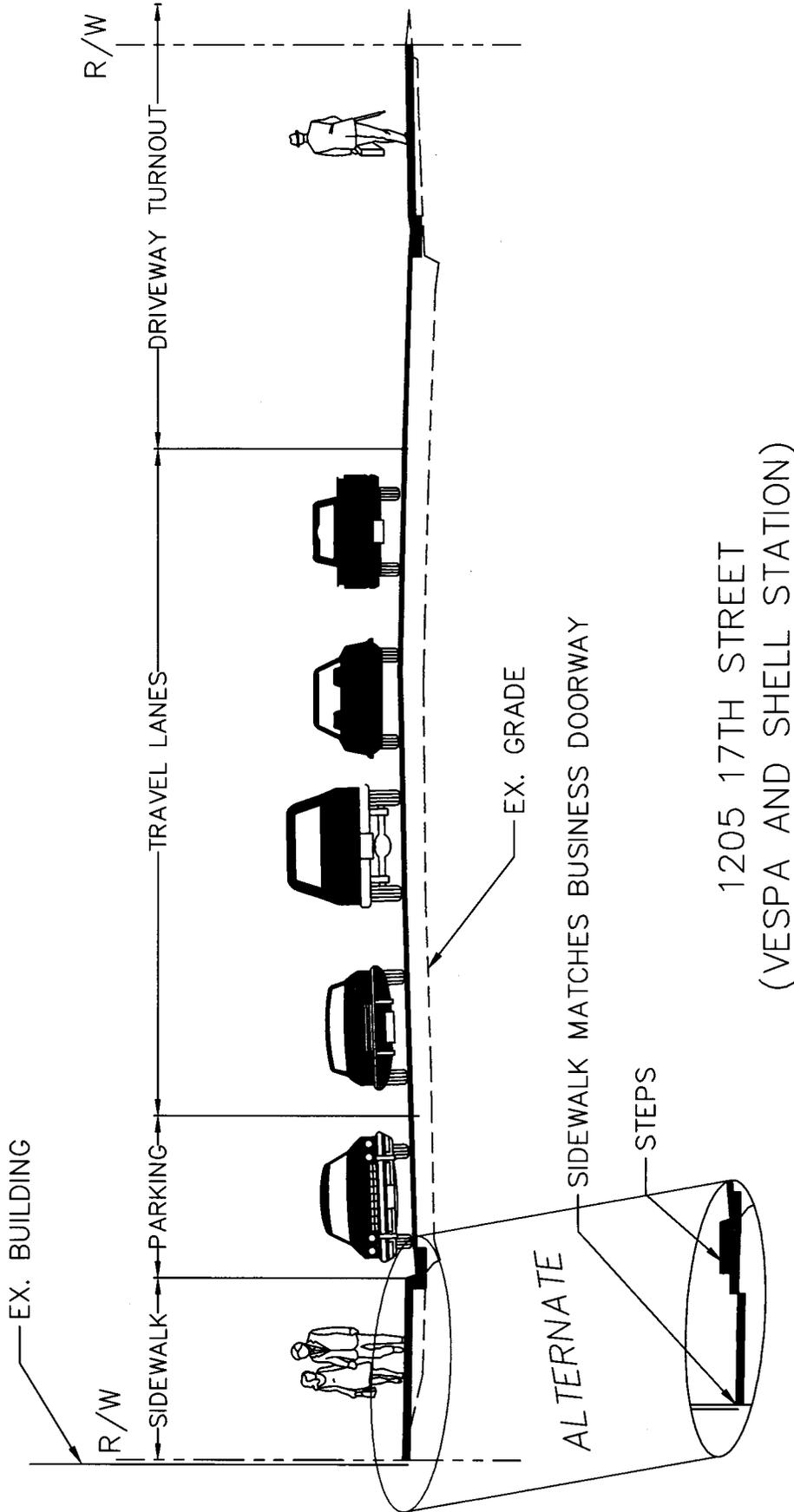
GPI Greenman - Pedersen, Inc.
 ENGINEERING AND CONSTRUCTION SERVICES
 328 N.E. 1ST AVE, SUITE 200
 OCALA, FL 34470-6667
 TEL: (352) 368-5055 FAX: (352) 368-5053
 CERTIFICATE NUMBER: 27260
 LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERBERON
 LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET
NO.

B1



CONCEPTUAL, SUBJECT TO CHANGE

GPI Greenman-Pedersen, Inc.
ENGINEERING AND CONSTRUCTION SERVICES
328 N.E. 1ST AVE, SUITE 200
OCALA, FL 34470-6667
TEL: (352) 368-5055 FAX: (352) 368-5053
CERTIFICATE NUMBER: 27260
LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BERBERSON
LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET NO.

C



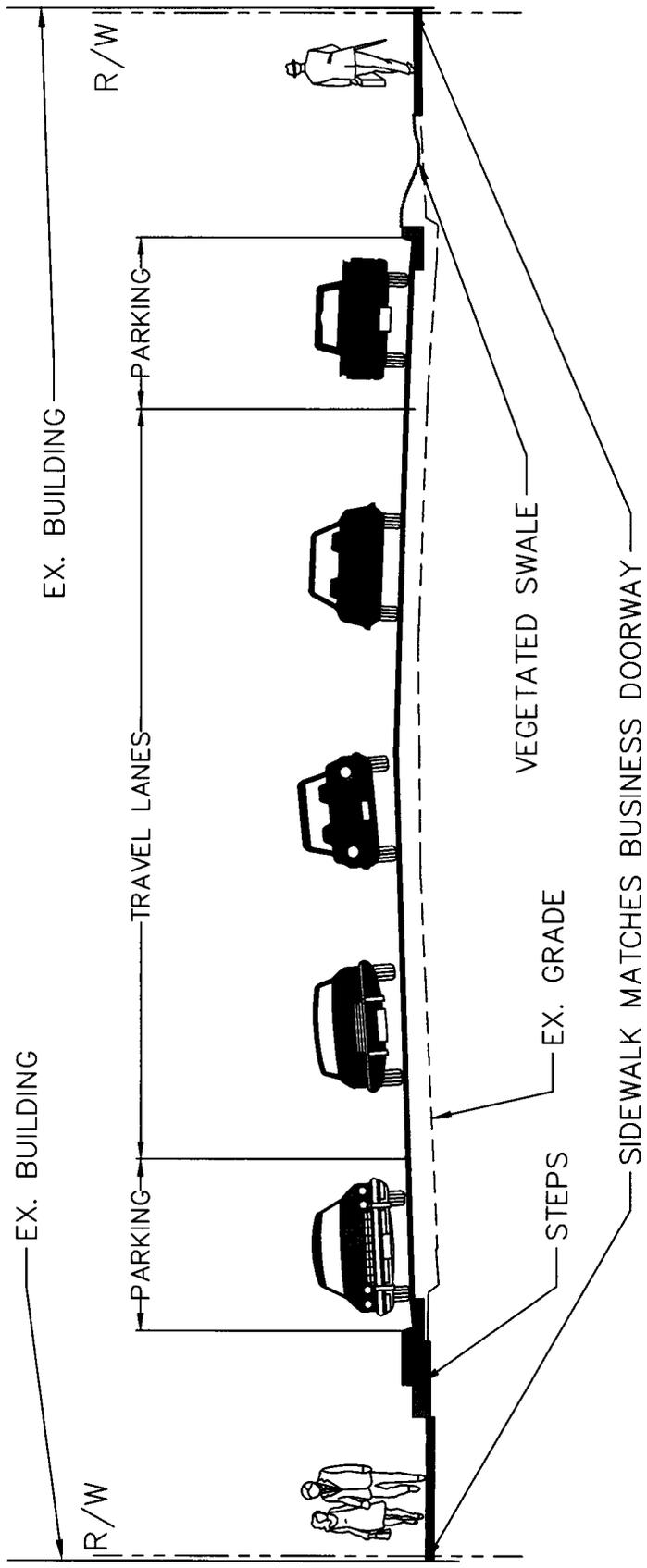
GPI Greenman-Pedersen, Inc.
 ENGINEERING AND CONSTRUCTION SERVICES
 328 N.E. 1ST AVE, SUITE 200
 OCALA, FL 34470-6687
 TEL: (352) 366-5055 FAX: (352) 366-5053
 CERTIFICATE NUMBER: 27260
 LICENSED BUSINESS NO. : 7560

MIAMI BEACH
BANKERLYN
 LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET
 NO.

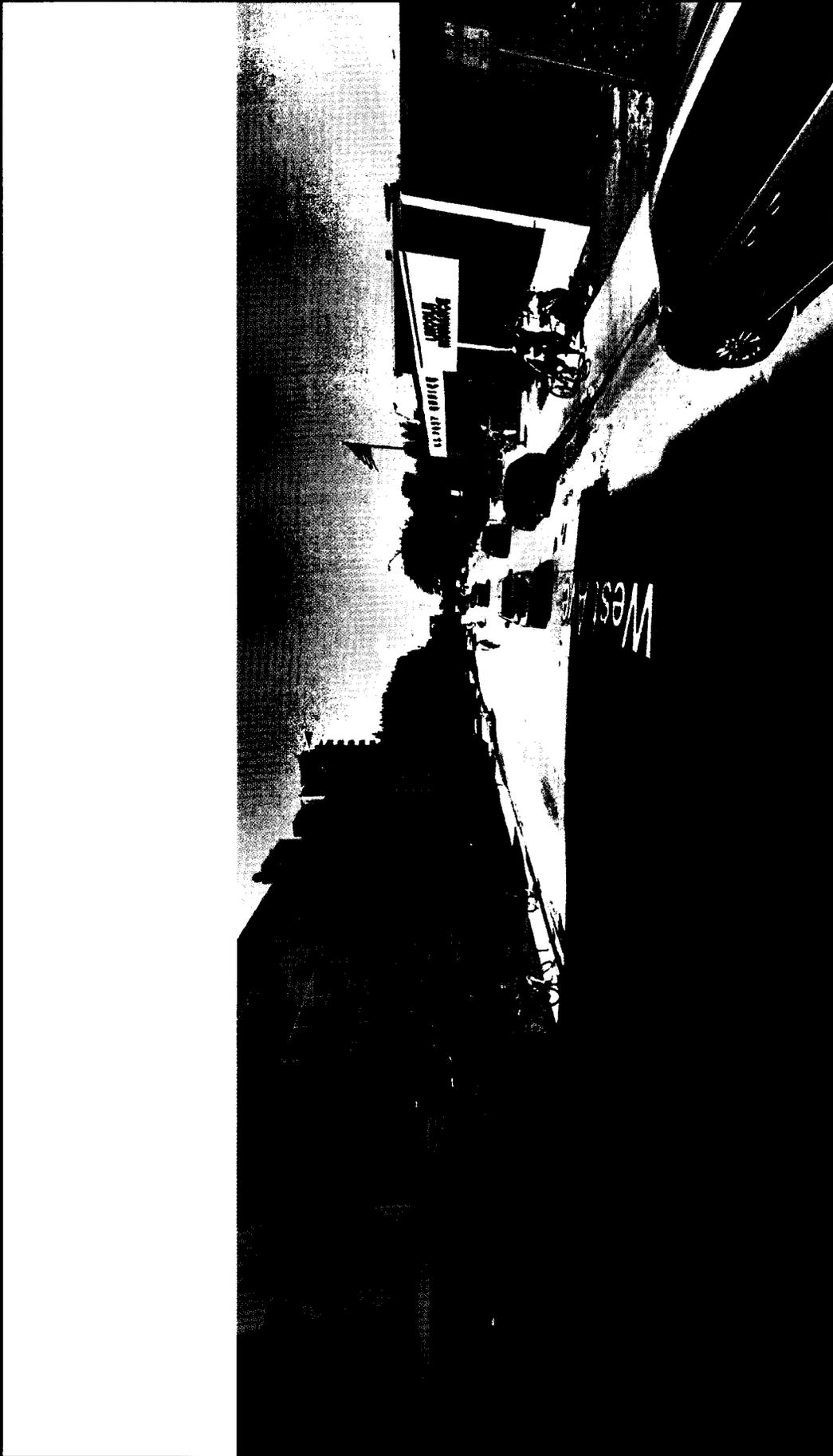
C1



1657 WEST AVE
 (LINCOLN INSURANCE
 AND LINCOLN WEST TOWERS)

CONCEPTUAL, SUBJECT TO CHANGE

GPI Greenman-Pedersen, Inc. ENGINEERING AND CONSTRUCTION SERVICES 328 N.E. 1ST AVE, SUITE 200 OCALA, FL 34470-6667 TEL: (352) 368-5055 FAX: (352) 368-5053 CERTIFICATE NUMBER: 27260 LICENSED BUSINESS NO.: 7560	MIAMI BEACH 	HARMONIZATION EXHIBIT	SHEET NO. D
	CONCEPTUAL, SUBJECT TO CHANGE		SHEET NO. D



GPI Greenman-Pedersen, Inc.
 ENGINEERING AND CONSTRUCTION SERVICES
 329 N.E. 1ST AVE., SUITE 200
 Ocala, FL 34470-6867
 TEL: (352) 368-5055 FAX: (352) 368-5053
 CERTIFICATE NUMBER: 27260
 LICENSED BUSINESS NO.: 7560

MIAMI BEACH
BARBON
 LAND DEVELOPMENT

HARMONIZATION EXHIBIT

SHEET NO.
 D1

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R7 - Resolutions

R7E A Resolution Approving A Settlement In The Amount Of \$2,760,000.00, In Substantial Form As Proposed In Attached Exhibit 1; For Payment Of The Fee In Lieu Of Parking Required Under Section 130-131, Of The City Code, Which Fee Is Paid Due To A Parking Deficiency Associated With The Development Of The New Project On The Property Owned By Centurian Collins Avenue, LLC, A Delaware Limited Liability Company (Hereinafter "Centurian"), Located At 2360 Collins Avenue, Miami Beach, Florida, Which Project Is Commonly Known As The "Aloft" (The "Project") Under Building Permit Number: BREV131038418-422; And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete The Settlement.

(Office of the City Attorney)

(Memorandum to be Submitted in Supplemental)

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R9

**NEW BUSINESS
AND
COMMISSION REQUESTS**

R9

MIAMI BEACH

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

OFFICE OF THE CITY CLERK, Rafael Granado, City Clerk
Tel: (305) 673-7411, Fax: (305) 673-7254

COMMISSION MEMORANDUM

To: Mayor Philip Levine and Members of the City Commission
From: Rafael E. Granado, City Clerk
Date: January 14, 2015
Subject: BOARD 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.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MEMBERS	APPOINTED BY:	TOTAL VACANCIES	PAGE
Affordable Housing Advisory Committee	18	City Commission	5	Page 2
		Commissioner Ed Tobin	1	Page 3
Budget Advisory Committee	9	Mayor Philip Levine	1	Page 7
Convention Center Advisory Board	7	Commissioner Ed Tobin	1	Page 11
Design Review Board	7	City Commission	1	Page 12

VACANCIES

BOARD OR COMMITTEE:	TOTAL MEMBERS	APPOINTED BY:	TOTAL VACANCIES	PAGE
Disability Access Committee	14	Commissioner Jonah M. Wolfson	1	Page 14
Gay, Lesbian, Bisexual and Transgender (GLBT)	15	Commissioner Deede Weithorn	1	Page 16
Health Advisory Committee	11	City Commission	1	Page 17
Marine and Waterfront Protection Authority	14	Commissioner Jonah M. Wolfson	1	Page 23
Miami Beach Commission For Women	21	Commissioner Ed Tobin	1	Page 26
Miami Beach Cultural Arts Council	11	City Commission	3	Page 27
Police Citizens Relations Committee	14	Mayor Philip Levine	1	Page 36
Transportation, Parking, Bicycle-Pedestrian Facilities Committee	14	Commissioner Deede Weithorn Commissioner Ed Tobin	1 1	Page 39

Attached is a breakdown by Mayor, Commissioner or City Commission:

JLM:REG/sp

Vacancy Report

<i>Full Name</i>	<i>Board Name</i>	<i>Vacancy</i>
<i>City Commission</i>		
	Affordable Housing Advisory Committee	5
	Design Review Board	1
	Health Advisory Committee	1
	Miami Beach Cultural Arts Council	3
<i>Commissioner Deede Weithorn</i>		
	Transportation, Parking, Bicycle-Pedestrian, Facilities Committee	1
<i>Commissioner Ed Tobin</i>		
	Affordable Housing Advisory Committee	1
	Convention Center Advisory Board	1
	Miami Beach Commission For Women	1
	Transportation, Parking, Bicycle-Pedestrian Facilities Committee	1
<i>Commissioner Jonah M. Wolfson</i>		
	Disability Access Committee	1
	Marine and Waterfront Protection Authority	1
<i>Mayor Philip Levine</i>		
	Police Citizens Relations Committee	1

Board and Committees Current Members

Ad Hoc Committee Centennial Celebration

2014-28531

Composition:

The members of this Ad-Hoc Comitee shall have the duty to provide ideas and recommendations pertaining to all matters with respect to events and activities related to the City of Miami Beach Centennial on March 26, 2015, and who shall report to and receive direction from the City Commission, and which shall be comprised of seven (7) members who are direct appointments by the Mayor and City Commission with terms of membership to begin on July 31, 2013 and expiring on July 31, 2015 (subject to earlier or later sunset by the City Commission).

Resolution 2014-28531 adopted on March 5, 2014 extending the committee until July 31, 2015,

City Liaison: Max Sklar

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Carmen (Maria)	Lopez		7/31/2015	Commissioner Micky Steinberg	
Dawn	McCall		7/31/2015	Commissioner Joy Malakoff	
George	Neary		7/31/2015	Commissioner Deede Weithorn	
Jay	Dermer		7/31/2015	Commissioner Jonah M. Wolfson	
Ray	Breslin		7/31/2015	Commissioner Michael Grieco	
Reagan	Pace		7/31/2015	Mayor Philip Levine	
Sheila	Duffy-Lehrman		7/31/2015	Commissioner Ed Tobin	

Applicants	Position/Title	Applicants	Position/Title
Brian Falk		Dennis Mouyios	
Dr. Barry Ragone		Lisa Almy	
Meryl Wolfson			

Board 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 commissioners. 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:

One citizen:

- 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

Appointments To Be Made :

Mayela	Mueller		12/31/2014	Mayor Philip Levine	12/31/21
Muayad	Abbas	(5) For Profit	12/31/2014	City Commission	12/31/17
Frank	Kruszewski	(8) Local Planning	12/31/2014	City Commission	12/31/19
David	Smith	(3) Rep. Labo H.Bld. TL12-31-	12/31/2014	City Commission	12/31/14
Juan	Rojas	(2) Banking/Mortgage	12/31/2014	City Commission	12/31/16

Vacancy:

To replace	(6) Not for Profit	12/31/2014	City Commission
Stephanie Berman			

Board and Committees Current Members

To replace Robert Saland	(1) Res. Home Bldg.	12/31/2014	City Commission
To replace Adrian Adorno	(9) Res. Juris Local Gov	12/31/2015	City Commission
To replace Karen Fryd	(11) Rep. Essential Ser.	12/31/2015	City Commission
To replace Jeremy Glazer	(4) Low-Income Adv	12/31/2015	City Commission
Vacant		12/31/2014	Commissioner Ed Tobin

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alexander	Orlofsky		12/31/2015	Commissioner Micky Steinberg	12/31/21
Jane	Hayes		12/31/2015	Commissioner Jonah M. Wolfson	12/31/21
Karen	Fryd		12/31/2015	Commissioner Joy Malakoff	12/31/21
Laurence	Herrup	(10) Rep. Empl. With/jurisdic	12/31/2015	City Commission	12/31/15
Michael	Bernstein		12/31/2015	Commissioner Deede Weithorn	12/31/21
Seth	Feuer		12/31/2016	Commissioner Michael Grieco	12/31/21
Suzanne	Hollander	(7) Real Estate Professional	12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Britta Hanson		Dale Gratz	
Dr. Barry Ragone		Eric Lawrence	
Gotlinsky Barbara		Guy Simani	
Howard Weiss		Joseph Landesman	
Josephine Pampanas		Lawrence Raab	
Prakash Kumar		Stephanie Berman	

Board and Committees Current Members

Art in Public Places

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

Appointments To Be Made :

Cathy	Byrd	12/31/2014	City Commission	12/31/19
Janda	Wetherington	12/31/2014	City Commission	12/31/16
Megan	Riley	12/31/2014	City Commission	12/31/16
Susan	Caraballo	12/31/2014	City Commission	12/31/18

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Chana	Sheldon		12/31/2015	City Commission	12/31/19
Ombretta	Agro Andruff		12/31/2015	City Commission	12/31/19
Patricia	Frost		12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Adrian Gonzalez		Adrienne Krieger	
Alexander Orlofsky		Allee Newhoff	
Carolyn Baumel		Cindy Brown	
Dale Stine		Elizabeth Schwartz	
Francinelee Hand		Francis Trullenque	
Laura Levey		Leslie Tobin	
Lori Nieder		Michael McManus	
Michelle Ricci		Mirta Limonta	
Monica Matteo-Salinas		Scott Robins	
Susan Schemer		Vanessa Menkes	
Veronica Camacho			

Board 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:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	CPA	12/31/2017	Commissioner Joy Malakoff	FS 218.39
Dana	Kaufman	CPA	12/31/2015	Commissioner Ed Tobin	FS 218.39
Deede	Weithorn	CPA	12/31/2015	Commissioner Deede Weithorn	FS 218.39
Marc	Gidney	CPA	12/31/2017	Commissioner Micky Steinberg	FS 281.39
Michael	Weil		12/31/2015	Mayor Philip Levine	FS 218.39
Ronald	Starkman		12/31/2017	Commissioner Michael Grieco	FS 218.39
Sandy	Horwitz		12/31/2015	Commissioner Jonah M. Wolfson	FS 218.39

Board and Committees Current Members

Board of Adjustment

RSA I-2 Sec 118-134

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 five-seventh 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

Appointments To Be Made :

Noah	Fox	Real Estate Developer	12/31/2014	City Commission	12/31/18
Richard	Preira	Law	12/31/2014	City Commission	12/31/16
Richard	Baron	At-Large	12/31/2014	City Commission	12/31/19

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Barton	Goldberg	Financial Advisor	12/31/2015	City Commission	12/31/19
Bryan	Rosenfeld	CPA	12/31/2015	City Commission	12/31/15
Heidi	Tandy	At-Large	12/31/2015	City Commission	12/31/19
Larry	Colin	Gen. Business	12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Andres Asion		Bradley Colmer	
Brian Ehrlich		David Wieder	
Deborah Castillo		Frank Del Vecchio	
Gabriel Paez		Jack Benveniste	
James Silvers		Jeffrey Feldman	
Jessica Conn		Jonathan Beloff	
Kathleen Phang		Kristen Rosen Gonzalez	
Mark Alhadeff		Michael Steffens	
Muayad Abbas		Nelson Fox	
Richard Alhadeff		Roberta Gould	
Seth Frohlich		Victor Ballestas	

Board and Committees Current Members

Budget Advisory Committee

Sec. 2-44

Composition:

Nine (9) members. Seven (7) direct appointments with Mayor and each Commissioner making one (1) appointment.

Two (2) at-large appointments:

- one (1) certified public accountant and
- one (1) for a financial advisor.

Please see the "Agenda - 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 - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter choose the first listed Commission meeting, and click on City Commission At-Large Nominations.

City Liaison: John Woodruff

Appointments To Be Made :

Brian	Harris	Financial Adv.	12/31/2014	City Commission	12/31/19
Julio	Magrisso		12/31/2014	Commissioner Ed Tobin	12/31/21
Marc	Gidney	C.P A. (TL12/31/2014)	12/31/2014	City Commission	12/31/14

Vacancy:

To replace
Christopher Pace 12/31/2015 Mayor Philip Levine

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
David	Lancz		12/31/2016	Commissioner Deede Weithorn	12/31/18
Dushan	Koller		12/31/2015	Commissioner Jonah M. Wolfson	12/31/15
Jack	Benveniste		12/31/2015	Commissioner Joy Malakoff	12/31/15
John	Gardiner		12/31/2015	Commissioner Michael Grieco	12/31/16
Ronald	Starkman		12/31/2016	Commissioner Micky Steinberg	12/31/21

Applicants	Position/Title	Applicants	Position/Title
Bryan Rosenfeld		Carl Linder	
Dwight Kraai		Elliott Alhadeff	
Guy Simani		Jason Witrock	
John Bowes		Mario Coryell	
Michael Levine		Mirta Limonta	
Noah Fox		Regina Suarez	
Robert Schwartz			

Board and Committees Current Members

Committee for Quality Education in MB

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 commissioner 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

Appointments To Be Made :

Betsy	Mateu	12/31/2014	Mayor Philip Levine	12/31/21
Keren	Bजारoff	12/31/2014	Commissioner Ed Tobin	12/31/15

Vacancy:

City Comm. Designee

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Beverly	Heller		12/31/2015	Commissioner Micky Steinberg	12/31/16
Judith	Berson-Levinson		12/31/2016	Commissioner Joy Malakoff	12/31/21
Karen	Rivo		12/31/2015	Commissioner Deede Weithorn	12/31/15
Marina	Aviles		12/31/2016	Commissioner Michael Grieco	12/31/22
Tiffany	Heckler		12/31/2015	Commissioner Jonah M. Wolfson	12/31/18

Beth Edwards	Rep. of the PTA for Nautilus Middle School	06/30/15
Dr. Leslie Rosenfeld	ACM/City Manager designee	
Elisa Leone	Rep. of the PTA for Biscayne Elementary	06/30/15
Ivette Birba	Rep. of the PTA for Feinberg Fisher K-8	06/30/15
Jessica Burns	Rep. of the PTA South Pointe Elementary	06/30/15
John Aleman	Rep. of PTA North Beach Elem. School	06/30/15
Rosa Neely	Rep. of PTA for Treasure Island Elem.	06/30/15
Shelley Groff	Rep. of the PTA for MB Sr. High School	06/30/15
Tamar Oppenheimer	Rep. PTA for Ruth K. Broad K8	06/30/15

Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Dr. Elsa Orlandini		Jessica Burns	
Joanna-Rose Kravitz		Kristen Rosen Gonzalez	
Laurie Kaye Davis		Tashaunda Washington	

Board and Committees Current Members

Committee on the Homeless

Sec. 2-161

Composition:

The committee shall consist of nine (9) members, three (3) to be appointed by the Mayor and each Commissioner to appoint one (1).

Each member of the committee shall be selected from membership in an organization such as, but not limited to the following:

Service Providers:

- Douglas Gardens Community Mental Health,
- Salvation Army,
- Better Way,
- Miami-Dade County Homeless Trust;

Civic Representation: North Beach (North Beach Development Corp), 41st Street (Middle Beach Partnership), Lincoln Rd (Marketing Council), Washington Ave (Miami Beach Dev. Corp. and /or Washington Ave Task Force), Ocean Dr (Ocean Drive Improvement Association), Collins Ave (Hotel Association), South Pointe (South Pointe Advisory Board to the Redevelopment Agency); member of the general public with personal experience with homeless issues CDBG Project Coordinator (ESG Emergency Shelter Grant Provider), city officials, representative from the Police Department and the City Attorney's Office as ex-officio members.

City Liaison: Maria Ruiz

Appointments To Be Made :

Lior	Leser		12/31/2014	Commissioner Jonah M. Wolfson	12/31/21
Dale	Gratz	(TL12/31/2014)	12/31/2014	Commissioner Joy Malakoff	12/31/14
Gail	Harris		12/31/2014	Commissioner Ed Tobin	12/31/16

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Daniel	Nagler		12/31/2015	Mayor Philip Levine	12/31/21
Debra	Schwartz		12/31/2015	Mayor Philip Levine	12/31/21
Freddy	Funes		12/31/2016	Commissioner Micky Steinberg	12/31/21
Jonathan	Kroner		12/31/2015	Commissioner Michael Grieco	12/31/17
Mirta	Limonta		12/31/2015	Mayor Philip Levine	12/31/21
Rachael	Zuckerman		12/31/2015	Commissioner Deede Weithorn	12/31/17

Applicants	Position/Title	Applicants	Position/Title
Deborah Robins		Eda Valero-Figueira	
Helen Swartz		Magui Benitez	
Mark Wylie		Monica Casanova	
Muayad Abbas		Rocio Sullivan	
Rosalie Pincus		Stephanie Berman	
Zeiven Beitchman			

Board 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

Appointments To Be Made :

Roger Abramson	12/31/2014	Commissioner Joy Malakoff	12/31/16
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Vacancy:

To Replace Joshua Wallack	12/31/2014	Commissioner Ed Tobin
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Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Elizabeth	Resnick		12/31/2015	Commissioner Jonah M. Wolfson	12/31/20
Jacqueline	Hertz		12/31/2015	Commissioner Micky Steinberg	12/31/21
Jared	Galbut		12/31/2015	Commissioner Deede Weithorn	12/31/21
Michael	Goldberg		12/31/2016	Commissioner Michael Grieco	12/31/21
Tony	Rodriguez		12/31/2015	Mayor Philip Levine	12/31/21
Ita Moriarty		ex-officio, GMCVB Adm Rep			
Joshua Levy		ex-officio, Chair Bd. Dir. MBCC			
Matt Hollander		ex-officio, Global Spectrum Adm Rep.			
Vacant		ex-officio member of the City Manager's Office			

Applicants	Position/Title	Applicants	Position/Title
Carl Linder		Gotlinsky Barbara	
Howard Weiss		James Weingarten	
Karen Brown		Lawrence Raab	
Lee Zimmerman		Mark Wohl	
Mark Wylie		Michael Bernstein	
Nawaz Gilani		Victor Ballestas	

Board 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. The 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) citizen-at-large members and one of the registered landscape architects, registered architects, professional designer or professional urban planners shall be residents of the city.

City Liaison: Deborah Tackett

Appointments To Be Made :

Carol	Housen	At-large	12/31/2014	City Commission	12/31/16
Edgar	Sarli	Faculty Position	12/31/2014	City Commission	12/31/19
Kathleen	Phang	Attorney	12/31/2014	City Commission	12/31/19

Vacancy:

To replace Vincent Filigenzi Landscape Architect 12/31/2015 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Annabel	Delgado-Harrington	Registered Architect	12/31/2015	City Commission	12/31/19
Elizabeth	Camargo	Registered Architect	12/31/2015	City Commission	12/31/19
John	Turchin	At-Large	12/31/2015	City Commission	12/31/19
Gary Held		advisory/City Attorney Designee			
Thomas Mooney		advisory/ Planning Dept. Director			
Vacant		ex-officio/Disability Access Committee			

Applicants	Position/Title	Applicants	Position/Title
Andres Asion		Alexander Orlofsky	
Brian Ehrlich		Bradley Colmer	
Carol Housen		Bryan Rosenfeld	
Daniel Hertzberg		Clotilde Luce	
		Deborah Castillo	

Board and Committees Current Members

Deena Bell
Jean-Francois Lejeune
Jeffrey Feldman
Jessica Conn
Marina Novaes
Michael Steffens
Seth Frohlich
Stacy Kilroy
Terry Bienstock
Victor Morales

Francinelee Hand
Jeffrey Cohen
Jennifer Lampert
Joseph Furst
Matthew Krieger
Nelson Fox
Seth Wasserman
Suzanne Hollander
Victor Ballestas

Board and Committees Current Members

Disability Access Committee

2006-3500 S 2-31

Composition:

The Committee shall be composed of:

A board quorum of eight (8) members and requiring at least eight (8) votes for board action.

Fourteen (14) voting members who shall be direct appointees by the Mayor and City Commissioners.

- 1) persons having mobility impairments;
- 2) deaf and/or hard-of-hearing persons in the community; blind and/or vision impaired persons in the community;
- 3) mental, cognitive or developmental disabilities;
- 4) the industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation).
- 5) One non-voting ex-officio member who is either a member of the disabled community or has special knowledge of Americans with Disabilities Act (ADA) issues.

As per ordinance 2011-3731, in addition to other power and duties, the chairperson of the committee may designate a committee member to attend meetings of other city agencies, boards, or committees for the purpose of providing and obtaining input regarding accessibility related issues and reporting to the disability access committee on matters set forth in subsection (b) so that the disability access committee may provide recommendations to the city departments specified in subsection (b) or to the city commission.

Ordinance 2012-3757 amended Sec. 2-31(D) to increase the number of members from seven(7) to fourteen (14) and amended the quorum requirement.

City Liaison: Valeria Mejia

Appointments To Be Made :

Susana	Maroder-Rivera	12/31/2014	Commissioner Micky Steinberg	12/31/21
Sabrina	Cohen	12/31/2014	Commissioner Ed Tobin	12/31/17
Wendy	Unger	12/31/2014	Mayor Philip Levine	12/31/16

Vacancy:

To replace Lee Weiss	12/31/2014	Commissioner Jonah M. Wolfson
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Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
David	New	T/L 12/31/15	12/31/2016	Commissioner Deede Weithorn	12/31/15
David	McCauley		12/31/2016	Commissioner Joy Malakoff	12/31/20
Dr. Elsa	Orlandini		12/31/2015	Commissioner Michael Grieco	12/31/21
Dr. Susan	Solman		12/31/2015	Commissioner Deede Weithorn	12/31/19
Helen	Swartz		12/31/2015	Commissioner Joy Malakoff	12/31/18
Lawrence	Fuller		12/31/2015	Commissioner Micky Steinberg	12/31/21
Leif	Bertrand		12/31/2015	Commissioner Jonah M. Wolfson	12/31/21
Matthew	Meyer		12/31/2015	Commissioner Ed Tobin	12/31/20
Oliver	Stern		12/31/2016	Commissioner Michael Grieco	12/31/21
Russell	Hartstein		12/31/2015	Mayor Philip Levine	12/31/19

Ex-officio member

Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Allison Stone		Britta Hanson	
Jarred Relling		Rafael Trevino	
Zachary Cohen			

Board and Committees Current Members

Gay, Lesbian, Bisexual and Transgender (GLBT)

Ord. 2009-3635

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: Vania Pedraja

Appointments To Be Made :

Chad	Richter	12/31/2014	Commissioner Ed Tobin	12/31/16
Dale	Stine	12/31/2014	Commissioner Jonah M. Wolfson	12/31/17

Vacancy:

To replace Marivi Iglesias	12/31/2015	Commissioner Deede Weithorn
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Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Cindy	Brown		12/31/2015	Commissioner Jonah M. Wolfson	12/31/19
David	Leeds		12/31/2016	Mayor Philip Levine	12/31/21
Edison	Farrow		12/31/2015	Commissioner Micky Steinberg	12/31/16
Elizabeth	Schwartz		12/31/2016	Commissioner Joy Malakoff	12/31/21
James	Weingarten		12/31/2015	Commissioner Ed Tobin	12/31/21
Jorge	Richa		12/31/2015	Mayor Philip Levine	12/31/17
Laura	Veitia		12/31/2016	Commissioner Michael Grieco	12/31/16
Mark	Wylie		12/31/2015	Mayor Philip Levine	12/31/21
Michael	Bath		12/31/2016	Commissioner Micky Steinberg	12/31/17
Nelida	Barrios		12/31/2016	Commissioner Deede Weithorn	12/31/16
Ronald	Wolff		12/31/2015	Commissioner Michael Grieco	12/31/21
Thomas	Barker		12/31/2015	Commissioner Joy Malakoff	12/31/16

Applicants	Position/Title	Applicants	Position/Title
Eric Hirsch		Jarred Relling	
Karen Brown		Otiss (Arah) Lester	
Rafael Trevino		Rebecca Boyce	
Stephen Fox, Jr.		Steven Adkins	
Walker Burttschell			

Board and Committees Current Members

Health Advisory Committee

Sec. 2-81 2002-
225R

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

Appointments To Be Made :

Rachel Schuster	ACLIF	12/31/2014	City Commission	12/31/16
Dr. Stacey Kruger	Physician	12/31/2014	City Commission	12/31/16
Dr. Andrew Nullman	Physician (TL 12/31/2014)	12/31/2014	City Commission	12/31/14
Anthony Japour	ACLIF	12/31/2014	City Commission	12/31/16
Dr. Jeremy Green	Physician	12/31/2014	City Commission	12/31/19
Steven Sonenreich	CEO/Mt. Sinai/MH (NLT)	12/31/2014	City Commission	

Vacancy:

Vacant CEO/MB Comm. Health 12/31/2015 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Dr. Daniel	Nixon	Corporate Individual	12/31/2015	City Commission	12/31/19
Dr. David	Farcy	Private Individual	12/31/2015	City Commission	12/31/19
Dr. Todd	Narson	Health Provider	12/31/2015	City Commission	12/31/16
Tobi	Ash	Nursing Profession	12/31/2015	City Commission	12/31/15

Julie Zaharatos Rep. from the Health Council of South Fla
 Maria Ruiz ex-officio, Director of Children's Affairs

Applicants	Position/Title	Applicants	Position/Title
Christine Butler		Dr. Michael Hall,	
Dr. Richard Cuello-Fuentes		Jared Plitt	
Kara White		Zachary Cohen	

Board 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: Patricia Walker

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	Accountant	6/19/2016	City Commission	FS 154-207
Dr. Mark	Sinnreich	Health Provider	6/19/2015	City Commission	FS 154-207
Dr. Michael	Hall,	Health Provider	6/19/2018	City Commission	FS 154-207
Robert	Hertzberg	Attorney	6/19/2017	City Commission	FS 154-207
Sidney	Goldin	General Business	6/19/2018	City Commission	FS 154-207
vacant	Chairperson, Health Advisory Board				

Applicants	Position/Title	Applicants	Position/Title
David Berger		Dr. David Farcy	
Dr. Elsa Orlandini		Dr. Richard Cuello-Fuentes	
Rachel Schuster		Rosalie Pincus	
Zachary Cohen			

Board 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: Nannette Rodriguez

Appointments To Be Made :

Antonio	Purrinos	12/31/2014	Commissioner Jonah M. Wolfson	12/31/16
Eneida	Mena	12/31/2014	Mayor Philip Levine	12/31/21

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alex	Fernandez		12/31/2015	Commissioner Deede Weithorn	12/31/21
Ana Cecilia	Velasco		12/31/2016	Commissioner Michael Grieco	12/31/21
David	Cardenas		12/31/2016	Commissioner Micky Steinberg	12/31/21
Francis	Trullenque		12/31/2015	Commissioner Ed Tobin	12/31/15
Veronica	Camacho		12/31/2015	Commissioner Joy Malakoff	12/31/21

Applicants	Position/Title	Applicants	Position/Title
Israel Sands		Josephine Pampanas	
Leonor Fernandez		Rafael Trevino	
Regina Suarez			

Board and Committees Current Members

Historic Preservation Board

Sec. 118-101

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) members. There shall be a 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 member of the board shall be residents of the city, provided; however, that the City Commission may waive this requirement by a 5/7ths 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: Debbie Tackett

Appointments To Be Made :

Dominique Bailleul	At-large	12/31/2014	City Commission	12/31/16
Jane Gross	Dade Heritage	12/31/2014	City Commission	12/31/16
Josephine Manning	At-large (TL12/31/2014)	12/31/2014	City Commission	12/31/14
Herb Sosa	MDPL	12/31/2014	City Commission	12/31/15

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
David	Wieder	Attorney	12/31/2015	City Commission	12/31/15
John	Stuart	Registered Architect	12/31/2015	City Commission	12/31/19
Wyn	Bradley	Faculty Member	12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Bradley Colmer		Deborah Castillo	
Dona Zemo		Elizabeth Camargo	
Jean-Francois Lejeune		Jeffrey Cohen	
Jennifer Lampert		Kathleen Phang	
Marina Novaes		Mark Alhadeff	
Michael Steffens		Neal Deputy	

Board and Committees Current Members

Raymond Adrian
Richard Kimball
Scott Needelman

Richard Alhadeff
Sam Rabin Jr.
William Lane

Board and Committees Current Members

Housing Authority

Reso 7031 421.05
FC

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

Appointments To Be Made :

Raymond Adrian HA Commissioner 10/11/2014 Bower Levine 10/11/18

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Dr. Barry	Ragone	HA Commissioner	10/11/2017	Mayor Philip Levine	10/11/21
Eugenio	Cabreja	Tenant Commissioner	10/11/2016	Bower Levine	10/11/18
Leonor	Fernandez	HA Commissioner	10/11/2017	Mayor Philip Levine	10/11/21
Peter	Chavelier	HA Commissioner	10/11/2015	Bower Levine	10/11/19

Applicants	Position/Title	Applicants	Position/Title
Gottinsky Barbara		Prakash Kumar	

Board 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 the 1) 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.

AS PER ORDINANCE 2014-3841, NEW COMPOSITION EFFECTIVE 05/31/2014:

City Liaison: Mercedes Carcasses

Appointments To Be Made :

William Cahill	12/31/2014	Commissioner Ed Tobin	12/31/21
Monica Casanova	12/31/2014	Mayor Philip Levine	12/31/21
Stephen Bernstein	12/31/2014	Commissioner Deede Weithorn	12/31/18

Vacancy:

Vacant 12/31/2014 Commissioner Jonah M. Wolfson

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Addison	Sammet		12/30/2015	Commissioner Deede Weithorn	12/31/21
Albert	Parron		12/30/2015	Mayor Philip Levine	12/31/21
Barbara	Herskowitz		12/31/2015	Commissioner Micky Steinberg	12/31/21
Christopher	Todd	(TL 12/31/14)	12/31/2015	Commissioner Michael Grieco	12/31/14
Daniel	Kipnis		12/31/2015	Commissioner Jonah M. Wolfson	12/31/16
Dr. Ronald	Shane		12/31/2015	Commissioner Joy Malakoff	12/31/21
Maurice	Goodbeer		12/31/2016	Commissioner Micky Steinberg	12/31/19
Morris	Sunshine		12/31/2016	Commissioner Michael Grieco	12/31/21
Robert	Schwartz		12/31/2016	Commissioner Joy Malakoff	12/31/21
Sasha	Boulanger		12/31/2015	Commissioner Ed Tobin	12/31/18
Sgt. Luis Sanchez	ex-officio	MB Marine Patrol			

Applicants	Position/Title	Applicants	Position/Title
Adrian Gonzalez		Dr. Michael Hall,	
Eric Lawrence		Julio Magrisso	
Mayela Mueller		Michael Levine	

Board and Committees Current Members

Mayors Blue Ribbon Panel for Washington Avenue

Sec. 2-23(b)

Composition:

The Mayor's Blue Ribbon Panel on Washington Avenue (Panel) is created pursuant to the Mayor's authority to establish blue ribbon panels under section 2-23(b) of the City Code. The Panel shall have the purpose of overseeing the City's initiatives and efforts to revitalize Washington Avenue from 5th Street to Lincoln Road.

The Panel shall initially consist of (4) 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: Rogelio Madan

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Brian	Falk		7/9/2015	Mayor Philip Levine	
Eric	Lawrence		7/9/2015	Mayor Philip Levine	
Lyle	Stern		7/9/2015	Mayor Philip Levine	
Saul	Gross		7/9/2015	Mayor Philip Levine	

Board and Committees Current Members

Mayors Blue Ribbon Panel on North Beach Revital.

Sec. 2-23 (b)

Composition:

The Mayor's Blue Ribbon Panel on North Beach Revitalization (Panel) is created pursuant to the Mayor's authority to establish blue ribbon panels under Section 2-23(b) of the City Code. The Panel shall have the purpose of overseeing the City's North Beach Revitalization consistent with the North Beach Master Plan.

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: Jeff Oris

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Daniel	Veitia		3/3/2015	Mayor Philip Levine	
Margueritte	Ramos		3/3/2015	Mayor Philip Levine	
Ricky	Arriola		3/3/2015	Mayor Philip Levine	

Board and Committees Current Members

Miami Beach Cultural Arts Council

Sec. 2-51

Composition:

Three (3) year term.

Vacancies submitted by slate of candidates provided by the council.

Eleven (11) members to be appointed at-large by a majority vote of the Mayor and City Commission. Effective December 31, 2001, concurrent with the expiration of the terms of six (6) members of the council, and the resulting vacancies thereon, three (3) members shall be appointed for three (3) year terms each, provided that one of those appointments shall be to fill the vacancy of the one (1) year term expiring on December 31, 2001, and three (3) members shall be appointed for two (2) year terms each. Additionally, effective December 31, 2002, no council member may serve more than six (6) consecutive years.

City Liaison: Gary Farmer

Appointments To Be Made :

Gregory	Melvin	12/31/2014	City Commission	12/31/15
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Vacancy:

To replace Eda Valero-Figueira	12/31/2016	City Commission
To replace Zoila Datorre	12/31/2016	City Commission
To replace Alan Randolph	12/31/2016	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Beatrice	Hornstein		12/31/2015	City Commission	12/31/15
Charles	Million		12/31/2016	City Commission	12/31/17
Ileana	Bravo-Gordon		12/31/2015	City Commission	12/31/19
Marjorie	O'Neill-Buttler		12/31/2015	City Commission	12/31/15
Merle	Weiss		12/31/2015	City Commission	12/31/17
Richard	Alhadeff		12/31/2016	City Commission	12/31/19
Susan	Schemer		12/31/2016	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Allee Newhoff		Bradley Ugent	
Dale Gratz		Dr. Daniel Nixon	
Eleanor Ellix		Elliott Alhadeff	
Eugenio Cabreja		Israel Sands	
Janda Wetherington		Jenna Ward	
Joanna Popper		Kara White	
Kevin Kelsick		Marian Del Vecchio	
Mark Balzli		Michael McManus	
Monica Harvey		Monica Matteo-Salinas	
Otiss (Arah) Lester		Pedro Menocal	
Richard Kimball		Sam Rabin Jr.	
Vanessa Menkes		Wesley Castellanos	

Board 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: Marcia Monserrat

Appointments To Be Made :

Rachel	Umlas	12/31/2014	City Commission	12/31/18
Monica	Harvey	12/31/2014	City Commission	12/31/18
Rafael	Trevino	12/31/2014	City Commission	12/31/16
Amy	Rabin	12/31/2014	City Commission	12/31/19
Bernardo	Collado	12/31/2014	Mayor Philip Levine	12/31/21

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alan	Fishman	Law	12/31/2015	City Commission	12/31/16
Bradley	Ugent		12/31/2015	City Commission	12/31/18
Ivan	Cano		12/31/2015	City Commission	12/31/19
Walker	Burttschell		12/31/2015	City Commission	12/31/16
William	Warren Jr.		12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Andrea Travaglia		Christine Butler	
Deborah Robins		Dr. Andrew Nullman	
Jarred Relling		Lisa Almy	
Lisa Almy		Michael Levine	
Rafael Leonor		Stephen Fox, Jr.	

Board 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;

one (1) representatives per Sister City affiliation and ,
 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: Desiree Kane

Appointments To Be Made :

Joyce	Garret	Ica, Peru	12/31/2014	Mayor Philip Levine	12/31/21
Omar	Caiola	other	12/31/2014	Mayor Philip Levine	12/31/21
Kristen	Rosen Gonzalez	other	12/31/2014	Mayor Philip Levine	12/31/21
George	Neary	other	12/31/2014	Mayor Philip Levine	12/31/16
Howard	Weiss	other	12/31/2014	Mayor Philip Levine	12/31/21
Guy	Simani	Rio de Janeiro, Brazil	12/31/2014	Mayor Philip Levine	12/31/21
Samantha	Bratter	other	12/31/2014	Mayor Philip Levine	12/31/21
Maria	Maltagliati	Fortaleza, Brazil	12/31/2014	Mayor Philip Levine	12/31/21
Lidia	Resnick	Santa Marta, Colombia	12/31/2014	Mayor Philip Levine	12/31/21
Jacquelynn	Powers	Nahariya, Israel	12/31/2014	Mayor Philip Levine	12/31/21

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Carolyn	Baumel	Brampton, Canada	12/31/2015	Mayor Philip Levine	12/31/21
Deborah	Robins	Almonte, Spain	12/31/2015	Mayor Philip Levine	12/31/21
Faye	Goldin	Basel, Switzerland	12/31/2015	Mayor Philip Levine	12/31/21
Harvey	Burstein	Fujisawa, Japan	12/31/2015	Mayor Philip Levine	12/31/21
Jessica	Londono	other	12/31/2015	Mayor Philip Levine	12/31/21
Lisa	Desmond	other	12/31/2015	Mayor Philip Levine	12/31/21
Magui	Benitez	other	12/31/2015	Mayor Philip Levine	12/31/21
Michelle	Ricci	Pescara, Italy	12/31/2015	Mayor Philip Levine	12/31/21
Monica	Fluke	other	12/31/2015	Mayor Philip Levine	12/31/21
Nuccio	Nobel	Cozumel, Mexico	12/31/2015	Mayor Philip Levine	12/31/16

Applicants	Position/Title	Applicants	Position/Title
Bernardo Collado		Charles Million	
Christopher Pace		Christopher Todd	
Darin Feldman		Dr. Andrew Nullman	
Elizabeth Camargo		Gabriel Paez	
Israel Sands		Jared Plitt	
Joseph Hagen		Laura Levey	
Lila Imay		Raymond Adrian	
Rebecca Boyce		Rocio Sullivan	
Tamra Sheffman		Tiffany Heckler	

Board and Committees Current Members

Wesley Castellanos

Board and Committees Current Members

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: John Rebar

Appointments To Be Made :

Paul	Stein		12/31/2014	Mayor Philip Levine	12/31/21
Chris	Growald	Tennis	12/31/2014	City Commission	12/31/21
Leslie	Graff		12/31/2014	Commissioner Ed Tobin	12/31/15
Harriet	Halpryn		12/31/2014	Commissioner Jonah M. Wolfson	12/31/15
Stephanie	Rosen	No. Shore Park Youth Ct.	12/31/2014	City Commission	12/31/19
Ronald	Krongold	Golf	12/31/2014	City Commission	12/31/19

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Dana	Turken	Scott Rakow Youth Ct.	12/31/2015	City Commission	12/31/19
David	Berger	Tennis	12/31/2015	City Commission	12/31/19
Eliane	Soffer		12/31/2015	Commissioner Michael Grieco	12/31/21
Jenifer	Caplan	Golf	12/31/2015	City Commission	12/31/19
Jonathan	Groff		12/31/2016	Commissioner Deede Weithorn	12/31/17
Lee	Zimmerman		12/31/2015	Commissioner Joy Malakoff	12/31/21
Lori	Nieder		12/31/2015	Commissioner Micky Steinberg	12/31/21

Applicants	Position/Title	Applicants	Position/Title
Beverly Heller		Bruce Reich	
Chris Growald		Christopher Todd	
Daniel Nagler		Eneida Mena	
Joseph Conway		Joseph Hagen	
Lindsay Genet		Mark Balzi	

Board and Committees Current Members

Mojdeh Khaghan
Sam Rabin Jr.
Wesley Castellanos

Nawaz Gilani
Tiffany Heckler

Board and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7 vote.

Six (6) of which shall be citizens of Miami Beach not in the employment of the city, each having a different vocation;

and 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

Appointments To Be Made :

Mojdeh	Khaghan	12/31/2014	City Commission	12/31/16
Gabriel	Paez	12/31/2014	City Commission	12/31/15
Lori	Gold	12/31/2014	City Commission	12/31/18

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Ivette Isabel	Borrello		12/31/2015	City Commission	12/31/19
Matthew	Krieger		12/31/2015	City Commission	12/31/19
Rosalie	Pincus		12/31/2015	City Commission	12/31/15
Alex Bello		elected 7/31/2014 exp. 7/31/2017 Group I			
Eduardo Carranza		elected 8/29/2014 exp. 07/31/2016 Group II			
Evette Phillips		elected 7/09/2012 exp. 7/31/2015 Group III			
Sylvia Crespo-Tabak		Human Resources Director			

Applicants	Position/Title	Applicants	Position/Title
Christine Butler		Dr. Elsa Orlandini	
Michael Perlmutter		Nancy Wolcott	
Richard Preira			

Board and Committees Current Members

Planning Board

Sec. 118-51

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) regular voting members. The 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 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 5/7ths 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

Appointments To Be Made :

Frank	Kruszewski	General Business	12/31/2014	City Commission	12/31/18
Jean-Francois	Lejeune	Architect	12/31/2014	City Commission	12/31/17
Jack	Johnson	Historic Preservation	12/31/2014	City Commission	12/31/18

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Brian	Elias	General Business	12/31/2015	City Commission	12/31/19
Jeffrey	Feldman	Developer	12/31/2015	City Commission	12/31/19
Jonathan	Beloff	Attorney	12/31/2015	City Commission	12/31/15
Randolph	Gumenick	General Business	12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Andres Asion		Brian Ehrlich	
Christine Florez		Daniel Hertzberg	
Daniel Veitia		David Wieder	
Deborah Castillo		Dominique Bailleul	
Jack Benveniste		James Silvers	
Jared Galbut		Jeffrey Cohen	
Jennifer Lampert		Jessica Conn	

Board and Committees Current Members

Kathleen Phang
Marina Novaes
Muayad Abbas
Noah Fox
Robert Sena
Suzanne Hollander

Madeleine Romanello
Mark Alhadeff
Nelson Fox
Richard Alhadeff
Seth Frohlich

Board 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 J. Oates

Appointments To Be Made :

Daniel	Aronson	12/31/2014	Commissioner Micky Steinberg	12/31/21
Melissa	Broad	12/31/2014	Commissioner Ed Tobin	12/31/21
Jordan	Nadel	12/31/2014	Commissioner Michael Grieco	12/31/21
Steven	Oppenheimer	12/31/2014	Commissioner Jonah M. Wolfson	12/31/17

Vacancy:

To replace Alejandro Dominguez	12/31/2015	Mayor Philip Levine
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Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Antonio	Hernandez Jr.		12/31/2016	Commissioner Joy Malakoff	12/31/21
Bruce	Reich		12/31/2015	Commissioner Micky Steinberg	12/31/21
Jared	Plitt		12/31/2015	Commissioner Deede Weithorn	12/31/15
Meryl	Wolfson		12/31/2016	Commissioner Joy Malakoff	12/31/21
Michael	Perlmutter		12/31/2016	Commissioner Michael Grieco	12/31/20
Nelson	Gonzalez		12/31/2015	Commissioner Ed Tobin	12/31/15
Robert	Lopez		12/31/2015	Mayor Philip Levine	12/31/21
Tiva	Leser		12/31/2015	Commissioner Jonah M. Wolfson	12/31/21
Walter	Lucero		12/31/2015	Commissioner Deede Weithorn	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Allison Stone		Daniel Nagler	
Deborah Ruggiero		Eric Lawrence	
Eugenio Cabreja		Heather Davis	
Irene Valines		Joseph Hagen	
Joyce Garret		Larry Colin	
Lawrence Raab		Lee Zimmerman	
Leif Bertrand		Lori Gold	
Mario Coryell		Michael Bernstein	
Monica Fluke		Nawaz Gilani	
Prakash Kumar		Rachel Schuster	
Rafael Leonor		Richard Preira	
Stephen Fox, Jr.		Zeiven Beitchman	

Board 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

Appointments To Be Made :

Aleksandar	Stojanovic	Production	12/31/2014	Mayor Philip Levine	12/31/21
Bruce	Orosz	Fashion	12/31/2014	Commissioner Ed Tobin	12/31/15

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Belkys	Nerey	Production	12/31/2015	Commissioner Deede Weithorn	12/31/18
Daniel	Davidson	Fashion	12/31/2016	Commissioner Michael Grieco	12/31/21
Joanna	Popper	News Media	12/31/2016	Commissioner Joy Malakoff	12/31/21
Joanna-Rose	Kravitz	Recording Industry	12/31/2015	Commissioner Micky Steinberg	12/31/21
Noreen	Legault-Mendoza	TV/Film	12/31/2015	Commissioner Jonah M. Wolfson	12/31/17

Applicants	Position/Title	Applicants	Position/Title
Irene Valines		Samantha Bratter	

Board 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

Appointments To Be Made :

Michael DeFilippi 12/31/2014 Commissioner Ed Tobin 12/31/21

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Cheryl	Jacobs		12/31/2016	Commissioner Joy Malakoff	12/31/21
Commissioner	Grieco		12/31/2015	Mayor Philip Levine	
David	Doebler		12/31/2015	Commissioner Micky Steinberg	12/31/20
Debra	Leibowitz		12/31/2015	Commissioner Deede Weithorn	12/31/15
Lily	Furst		12/31/2015	Commissioner Jonah M. Wolfson	12/31/15
Steve	Vincenti		12/31/2016	Commissioner Michael Grieco	12/31/21
Susan	Hart		12/31/2015	Mayor Philip Levine	12/31/21

Applicants	Position/Title	Applicants	Position/Title
Amy Rabin		Andrea Travaglia	
Jenifer Caplan		Marivi Iglesias	
Russell Hartstein		Walker Burttschell	

Board and Committees Current Members

Transportation, Parking, Bicycle-Ped. Fac. Comm.

Sec. 2-190.91

Composition:

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,
- 2) Miami Beach Community Development Corporation,
- 3) Ocean Drive Association,
- 4) Miami Design Preservation League,
- 5) North Beach Development Corporation,
- 6) Mid-Beach Neighborhood or Business Association,
- 7) Lincoln Rd Marketing, Inc.,

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.

AS PER ORDINANCE 2014-3841, NEW COMPOSTION EFFECTIVE 05/31/2014:

City Liaison: Saul Frances

Appointments To Be Made :

Hector	Fontela	12/31/2014	Mayor Philip Levine	12/31/21
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Vacancy:

To replace Maria Mayer	12/31/2015	Commissioner Ed Tobin
Member Lincoln Road M		
To replace Eric Ostroff	12/31/2014	Commissioner Deede Weithorn

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Deborah	Ruggiero		12/31/2016	Commissioner Micky Steinberg	12/31/21
Ray	Breslin		12/31/2015	Commissioner Joy Malakoff	12/31/21
Scott	Diffenderfer		12/31/2015	Commissioner Jonah M. Wolfson	12/31/15
Seth	Wasserman		12/31/2015	Commissioner Michael Grieco	12/31/16

Al Feola	Member Ocean Drive Association
Delvin Fruit	Member MBNA
Jo Asmundsson	Member MBCDC
Madeleine Romanello	Member MBCC
Mark Weithorn	Member NBDC
William "Bill" Hahne	Member MDPL

Wednesday, January 07, 2015

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Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Allison Stone		Leif Bertrand	
Lila Imay		Lindsay Genet	
Lisa Almy		Lisa Almy	
Mayela Mueller		Rafael Leonor	
Robert Lopez			

Board and Committees Current Members

Visitor and Convention Authority

Sec. 102-246

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) member 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) and 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 therefore violating or failing to comply with provisions of this article shall be deem to have vacated his office or position.

City Liaison: Grisette Roque.

Appointments To Be Made :

Margaret (Peggy	Benua	Hotel Industry	12/31/2014	City Commission	12/31/17
Aaron	Perry	At-Large	12/31/2014	City Commission	12/31/16
Steven	Adkins	At-large (TL 12/31/2014)	12/31/2014	City Commission	12/31/14

Members:

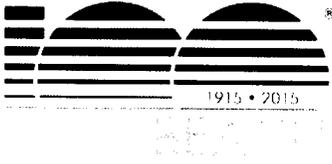
Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Adrian	Gonzalez	At-Large	12/31/2015	City Commission	12/31/19
Daniel	Hertzberg	At-Large	12/31/2015	City Commission	12/31/19
Stephen	Hertz	At-Large	12/31/2015	City Commission	12/31/19
Tim	Nardi	Hotel Industry	12/31/2015	City Commission	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Charles Million		Christy Farhat	
Dona Zemo		Heather Davis	
Jared Galbut		Jeffrey Graff	
Kristen Rosen Gonzalez		Laurence Herrup	
Matthew Krieger		Seth Feuer	

City Commission Committees

Committee	Position	First Name	Appointed by
Finance & Citywide Projects Committee			
	Chairperson	Commissioner Deede Weithorn	Mayor Levine
	Vice-Chair	Commissioner Ed Tobin	Mayor Levine
	Member	Commissioner Micky Steinberg	Mayor Levine
	Alternate	Commissioner Michael Grieco	Mayor Levine
	Liaison	Patricia Walker, CFO	
Flooding Mitigation Committee			
	Chairperson	Commissioner Jonah Wolfson	Mayor Levine
	Vice-Chair	Commissioner Michael Grieco	Mayor Levine
	Member	Commissioner Joy Malakoff	Mayor Levine
	Alternate	Commissioner Ed Tobin	Mayor Levine
	Liaison	Bruce Mowry	
Land Use & Development Committee			
	Chairperson	Commissioner Joy Malakoff	Mayor Levine
	Vice-Chair	Commissioner Jonah Wolfson	Mayor Levine
	Member	Commissioner Michael Grieco	Mayor Levine
	Alternate	Commissioner Deede Weithorn	Mayor Levine
	Liaison	Thomas Mooney, Planning Dir.	
Neighborhood/Community Affairs Committee			
	Chairperson	Commissioner Ed Tobin	Mayor Levine
	Vice-Chair	Commissioner Micky Steinberg	Mayor Levine
	Member	Commissioner Deede Weithorn	Mayor Levine
	Alternate	Commissioner Joy Malakoff	Mayor Levine
	Liaison	Vania Pedraja, City Manager's Office	

Wednesday, January 07, 2015



NON-CITY COMMISSION COMMITTEES

Mayor Philip Levine

- Miami-Dade Metropolitan Planning Organization

Commissioner Deede Weithorn

- Miami-Dade County Homeless Trust Board

Commissioner Joy Malakoff

- FIU Wolfsonian Advisory Board

Victor Diaz

- Miami-Dade County Charter Review Task Force

Ricky Arriola, Richard Milstein and Larry Colin

- The Adrienne Arsht Center for the Performing Arts Center Trust

Christine A. Gudaitis and Barbara Herskowitz

- Public Library Advisory Board

VACANT:

- Citizens' Oversight Committee/Interlocal Agreement for Public School Facility Planning MDC
- FIU Wolfsonian Advisory Board
- Florida League of Cities
- Girl Power Honorary Member
- Greater Miami Convention and Visitors Bureau Executive Committee
- International Hispanic Network
- International Women's Forum – Arva Moore Parks
- Miami-Dade County League of Cities
- Miami-Dade County Tourist Development Council
- National League of Cities
- South Florida East Coast Corridor Coalition
- U.S. Conference of Mayors



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: January 14, 2015

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 with item R9A.

BOARDS AND COMMITTEES

1. **Affordable Housing Advisory Committee** (Current Vacancies: 5)

Vacant Categories:

- One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- One citizen who resides within the jurisdiction of the local governing body making the appointments.
- One citizen who represents essential services personnel, as defined in the local housing assistance plan.

2. **Design Review Board** (Current Vacancies: 1)

Vacant Categories:

- One Landscape Architect.

3. **Health Advisory Committee** (Current Vacancies: 1)

Vacant Categories:

- One CEO from Miami Beach Community Health Center/designee.

4. **Miami Beach Cultural Arts Council** (Current Vacancy: 3)

Please see the "Agenda - 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-Agenda Archives website is located at: <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=77961>

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.

JM/REG

R9 - New Business and Commission Requests

- R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)
- R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

AGENDA ITEM R9B1-2
DATE 1-14-15

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R9 - New Business and Commission Requests

R9C Update On The Miami Beach Convention Center Project.
(Office of the City Manager)

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy Morales, City Manager

DATE: January 14, 2015

SUBJECT: **REPORT FROM THE PERSONNEL BOARD REGARDING CHANGES TO THE PERSONNEL RULES FOR THE CLASSIFIED SERVICE ADOPTED DECEMBER 12, 2014**

Background

In 2011, the Personnel Board undertook the task of reviewing the Personnel Rules for the Classified Service at the City of Miami Beach. Amendments to the Personnel Rules are governed by Section 14 of Article IV, entitled "Civil Service System", of the Related Special Act, passed by the State legislature, which states, in part, that "... after August 1, 1951, the Personnel Rules and amendments thereto shall not be subject to approval by [the] City Commission. No amendments thereto shall be adopted until thirty days after a copy of such amendment shall have been submitted to the City Manager and to a representative of each of the three groups referred to in Section 4 [12], ..."

At the December 16, 2011, Personnel Board meeting, Moj Khaghan Danial, then an Associate Member and today the Vice Chairperson, assumed responsibility for chairing a subcommittee tasked with reviewing the Personnel Rules for the Classified Service and making recommendations to the Board. The subcommittee was open to all Board members to participate based on their availability and interest. Meetings were noticed properly and Susan Potter Norton of Allen Norton and Blue was tasked by the City Attorney to serve as the subcommittee's legal advisor.

The subcommittee approached its task with the following guiding principles in mind: (1) all meetings were open to the public; (2) the Civil Service Act was to be referenced throughout the process to ensure compliance; (3) information was to be gathered from staff to identify outdated and current practices; (4) guidelines no longer applicable or appropriate were to be deleted and (5) the final product was to be more concise and easier to understand. The Personnel Board, a ten-member board, is currently comprised of the following members: Gabriel Paez, Chairperson; Moj Khaghan Danial, Vice Chairperson; Alex Bello, Employee Member; Ivette Borello, Associate Member; Eddie Carranza, Employee Member; Lori Gold, Associate Member; Matthew Krieger, Associate Member; Rosalie Pincus, Associate Member; and Evette Phillips, Employee Member. The Human Resources Director, Sylvia Crespo-Tabak, is the Board's tenth, non-voting, member and secretary and the Board's legal advisors are Don Papy and Robert Rosenwald from the City Attorney's Office.

On September 30, 2013, the subcommittee presented its recommendations to the Personnel Board at its regularly scheduled meeting. At the end of the meeting Mr. Paez

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

asked the secretary to circulate the proposed revisions. Pursuant to the Chairman's request, on October 16, 2013, the proposed revisions were discussed with the Committee of the Whole, circulated to employee members and also to the leadership of the different bargaining units.

On October 25, 2013, the City Manager communicated the Administration's recommendations for the Boards consideration, on two specific issues: (1) *Appointments to the Classified Service*, and (2) *Suspensions* where the Board proposed to require the Human Resources Director to determine that an indictment of information of charges be job related prior to suspending an employee.

After numerous meetings and discussions, the Personnel Board elected not to revise the language regarding appointments to the classified services. Furthermore, in Rule X, Section 5, *Suspensions*, the Board retained the requirement that the Human Resources Director determine that an indictment of charges be job related prior to an employee being suspended.

A copy of the Personnel Rules was presented to the City Manager on December 12, 2014. While not a requirement, the Personnel Board also requested that a report of the amended rules be presented to the Mayor and City Commission. Attached is a copy of the amended Rules and a summary of the changes is provided below.

Summary of Changes

Rule I – General Provisions

There are a number of editorial changes in the section, some of which simply clarify language and intent.

Of note are the following:

- Section 1 - new language in the first paragraph. *“These Rules Provide specific Regulations on daily personnel matters. These Rules will govern in resolving personnel problems but cannot be so precise or complete as to address every employment situation.”*
- Section 2 – Specifies that the Rules do not apply when they conflict with provisions in a collective bargaining agreement.

Section 3-

- Updates the prohibition against unlawful discrimination
- Requires advanced written approval for outside employment or gainful occupation
- Restricts dual part-time employment with the City to 29 hours, absent specific approval to the contrary by the Human Resources Director
- Includes individuals who reside together and domestic partners in the prohibition of family members living together and being employed in the same division where one supervises or evaluates the other

- Section 4 – Advises employees who know of violations and fail to report that they shall also be subject to disciplinary action
- Section 5 - Incorporates language formerly in section 9, which requires that the City Manager and employee representatives have at least 30 days to review proposed amendments to the Rules before the Personnel Board can approve them. Also requires notice to presidents of each collective bargaining unit at least 30 days prior to Personnel Board approval
- Section 8 – almost every term was redefined with the goal of making their meaning more clear

Rule II – The Code of Ethics

This section is completely new and written to give employees a clear understanding of the ethical standards to which they will be held. When references are made to information contained in other documents such as the City of Miami Beach Code of Ordinances and the Florida Code of Conduct for City Officers, language is incorporated into the Rules by reference and attached thereto as exhibits.

- Section 2 – Sets forth the code of ethics
- Section 3 – Addresses the prohibition regarding acceptance of gifts
- Section 4 – Informs employees they must abide and uphold the Citizens' Bill of Rights
- Section 5 – Sets forth the duty to report known or potential violations of law or ethics
- Section 6 – Sets forth the duty to self-report
- Section 7 – Sets forth the consequences of failing to report, as required

Rule III – The Classification Plan

New language in Section 2 states that when new classifications are created or there are other amendments to the classification plan, these shall be adopted according to the same procedures established for the original adoption of the plan as set forth in Section 10, Article IV of the Civil Service Act.

Rule IV – The Compensation Plan

Revisions to this Rule are mostly editorial in nature meant to clarify

Rule VI – Applications and Examinations

Revisions in this Rule are mostly editorial in nature, to recognize changes in technology by removing the requirement to announce openings in a newspaper of general circulation and acknowledging the use of email as a common communication method

In Section 5, the reasons for which the Human Resources Director may refuse to examine an applicant, remove an applicant from an eligible list or refuse to certify an appointment were expanded significantly

Of significance in the Section of the Rules, is the deletion of provisions and procedures that permitted a former employee dismissed for cause to apply to the Personnel Board for reinstatement to an eligible list

Rule VII – Eligibility Lists

Revisions to this Rule are mostly editorial in nature

Rule VIII – Method of Filling Vacancies

Revisions in this section of the Rules are mostly editorial in nature, re-written to reflect actual practices such as eliminating the appointing officer's ability to specify an applicant's gender pursuant to a bona fide occupational requirement

The section addressing re-appointments after disability retirement was deleted

Rule IX – Probationary Period

Revisions to the Rule are mostly editorial in nature eliminating the Captain of Police as a classified service position, which it is not

Rule X – Disciplinary Action

The contents were revised and the sequence in which they appear changed. First there is a description of the grounds for disciplinary action, and then the types of action are described in ascending order of severity.

- Section 3 – Refines the procedure by which an appointing authority may reduce an employee's pay and recognizes the right of non-bargaining unit, classified service employees to appeal the reduction to the Personnel Board
- Section 4 – Recognizes the right of non-bargaining unit, classified service employees to appeal demotions to the Personnel Board
- Section 5 – Adds the requirement that the Human Resources Director determine that the indictment information of charges are job related

Rule XI – Transfers, Assignments, and Promotions

Revisions to this Rule are mostly editorial in nature

Rule XII – Resignations and Layoffs

Adds the provision that employees who resign in lieu of termination are subject to disqualification from re-employment

Rule XIII – Appeals for Disciplinary Action

- Section 1 – Requires that written notice be given to the employee and deletes the provision that written notice can be given 30 days after the action; adds “pending investigation for disciplinary action” as a reason to release employee from duty; deletes the extension of up to 60 days before written notice has to be given to the employee which was presumably after the disciplinary action was taken
- Section 2 – Specifies the time frame and procedure for a non-bargaining unit, regular, classified service employee to appeal any disciplinary action to the Personnel Board
- Section 3 – Details the procedures for scheduling the hearing, continuance of the hearing, production of documents and witnessed, the burden of proof, conduct of the hearing, submission of facts and conclusions of law, and ruling by the Personnel Board

Rule XV – Performance Evaluations

In Section 3, the rules specify that employees may appeal performance evaluations where the overall score is less than 60 thereby eliminating the right to appeal individual performance factor ratings below 5

Rule XVI – Special City Awards

The Rule was updated to reflect the current awards presented by the City to employees

Rule XVII – Employee Training

Revisions to this Rule are mostly editorial in nature

Rule XVIII – Medical and Physical Standards

Revisions to this Rule are mostly editorial in nature

Attachment


JLM/KGB/SC-T

ATTACHMENT

CITY OF MIAMI BEACH, FLORIDA PERSONNEL RULES

Approved by the Personnel Board February 20, 1939
Adopted by the City Council March 8, 1939
AS AMENDED OCTOBER, 1998
AS AMENDED APRIL, 2001
AS AMENDED AUGUST, 2005
AS AMENDED DECEMBER 12, 2014

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RULE I. GENERAL PROVISIONS

SECTION 1: PURPOSE OF RULES: These Rules are adopted pursuant to Section 2 and Section 6 of AN ACT CREATING A CIVIL SERVICE SYSTEM FOR CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF MIAMI BEACH, FLORIDA, for the furtherance of personnel activities and transactions on the sole basis of merit and competence in the best interests of the City and without regard to personal, political, or other extraneous matters. These Rules provide specific Regulations on daily personnel matters. These Rules will govern in resolving personnel problems, but cannot be so precise or complete as to address every employment situation.

SECTION 2: POSITIONS COVERED BY RULES: These Rules apply to all Positions in the Classified Service of the City, except as herein otherwise stated, provided, however, a provision herein will not apply to a Position covered by a collective bargaining agreement if the provision herein is in conflict with the expressed written provisions of the collective bargaining agreement covering that Position.

SECTION 3: PROHIBITIONS AND RESTRICTIONS: The following, and such other acts or activities as are determined to be detrimental to the best service to the City, and as specified in Administrative Regulations, shall be prohibited:

(a) **DISCRIMINATION:** No person in the Classified Service of the City or seeking admission thereto shall be appointed, promoted, removed, or in any way favored or discriminated against because of political or religious opinions or affiliations, race, color, national origin, gender, gender identity, sexual orientation, marital and familial status, religion or age, a disability where the individual can perform the essential functions of the job with or without reasonable accommodation, or other non-merit factors. No question in any examination, application form, other personnel proceedings, or by any Appointing Authority or supervisor shall be so framed as to attempt to elicit information concerning any of the above. Any person seeking admission to the Classified Service or any employee in the Classified Service, regardless of employment status, who believes that he or she has been discriminated against in violation of this Section, shall have a right to report such violation to the Human Resources Director or the City Manager.

(b) **POLITICAL ACTIVITY:** No person who holds a Position in the Classified Service of the City shall:

1. Use official authority or influence for the purpose of interfering with an election, a nomination to office, coercing or influencing another person's vote, or affecting the result thereof; or
2. Directly or indirectly coerce or attempt to coerce, command or advise any other officer or employee to pay, lend, or contribute any wage, kick back any sum of money, or anything else of value to any party, committee, organization, agency, or person for political purposes.

3. Nothing contained in this Subsection shall be deemed to prohibit any person in the Classified Service from expressing opinions on any candidate or issue, or from participating in any political campaign while off-duty, so long as such activities are not in conflict with the provisions of subsections (1) or (2) of this subsection or Rule II, The Code of Ethics herein.

(c) **ABUSE OF INFLUENCE:** No person shall corruptly use or promise to use or endeavor to corruptly use or obtain, either directly or indirectly, any authority or influence in order to secure or aid oneself or any other person in securing any office, employment, Promotion or increase in compensation as a reward for such influence. No person shall threaten or coerce, induce or seek to induce anyone to resign from a Position or waive a right to Certification, Appointment or Promotion.

(d) **EMPLOYMENT RESTRICTIONS:**

1. No person who holds a Position in the Classified Service of the City shall engage in any other employment or pursue any other gainful occupation than employment with the City except as formally approved in advance, in writing by the Appointing Authority and the City Manager.

2. Subject to written approval from the City Manager or a designee, any person may be appointed to more than one part-time Position in the service of the City provided that the work hours do not conflict and the total does not exceed twenty nine (29) hours in any week, provided further however, that the Human Resources Director may approve hours in excess of twenty nine (29) on a weekly basis.

3. Individuals who are related by blood, marriage or other legal action, who live in a domestic partnership, or otherwise comprise a family unit or who reside in the same residence, shall not hold any positions in the same division within the same department where one evaluates or supervises the other.

4. No officer or employee in the Classified Service of the City shall continue in such position after becoming a candidate for nomination or election to any public office.

SECTION 4: VIOLATION OF RULES: Violation of or permitting the violation of any of the provisions of these Rules shall be just cause for discipline, including Removal. Any person found to have violated these Rules also shall be subject to the penalties prescribed in the Civil Service Act, if applicable, for violation of any of the provisions of the Act. Employees who know of violations and fail to report them are subject to the same aforementioned penalties.

SECTION 5: AMENDMENTS OF RULES: Amendments and revisions of these Rules shall be initiated by the Human Resources Director and/or the Personnel Board. Amendments shall be adopted according to the procedure established by the Civil Service Act. The City Manager and Employee Members of the Personnel Board shall have no less than thirty (30) days to review any proposed amendments of these Rules before the proposed amendments are

submitted for vote to the Personnel Board for its approval. Notice shall also be provided to the President of each of the collective bargaining representatives thirty (30) days before the proposed amendments are submitted for vote to the Personnel Board for its approval.

SECTION 6: ADMINISTRATIVE REGULATIONS: The Human Resources Director may recommend any amendment, revision, or rescission to the Administrative Regulations as deemed appropriate. The Administrative Regulations shall not conflict with the Civil Service Act or these Rules.

SECTION 7: ASSISTANT HUMAN RESOURCES DIRECTOR: The Human Resources Director may designate an officer or employee as Assistant, who shall be empowered to perform such duties as the Human Resources Director may require.

SECTION 8: DEFINITIONS: For the purpose of these Rules, certain terms, phrases, and words and their derivatives shall be construed as defined in this Section. Any terms, phrases, and words not herein defined shall be construed by the Personnel Board. Words used in the singular shall include the plural, and vice versa; words used in the masculine gender shall include the feminine, and vice versa. Whenever a Paragraph, Section, or Rule is referred to, it shall be understood to refer to a Paragraph, Section or Rule of these Rules unless specifically stated otherwise.

(a) **ADMINISTRATIVE REGULATIONS:** “Administrative Regulations” means the City’s Policies and Procedures and Work Rules.

(b) **ADVANCEMENT:** “Advancement” means a salary or wage increase within an arranged schedule or established pay range for a Classification made without an examination.

(c) **APPOINTING AUTHORITY:** “Appointing Authority” means the person in a department or a unit of the City who is empowered to make employment decisions.

(d) **APPOINTMENT:** “Appointment” means placement to a Classified Position, including hiring, Demotion, Promotion or Transfer.

1. **EMERGENCY:** “Emergency Appointment” means the appointment, in case of an emergency without regard to Civil Service procedures, for a period not to exceed thirty (30) days.

2. **TEMPORARY:** “Temporary Appointment” means the appointment to any Classified Position without Open Competitive Examination, with the approval of the Human Resources Director, pending the establishment of an Eligible List or during the approved absence of a Regular employee for a period not to exceed one (1) year.

3. **PROBATIONARY:** "Probationary Appointment" means the appointment from an appropriate Eligible List to a Classified Position until completion of the designated Probationary Period.
4. **REGULAR:** "Regular Appointment" means the Appointment to a full-time position after the satisfactory completion of a Probationary Period.
5. **RE-APPOINTMENT:** "Re-Appointment" means the same as and is interchangeable with re-employment.
6. **SUBSTITUTE:** "Substitute Appointment" means the appointment to any Classified Position where an employee is on a leave of absence and in the opinion of the Human Resources Director it is impractical to utilize Temporary Appointment.
- (e) **ASSIGNMENT:** "Assignment" means the same as and is interchangeable with "Out of Classification" and both mean the transfer of an employee for a temporary period of no more than three (3) months in any twelve (12) month period from a Position in one Classification to a Position in another Classification provided, however, the time may be extended with written approval of the City Manager.
- (f) **BUSINESS DAYS:** "Business Days" means Monday, Tuesday, Wednesday, Thursday, and Friday and does not include Saturday or Sunday.
- (g) **CALENDAR DAYS:** "Calendar Days" means seven (7) days of the week, including Saturday and Sunday.
- (h) **CERTIFIED:** "Certified" means the Human Resources Director's assurance that the process or processes set forth herein have been followed.
- (i) **CHARGES:** "Charges" mean allegations or counts of misconduct or violation of these or any other applicable rules, regulations, policies, or procedures.
- (j) **CIVIL SERVICE ACT:** "Civil Service Act" refers to "AN ACT CREATING A CIVIL SERVICE SYSTEM FOR CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF MIAMI BEACH, FLORIDA."
- (k) **CLASSIFICATION:** "Classification" means one or more Positions sufficiently similar in duties and responsibilities such that the same descriptive title may be reasonably applied, the same qualifications reasonably required and the same salary range equitably applied.
- (l) **CLASSIFIED SERVICE:** "Classified Service" means all Classifications in the Service of the City except those specifically identified in the unclassified service by the Civil Service Act Section 13.

(m) **COMPENSATION PLAN:** “Compensation Plan” means the Classified Salary Ordinance as established by the City Commission.

(n) **DEMOTION:** “Demotion” means a reduction in employment status from a higher Classification to a lower Classification with a lower maximum rate of pay.

(o) **ELIGIBLE:** “Eligible” means the condition of being qualified, or a person who has become qualified by examination, prior service or otherwise in accordance with the provisions of the Civil Service Act or these rules to serve in a Classified position in the service of the City.

(p) **ELIGIBLE LISTS:** “Eligible List(s)” means the same as and is interchangeable with “List of Eligibles” and both mean the list(s) of persons who are deemed qualified for Appointment to a Classification.

1. **Original Entrance Lists:** “Original Entrance Lists” means the list(s) of persons who have been successful in entrance examinations or who are otherwise Eligible for consideration for employment in Classified Positions.

2. **Promotional Lists:** “Promotional Lists” means the list(s) of persons who have been successful in promotional examinations administered to Regular employees in an appropriate lower Classification and who are otherwise Eligible for appointment to higher Classifications.

3. **Transfer Lists:** “Transfer Lists” means the list(s) of persons who have expressed in writing the desire to transfer to a particular Position and who have occupied another Position in such Classification as a Regular employee or who the Human Resources Director has determined are otherwise qualified. Probationary employees are not eligible to request a Transfer.

4. **Re-Employment Lists:** “Re-Employment Lists” means the list(s) of persons who have been laid off while employed in the Service of the City in a classified Position for one year or less, and are entitled to have their name certified to an Appointing Authority.

(q) **EVALUATOR:** “Evaluator” means the Appointing Authority and/or any designated supervisory employee.

(r) **GIFT:** “Gift” means the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(s) **HUMAN RESOURCES:** “Human Resources” means the same as and is interchangeable with the term “Personnel”; “Human Resources Director” means the same as and is interchangeable with the term “Personnel Director.”

(t) **JOB DESCRIPTION:** “Job Description” means the job function and duties of a particular Position or budgeted slot within a Classification, in addition to the Specifications or Qualifications for that Classification.

(u) **LAYOFF:** “Layoff” means temporary or indefinite cessation of employment because of lack of work, lack of funding, material changes in job duties or material changes in organization.

(v) **LEAVE SETTLEMENT:** “Leave Settlement” means any earned and unused balance of annual vacation leave and sick leave, deducting therefrom any credit granted in 1939 when Civil Service was adopted, pursuant to the City’s Leave Ordinance, for the Classified Service, Ordinance No. 1335.

(w) **OPEN COMPETITIVE EXAMINATION:** “Open Competitive Examination” means oral, written or physical examination after published notice, open to all who meet the minimum Specifications.

(x) **OUT OF CLASSIFICATION:** “Out of Classification” means the same as and is interchangeable with “Assignment” and both mean the transfer of an employee for a temporary period of no more than three (3) months in any twelve (12) month period from a Position in one Classification to a Position in another Classification provided, however, the time may be extended with written approval from the City Manager.

(y) **POSITION:** “Position” means the number of persons or budgeted slots for a Classification.

(z) **PROBATIONARY PERIOD:** “Probationary Period” means the evaluation period following an Appointment, except for Appointments made by demotion or Classification Transfer.

(aa) **PROMOTION:** “Promotion” means appointment from a Position in a lower Classification to a Position in a Classification with a higher maximum rate of pay and an increase in employment status.

(bb) **QUALIFIED:** “Qualified” means meeting minimum required Specifications.

(cc) **REJECTION:** “Rejection” means the non-acceptance of an employee during a Probationary Period, because of failure to satisfy the requirements of the Appointing Authority.

(dd) **REMOVAL OR TERMINATION:** “Termination” means the same as and is interchangeable with “Removal” and both mean involuntary cessation of employment for cause.

(ee) **REQUIREMENTS:** “Requirements” means the same as and is interchangeable with “Schedule of Specifications.”

(ff) **SCHEDULE OF PAY:** “Schedule of Pay” means the same as and is interchangeable with the term “Compensation Plan.”

(gg) **SCHEDULE OF SPECIFICATIONS:** “Schedule of Specifications” means the same as and is interchangeable with “Requirements” or “Specifications.”

(hh) **SERVICE:** “Service” means the same as and is interchangeable with “Classified Service.”

(ii) **SEPARATION:** “Separation” means (1) the voluntary cessation of employment, including, but not limited to resignation, or (2) the involuntary cessation of employment, including, but not limited to Layoff, Removal, or Termination, regardless of whether such cessation is initiated by the employer or the employee, and (3) with or without cause attributable to the employee.

(jj) **SPECIFICATIONS:** “Specifications” means the knowledge, skill, abilities, physical conditions, experience, education, training, duties, examination, licensing, testing, responsibilities, title, description of duties and any other requirements associated with the Position.

(kk) **SUSPENSION:** “Suspension” means temporary removal without compensation for disciplinary purposes.

(ll) **TRANSFER:** “Transfer” means the change from one Position or Classification to another Position or Classification.

(a) **Classification Transfer:** “Classification Transfer” means the transfer of an employee from a Position in one Classification to a Position in another Classification for which the employee is qualified and for which the same maximum rate of pay has been established.

(b) **Organizational Transfer:** “Organizational Transfer” means the transfer of an employee from a Position in one Classification to another Position in the same Classification under another Appointing Authority and for which the same maximum rate of pay has been established.

(mm) **WORK DAYS:** “Work Days” mean the actual day(s) or shift(s) an individual is scheduled to work.

RULE II. THE CODE OF ETHICS

SECTION 1: PURPOSE: City of Miami Beach employees are agents of the people and hold their Positions for the benefit of the public. As public servants, they must abide by the highest standards of conduct and faithfully discharge the duties of their Position, regardless of personal considerations and interests. They must recognize that promoting the public interest and maintaining the people's respect for their government is of foremost concern. All City officials and employees shall be accountable and responsible for their actions, shall abide by applicable codes of ethical conduct, and shall be subject to all penalties for violations thereof.

SECTION 2: THE CODE OF ETHICS: All employees must comply with the Code of Ethics Section 2-449 of the Miami Beach Code incorporated herein by reference and attached hereto as Exhibit A and the Florida Code of Conduct for City Officers incorporated herein by reference and attached hereto as Exhibit B. Employees must also:

- a) Affirm the dignity and worth of the services rendered;
- b) Maintain a constructive, creative, and practical attitude and a deep sense of social responsibility as a trusted public servant;
- c) Be dedicated to the highest principles of honesty and integrity in all public and personal relationships so that the employee may merit the respect and confidence of the public;
- d) Conduct oneself so as to earn and maintain public confidence;
- e) Conduct official and personal affairs so as to demonstrate that one cannot be influenced improperly in the performance of duties;
- f) Recognize that the purpose of employment is to serve the best interests of all people;
- g) Uphold and implement policies adopted;
- h) Exercise discretion in political activities so as not to undermine public confidence;
- i) Continually improve professional skills and abilities;
- j) Encourage communication between the public and the employee;
- k) Emphasize friendly and courteous service to the public;
- l) Seek to improve the quality and image of public service;
- m) Resist any encroachment on professional responsibilities;

- n) Carry out duties without interference;
- o) Perform duties on the basis of principle and justice without prejudice;
- p) Handle all personnel matters on the basis of merit, fairness and impartiality;
- q) Seek no favor;
- r) Avoid personal enrichment or profit secured by information, abuse of influence or misuse of public time because it is dishonest; and
- s) Accept no favor or service that might reasonably tend to influence the employee improperly in the performance of the employee's duties.

SECTION 3: PROHIBITION ON GIFTS:

(a) No employee of the City of Miami Beach shall solicit or demand any gift, nor accept or agree to accept any gift regardless of its value from another person or entity for:

1. An official action taken, to be taken, or which could be taken;
2. A legal duty performed, to be performed, or which could be performed;
3. A legal duty violated, to be violated, or which could be violated; or
4. Any travel or travel-related expenses from a City vendor, contractor, bidder or proposer (unless waived by majority vote of the City Commission);
5. Additionally, employees who are required to file Gift Disclosure forms with the State of Florida or the City of Miami Beach (see Exhibit C attached hereto) are further prohibited from receiving or soliciting where there is personal benefit to themselves, other similarly-ranked employees or immediate family, any gift or series of gifts during a calendar quarter in excess of \$100 from a political committee or individual (including partner, principal, etc.) who lobbies the City of Miami Beach.

(b) All employees shall disclose any gift or series of gifts received during a single calendar quarter from any person or entity, having a value of one hundred dollars (\$100) or more. Said disclosure shall be made by filing the appropriate form as described in attached Exhibit C. Forms are available on the City's Employee Intranet under the City Clerk's section of Forms Central, or by visiting the Office of the City Clerk, 1st Floor of City Hall.

SECTION 4: STANDARD OF CONDUCT: Every employee must abide by and uphold the Citizen's Bill of Rights, Miami Beach, Florida, Code of Ordinance, Part 1, Subpart A incorporated by reference herein and attached hereto as Exhibit D. The public's confidence and trust in the City's

operations and government demands the most exacting ethical standards and the strictest adherence to the Code of Ethics.

SECTION 5: DUTY TO REPORT: An employee with knowledge or information about any actual or potential violation of law or ethics shall immediately report such knowledge or information to the Appointing Authority, the Human Resources Director, or the City Manager.

SECTION 6: DUTY TO SELF REPORT:

(a) Employees arrested, detained and issued a Notice to Appear, or charged with or indicted for a criminal offense (felony or misdemeanor), including driving under the influence (DUI) and/or other criminal traffic offenses, shall provide written notification to the Human Resources Director using the Notification of Employee Arrest which is attached hereto as Exhibit E, Indictment or Criminal Conviction Form (hereinafter referred to as “the Form”) within two (2) calendar days. If it is impossible for the employee to make a timely report due to hospitalization or incarceration related to the incident, the Form shall be completed as soon as possible, and in no event more than twenty-four (24) hours after the employee’s release. The Human Resources Director shall advise the City Manager of the employee’s arrest, detainment, and issuance of a Notice to Appear, charge or indictment of a criminal offense.

(b) Employees shall report to the Human Resources Director, in writing, using the attached Form, any conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entering of a plea of guilty or nolo contendere for any criminal offense other than minor traffic violation within forty-eight (48) hours after the final judgment. The Human Resources Director shall advise the City Manager of the employee’s conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entering of a plea of guilty or nolo contendere for any criminal offense.

SECTION 7: FAILURE TO REPORT:

(a) An employee who knows or should have known of any violation of law or ethics and fails to report such knowledge or information may be subject to disciplinary action up to and including Removal.

(b) Supervisors who become aware of an employee who has been arrested, detained, issued a Notice to Appear, charged, indicted, convicted, found guilty, given a withhold of adjudication, enrolled in a pretrial diversion program or entered a plea of guilty or nolo contendere for any criminal offense other than minor traffic violation, whether misdemeanor or a felony, shall immediately notify the Human Resources Director. Failure to notify the Human Resources Director may lead to disciplinary action up to and including Removal.

Sec. 2-449. - Acceptance of gifts, favors, services.

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.

(Code 1964, § 2-44(1))

The 2014 Florida Statutes

Title X

PUBLIC OFFICERS, EMPLOYEES, AND
RECORDS

Chapter 112

PUBLIC OFFICERS AND EMPLOYEES: GENERAL
PROVISIONS

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE’S AGENCY.**—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer’s or employee’s spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer’s or employee’s spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer’s or employee’s own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator’s place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to

influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) SALARY AND EXPENSES.—No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is

required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. “Appointed state officer” means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to

its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and

2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining.

Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The “government body or agency” of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The “government body or agency” of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The “government body or agency” of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The “government body or agency” of an elected special district officer is the special district.

(e) The “government body or agency” of an elected school district officer is the school district.

(15) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer’s agency and:

(a) The officer’s employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency’s decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer’s employer, publicly states to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, “local government attorney” means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, “unit of local government” includes, but is not limited to, municipalities,

counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275; s. 10, ch. 2007-217; s. 16, ch. 2011-34; s. 3, ch. 2013-36.

CITY OF MIAMI BEACH GIFT AND CONTRIBUTION DISCLOSURE FORM

EMPLOYEE'S LAST NAME - FIRST NAME:	EMPLOYEE'S IDENTIFICATION NUMBER:
DEPARTMENT:	POSITION HELD:

PLEASE COMPLETE PARTS A AND B

PART A – STATEMENT OF GIFT AND CONTRIBUTION

Please list below each gift received by you. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form.

	DATE AND TIME RECEIVED	DESCRIPTION AND TYPE OF GIFT	APPROXIMATE MONETARY VALUE	NAME OF PERSON AND/OR BUSINESS MAKING THE GIFT	ADDRESS OF PERSON AND/OR BUSINESS MAKING THE GIFT
A					
B					
C					
D					

PART B – GIFT AND CONTRIBUTION RETURN INFORMATION OR DELIVERY TO CITY MANAGER’S OFFICE FOR DONATION

	DATE GIFT RETURNED, DONATED OR DISPOSED OF	NAME OF RECEIVER/SUPERVISOR	DONATION MADE TO APPROVED NON-PROFIT USING THE CITY’S NON-PROFIT DISTRIBUTION LIST	CITY MANAGER’S OFFICE STAFF DISPOSAL CONFIRMATION (IF APPLICABLE)
A				
B				
C				
D				

RETURN FORM TO THE CITY MANAGER’S OFFICE WITHIN THREE (3) DAYS OF GIFT/CONTRIBUTION RECEIPT ALONG WITH A COPY OF GIFT/CONTRIBUTION CUSTOMER LETTER SENT.

FORM 9**QUARTERLY GIFT DISCLOSURE
(GIFTS OVER \$100)**

LAST NAME — FIRST NAME — MIDDLE NAME:			NAME OF AGENCY:	
MAILING ADDRESS:			OFFICE OR POSITION HELD:	
CITY:	ZIP:	COUNTY:	FOR QUARTER ENDING (Check One):	
			MARCH	JUNE
			SEPTEMBER	DECEMBER
			YEAR: 20 ____	

PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. **You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.**

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM**PART C — OATH**

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true, accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____

day of _____, 20 _____

by _____

(Signature of Notary Public-State of Florida)

SIGNATURE OF REPORTING OFFICIAL _____

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the **Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709**. The form must be filed **no later than** the last day of the calendar quarter that follows the calendar quarter for which this form is filed. (For example, if a gift is received in March, it should be disclosed by June 30.)

PART E — INSTRUCTIONS

WHO MUST FILE THIS FORM?

- * Any individual, including a candidate upon qualifying, who is required by law to file full and public disclosure of his financial interests on Commission on Ethics Form 6, except Judges. (See Form 6 for a list of persons required to file that form.)
- Any individual, including a candidate upon qualifying, who is required by law to file a statement of financial interests on Commission on Ethics Form 1. (See Form 1 for a list of persons required to file that form.)
- Any procurement employee of the executive branch or judicial branch of state government. This includes any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, if the cost of such services or commodities exceeds \$1,000 in any year.

WHAT GIFTS ARE REPORTABLE?

- Any gift (as defined below) you received which you believe to be in excess of \$100 in value, **EXCEPT**:
 - 1) Gifts from the following **RELATIVES**: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, a person who is engaged to be married to you or who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other natural person having the same legal residence as you.
 - 2) Gifts which you are prohibited from accepting by Sections 112.313(4) and 112.3148(4), Florida Statutes. These include any gift which you know or, with the exercise of reasonable care, should know was given to influence a vote or other action in which you are expected to participate in your official capacity; it also includes a gift worth over \$100 from a political committee or committee of continuous existence under the elections law, from a lobbyist who lobbies your agency or who lobbied your agency within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.
 - 3) Gifts worth over \$100 for which there is a public purpose, given to you by an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board; or a gift worth over \$100 given to you by a direct-support organization specifically authorized by law to support the governmental agency of which you are an officer or employee. These gifts must be disclosed on other forms.
- A "gift" is defined to mean that which is accepted by you or by another in your behalf, or that which is paid or given to another for or on behalf of you, directly, indirectly, or in trust for your benefit or by any other means, for which equal or greater consideration is not given within 90 days after receipt of the gift. A "gift" includes real property; the use of real property; tangible or intangible personal property; the use of tangible or intangible personal property; a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; forgiveness of an indebtedness; transportation (unless provided to you by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; membership dues; entrance fees, admission fees or tickets to events, performances, or facilities; plants, flowers, or floral arrangements; services provided by persons pursuant to a professional

license or certificate; other personal services for which a fee is normally charged by the person providing the services; and any other similar service or thing having an attributable value and not already described.

- The following are **NOT** reportable as gifts on this form: salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with your employment, business, or service as an officer or director of a corporation or organization; contributions or expenditures pursuant to the election laws, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party; an honorarium or an expense related to an honorarium event paid to you or your spouse; an award, plaque, certificate, or similar personalized item given in recognition of your public, civic, charitable, or professional service; an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; the use of a governmental agency's public facility or public property for a public purpose. Also exempted are some gifts from state, regional, and national organizations that promote the exchange of ideas between, or the professional development of, governmental officials or employees.

HOW DO I DETERMINE THE VALUE OF A GIFT?

- The value of a gift provided to you is determined using the actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided. Taxes and gratuities are not included in valuing a gift. If additional expenses are required as a condition precedent to the donor's eligibility to purchase or provide a gift and the expenses are primarily for the benefit of the donor or are of a charitable nature, the expenses are not included in determining the value of the gift.
- Compensation provided by you to the donor shall be deducted from the value of the gift in determining the value of the gift.
- If the actual gift value attributable to individual participants at an event cannot be determined, the total costs should be prorated among all invited persons. A gift given to several persons may be attributed among all of them on a pro rata basis. Food, beverages, entertainment, etc., provided at a function for more than ten people should be valued by dividing the total costs by the number of persons invited, unless the items are purchased on a per-person basis, in which case the per-person cost should be used.
- Transportation should be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses should be considered a single gift. Transportation provided in a private conveyance should be given the same value as transportation provided in a comparable commercial conveyance.
- Lodging provided on consecutive days should be considered a single gift. Lodging in a private residence should be valued at the per diem rate provided in Sec. 112.061(6)(A)1, Fla. Stat., less the meal allowance rate provided in Sec. 112.061(6)(B), Fla. Stat.
- Food and beverages consumed at a single sitting or event are a single gift valued for that sitting or meal. Other food and beverages provided on a calendar day are considered a single gift, with the total value of all food and beverages provided on that date being the value of the gift.
- Membership dues paid to the same organization during any 12-month period are considered a single gift.
- Entrance fees, admission fees, or tickets are valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater. If an admission ticket is given by a charitable organization, its value does not include the portion of the cost that represents a contribution to that charity.
- Except as otherwise provided, a gift should be valued on a per occurrence basis.

FOR MORE INFORMATION

The gift disclosures made on this form are required by Sec. 112.3148, Florida Statutes. Questions may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709 or by calling (850) 488-7864 or Suncom 278-7864.

CITIZENS' BILL OF RIGHTS

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. *Convenient access.* Every person has the right to transact business with the City with a minimum of personal inconvenience. It shall be the duty of the City Manager and the City Commission to provide, within the City's budget limitations, reasonably convenient times and places for required inspections, and for transacting business with the City.
2. *Truth in government.* No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
3. *Public records.* All audits, reports, minutes, documents and other public records of the City and its boards, agencies, departments and authorities shall be open for inspection at reasonable time and places convenient to the public.
4. *Minutes and ordinance register.* The City Clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions^{1 121} listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than thirty (30) days after the conclusion of the meeting.
5. *Right to be heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the City Commission or any City agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the City. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit the City or any agency thereof from imposing reasonable time limits for the presentation of a matter.
6. *Right to notice.* Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.
7. *No unreasonable postponements.* No matter once having been placed on a formal agenda by the City shall be postponed to another day except for good cause shown in the opinion of the City Commission, or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.
8. *Right to public hearing.* Upon a timely request of any interested party a public hearing shall be held by any City agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the City nor to any body whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. *Notice of action and reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.
10. *Managers' and attorneys' reports.* The City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.
11. *Budgeting.* In addition to any budget required by state statute, the City Manager shall prepare a budget showing the cost of each department for each budget year. Prior to the City Commission's first public hearing on the proposed budget required by state law, the City Manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefor, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.
12. *Quarterly budget comparisons.* The City Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.
13. *Adequate audits.* An annual audit of the City shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. The independent City Auditor shall be appointed by the City Commission; both appointment and removal of the independent City Auditor shall be made by the City Commission. A summary of the results of the independent City Auditor's annual audit, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy. Duties, method of selection, and method of compensation of the independent City Auditor shall be established by ordinance.
14. *Representation of public.* The City Commission shall endeavor to provide representation at all proceedings significantly affecting the City and its residents before state and federal regulatory bodies.
15. *Natural resources and scenic beauty.* It shall be the policy of the City of Miami Beach to conserve and protect its natural resources and scenic beauty, which policy shall include the abatement of air and water pollution and of excessive and unnecessary noise.
16. *Nondiscrimination.* No person shall be deprived of any rights and privileges conferred by law because of race, color, national origin, religion, gender, sexual orientation, disability, marital status, familial status, or age.
17. *Nondiscrimination in City Employment and Benefits.* The City of Miami Beach shall not discriminate in employment practices and benefits offered based upon an employee or applicant's race, color, national origin, religion, gender, sexual orientation, gender identity, disability, marital status, familial status, or age.
18. *Ethics in Government.* The public's confidence and trust in City of Miami Beach operations and government must meet the most demanding ethical standards and demonstrate the highest level of achievement in its adherence to ethics laws. City of Miami Beach officials and employees are agents of the people and hold their positions for the benefit of the public—as public servants, they are to observe in their official acts a high standard of conduct and to discharge faithfully the duties of their office regardless of personal considerations and interests, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. In upholding the values of accountability and responsibility, all city officials and employees shall abide by applicable codes of ethical conduct, and be subject to all penalties provided for in such regulations.

19. *Improvement of Public Educational Facilities available to Miami Beach Citizenry.* It shall be the policy of the City of Miami Beach to cooperate with the Miami-Dade County public schools, and with other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of the City of Miami Beach, Florida.
 20. *City Assistance to Condominium and Co-op Owners.* The City of Miami Beach hereby acknowledges the purpose and duties of the City's Administration as assisting condominium and co-op owners to navigate through the City's permitting process; to facilitate the resolution of other condominium-related issues with other outside agencies; and to act as a liaison between condominium or co-op owners, management firms and the City.
- (B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City of Miami Beach. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.
- (C) Remedies for violations. In any suit by a citizen alleging a violation of this Bill of Rights filed in the Dade County circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. Any public official or employee who is found by the court to have willfully violated this article shall forthwith forfeit his office or employment.
- (D) Construction. All provisions of this article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this article shall be declared invalid, it shall not affect the validity of the remaining provisions.

(Res. No. 2003-25288, 7-30-03; Res. No. 2003-25391, 7-30-03; Res. No. 2003-25443, 12-10-03; Res. No. 2009-27152, 7-22-09; Res. No. 2013-28299, 7-19-13; Res. No. 2013-28302, 7-19-13; Res. No. 2013-28303, 7-19-13)

FOOTNOTE(S):

--- (2) ---

Editor's note— The following footnote to this section on citizen's bill of rights was adopted with the Charter: ¹"Ordinance" means an official legislative action of the Miami Beach City Commission, which action is a regulation of a general and permanent nature and enforceable as a local law. "Resolution" means an expression of the Miami Beach City Commission concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Miami Beach City Commission.



MIAMI BEACH
CITYWIDE POLICY AND PROCEDURE

DATE ISSUED:
JANUARY 2013

Page: 1
Of: 3

SEQUENCE NUMBER:
HR.18.01

DATE UPDATED:

SUBJECT:
REPORTING ARRESTS, INDICTMENTS
AND CONVICTIONS

RESPONSIBLE DEPARTMENT:
HUMAN RESOURCES

PURPOSE:

The City of Miami Beach is committed to protecting the safety, health and well-being of its employees, residents, visitors and customers. To further the commitment to a safe environment, all employees (full-time, part-time, regular, probationary or temporary) shall be required to report all arrests, charges, indictments, convictions, and withholds of adjudication. This requirement also applies to contracted personnel and temporary agency employees assigned to the City.

POLICY:

Once hired, employees arrested or detained and issued a Notice to Appear, or charged with or indicted for a criminal offense (felony or misdemeanor), including driving under the influence (DUI) and/or other criminal traffic offenses, shall provide written notification to the Human Resources Director using the attached Notification of Employee Arrest, Indictment or Criminal Conviction Form (hereinafter referred to as "the Form") within two (2) calendar days. If it is impossible for the employee to make a timely report due to hospitalization or incarceration related to the incident, the Form shall be completed as soon as possible, and in no event more than twenty-four (24) hours after the employee's release. The Human Resources Director shall advise the employees' Department/Division Director of the employee's arrest, detainment and issuance of a Notice to Appear, charge or indictment of an applicable criminal offense.

Employees shall report to the Human Resources Director, in writing, using the attached Form, any conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than minor traffic violations within forty-eight (48) hours after the final judgment. The Human Resources Director shall advise the employee's Department/Division Director of the employee's conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any applicable criminal offense.

Supervisors who become aware of a subordinate who has been arrested, charged, indicted, given a Notice to Appear, convicted, found guilty, given a withhold of adjudication, enrolled in a pretrial diversion program or entered a plea of guilty or Nolo Contendere for any criminal offense shall immediately notify the Human Resources Director.

VIOLATIONS:

Pursuant to Rule X of the City of Miami Beach Personnel Rules, the City may take disciplinary action against an employee who is arrested or indicted, even if there is no resulting conviction.

Violation of this policy shall result in disciplinary action based on progressive discipline in accordance with the provisions of the applicable collective bargaining agreement and/or Personnel Rules.



MIAMI BEACH
CITYWIDE POLICY AND PROCEDURE

DATE ISSUED:
JANUARY 2013

Page: 2
Of: 3

SEQUENCE NUMBER:
HR.18.01

DATE UPDATED:

SUBJECT:
REPORTING ARRESTS, INDICTMENTS
AND CONVICTIONS

RESPONSIBLE DEPARTMENT:
HUMAN RESOURCES

DEFINITIONS:

Criminal Traffic Offenses include, but are not limited to:

1. Leaving the scene of an accident;
2. False information regarding an accident;
3. Operating a motor vehicle without a license or while license is suspended;
4. Driving while under the influence or with an unlawful blood alcohol level;
5. Failure to sign or accept a summons; and/or
6. Fleeing and eluding police officers or reckless driving.

Prepared by:



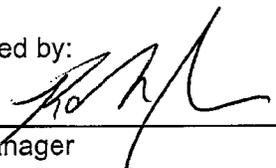
Human Resources Director

Reviewed by:



Internal Auditor, Office of Budget and Performance Improvement

Approved by:



City Manager

1-25-13
Date



MIAMI BEACH
CITYWIDE POLICY AND PROCEDURE

DATE ISSUED:
JANUARY 2013

Page: 3
Of: 3

SEQUENCE NUMBER:
HR.18.01

DATE UPDATED:

SUBJECT:
REPORTING ARRESTS, INDICTMENTS
AND CONVICTIONS

RESPONSIBLE DEPARTMENT:
HUMAN RESOURCES

NOTIFICATION OF EMPLOYEE ARREST, INDICTMENT OR CRIMINAL CONVICTION FORM

Date: _____

Employee Name: _____ ID Number: _____

Department/Division: _____ Title: _____

Type of Incident (check one):

Arrest: Indictment: Conviction: Withhold of Adjudication:

Other: _____

Name of Jurisdiction/Authority: _____

Case Number(s): _____

Nature of Alleged Offense: _____

Date and Time of Arrest, Indictment, Conviction, or Withhold of Adjudication: _____

Release Status: _____

Date of future court appearance if known: _____

I acknowledge the above information is factual. In addition, I shall provide written update information to my supervisor no later than two (2) calendar days after a change in the status of this matter occurs.

Employee's Signature: _____ Date: _____

ATTACH ADDITIONAL SHEETS IF NECESSARY

RULE III. THE CLASSIFICATION PLAN

SECTION 1: PURPOSE: It is the purpose of the Classification Plan to provide an orderly inventory and appraisal of Classifications so that the following ends may be attained:

- (a) Equality of pay on the basis of sufficiently similar duties and responsibilities.
- (b) Proper pay differences in Classifications which differ significantly in duties and responsibilities.
- (c) Improved recruitment through appropriate definitions of Classifications and the establishment of Specifications which include reasonable standards of fitness for Appointment or Promotion.
- (d) Orderly control of personnel changes such as Transfers, Promotions, Demotions, leaves of absence and any other personnel changes.

SECTION 2: CLASSIFICATION SPECIFICATIONS INTERPRETED: The Specifications for each of the various Classifications shall have the following force and effect:

- (a) They are descriptive and explanatory and are not restrictive. The inclusion of a particular illustration of duties shall not be held to exclude others not mentioned.
- (b) In determining the assignment of given Specifications to a particular Classification, the Specifications shall be considered as a whole.
- (c) The Specifications shall not limit the power of the Appointing Authority to modify or alter detailed tasks or duties involved in or to be performed within the Classification. When there is a substantial change in duties, except for a temporary period or by the addition of duties which are incidental, such change shall be reported to the Human Resources Director to consider a possible re-Classification.

SECTION 3: ALLOCATION TO CLASSIFICATION:

- (a) The Human Resources Director shall ensure that every employee is allocated to a Classification established by the Classification Plan.
- (b) Classifications which have undergone a substantial change in duties and require re-Classification, or new duties, shall be so classified by the Human Resources Director after consultation with the Appointing Authority as the Human Resources Director deems appropriate.
- (c) The wage rate of re-Classified employees is as follows:

1. The compensation of such employee shall not be reduced if the individual's then current wage is within the wage scale of the new Classification and the duties of such old and new Positions are similar.

2. The compensation of such employee shall be reduced to no higher than the maximum for the lower Classification if the employee is assigned or re-Classified to a lower paying Classification.

(d) If a Position is assigned to a higher Classification because of substantially changed duties or responsibilities, the Human Resources Director may (1) require the incumbent employee to demonstrate fitness by passing a non-competitive examination, (2) transfer the incumbent employee to a vacant Position in the Classification to which the incumbent employee was formerly allocated, or (3) place the incumbent employee's name on the Re-Employment List for the Classification to which the incumbent employee was formerly allocated. Allocation to a higher Classification shall be subject to the approval of the City Manager.

SECTION 4: MAINTENANCE OF THE CLASSIFICATION PLAN:

(a) New Specifications or changes in Specifications requested by any Appointing Authority shall be reported to the Human Resources Director who shall consider the proper Classification of such new Position.

(b) The Appointing Authority shall report substantial changes in Specifications to the Human Resources Director who shall investigate such changes and determine whether such changes require re-Classification of the Position.

(c) An employee may make a written request to the Human Resources Director at any time for a review of the Specifications of the employee's Classification, explaining the reasons for the request. Upon review, the Human Resources Director shall determine what action, if any, is appropriate.

SECTION 5: AMENDMENT OF THE PLAN: The Human Resources Director may survey and record the Specifications of all Classifications and, after consultation with the Appointing Authorities, may recommend to the Personnel Board changes or modifications to the Classification Plan covering all such Classifications. When changes in City organization or operations require the creation of new Classifications, substantial changes to an existing Classification or other amendments to the Classification Plan, these shall be adopted according to the same procedures established for the original adoption of the Plan as set forth in Article IV, entitled Civil Service System, in the City Charter.

RULE IV. THE COMPENSATION PLAN

SECTION 1: PURPOSE: It is the purpose of the Compensation Plan to provide a fair means for determining compensation based on Classification.

SECTION 2: PREPARATION, APPROVAL AND AMENDMENT OF THE COMPENSATION PLAN: The Human Resources Director shall prepare a Compensation Plan which shall consist of a Schedule of Pay for each Classification indicating the minimum and maximum range of wages. In arriving at such wage ranges, consideration shall be given to prevailing rates of pay in private business and the public sector, the current cost of living, and the City's financial condition and policies. The Human Resources Director shall submit the proposed Compensation Plan to the City Manager who shall review and adjust the Compensation Plan as necessary. The City Manager shall submit the Compensation Plan to the City Commission. Amendment of the Compensation Plan with supporting data prepared by the Human Resources Director may be submitted by the City Manager at any time to the City Commission for approval in accordance with the Classified Salary Ordinance.

SECTION 3: EFFECT OF THE PLAN: The City Commission establishes the Compensation Plan under the Classified Salary Ordinance; the Compensation Plan shall constitute the official schedule of wages for all Classifications. No person shall be assigned a wage greater than the maximum or less than the minimum set forth in the Compensation Plan for that Classification.

SECTION 4: ADMINISTRATION OF THE COMPENSATION PLAN:

- (a) The entrance wage for new appointees shall be within the wage range for the Classification of Appointment.
- (b) The re-employment wage rate shall be within the range for the Classification of Re-Appointment.
- (c) When an employee has an Organizational Transfer or Classification Transfer, no changes in the employee's wage rate shall be made because of such Transfer.
- (d) When an employee is promoted to a higher Classification, and the employee's wage is lower than the minimum of the higher Classification, then the wage rate shall be increased immediately to within the range of the higher Classification.
- (e) When an employee is demoted to a lower Classification and the employee's wage rate is higher than the maximum of the lower Classification, then the wage rate shall be decreased immediately to no higher than the maximum wage rate of the lower Classification.
- (f) An annual review of the wage rate of each employee shall be made by the Human Resources Director in consultation with the Appointing Authority. Adjustment may be made within the wage range after an analysis of the performance evaluation, length of service of each employee, and after considering the recommendations of the Appointing

Authority, provided that in no case shall the wage rate be increased above the maximum established for the Classification and provided further, that such wage rate adjustment shall be approved by the City Manager.

RULE V. CERTIFICATION OF PAYROLLS

SECTION 1: CERTIFICATION: Prior to the payment of any salary, wage, or other compensation to any employee for services, the Human Resources Director or designee shall certify that the persons named on a payroll, estimate or account have been appointed or employed pursuant to and have fully complied with the terms of the Civil Service Act and these Rules.

SECTION 2: REFUSAL TO CERTIFY: Before Certification, the Human Resources Director or designee shall take all appropriate steps to assure that each payroll, estimate, or account is prepared in accordance with the provisions of all applicable laws and these Rules. If any item fails to comply with such provisions, the Human Resources Director or designee shall refuse to certify such item.

SECTION 3: ILLEGAL APPOINTMENT: Each Appointing Authority shall comply with and shall effectuate the provisions of the Civil Service Act and these Rules. No Appointing Authority shall select any person for Appointment except in accordance with the Civil Service Act and these Rules.

RULE VI. APPLICATIONS AND EXAMINATIONS

SECTION 1: SCOPE OF EXAMINATIONS: Examinations may include, but are not limited to, written tests, oral tests, performance tests, psychological evaluations, evaluations of training and experience, and tests of knowledge, manual skills, physical ability, fitness, or any combination thereof.

SECTION 2: NOTICE OF EXAMINATIONS:

(a) **Entrance Examination:** The Human Resources Director shall give public notice of all competitive examinations for initial entrance into the Classified Service. Such notice shall be advertised online at www.miamibeachfl.gov and shall be posted in or near the Human Resources Department and also may be distributed among public officials, educational institutions, professional and vocational societies, and such other individuals and organizations as the Human Resources Director may deem appropriate. Such notice shall specify the title and minimum compensation of the Position, the minimum Specifications required, the final date on which applications will be received, and any other pertinent information consistent with the provisions of these Rules.

(b) **Continuous Examination:**

i. The Human Resources Director may give examinations on a continuous basis for Positions approved by the Personnel Board.

ii. Notice of continuous examinations shall be posted in or near the Human Resources Department and shall be advertised online at www.miamibeachfl.gov at least once every ninety (90) days.

(c) **Promotional Examination:** Notice of competitive promotional examinations to be held shall be advertised online at www.miamibeachfl.gov for no less than seven (7) calendar days. Notice may also be posted in the offices, the departments or divisions whose employees are Eligible to compete, and may be given by individual communication to employees Eligible to compete in such promotional examination.

(d)

SECTION 3: QUALIFICATION REQUIREMENTS OF APPLICANTS: All applicants must meet the minimum Specifications for the Classification for which application is made. When a position for which an examination is to be held has not yet been allocated to a Classification in accordance with these Rules, the minimum qualifications to be required of applicants shall be established by the Personnel Director with the approval of the Personnel Board.

SECTION 4: APPLICATIONS: All applications shall be made on forms and in the manner determined by the Human Resources Director. The application may require information regarding education, experience, references and any other information pertinent for the Classification, including a photograph. All submitted applications will be deemed certified by

the applicant as true and accurate. Applications must be filed with the Human Resources Department within the time limit specified in the public notice.

SECTION 5: DISQUALIFICATION OF APPLICANTS:

(a) The Human Resources Director may refuse to examine an applicant who is not employed, or after examination may remove the applicant's name from the resulting Eligible List, or refuse to certify for appointment any applicant who: (1) does not meet the minimum Specifications established for that Classification; (2) is a qualified individual with a disability but is unable to perform the essential functions of the Position with or without reasonable accommodation; (3) is currently engaging in the use of illegal drugs, illegal use of controlled substances or is under the influence of alcohol, illegal drugs, or non-prescribed controlled substances, upon examination after a contingent job offer; (4) has been convicted of any crime that, based upon the totality of factors, including, but not limited to, the nature of the offense, the recency of the offense and/or lack of evidence of rehabilitation, is determined to be job related, involves moral turpitude or violence to any person; (5) has been dismissed from public service or previous employment for cause; (6) has made a false statement or act of omission of material fact in the application; (7) resigned after the institution of disciplinary action; or (8) has violated or is in violation of the provisions of these Rules.

(b) This section does not apply to an applicant who is a Regular employee of the City.

SECTION 6: PROMOTIONAL EXAMINATIONS: The Human Resources Director shall determine when vacancies in the Classified Service may be satisfactorily filled by the Promotion of a Regular employee. The Human Resources Director shall conduct promotional examinations among such Regular employees determined to be Eligible to compete. The Human Resources Director may establish additional qualifications for participation in promotional examinations, which shall be announced prior to examination.

SECTION 7: NON-COMPETITIVE EXAMINATIONS: Non-competitive examinations may be administered for Classifications which require peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, or when the character of the work, the conditions of employment or the compensation make it impracticable to secure a sufficient number of qualified applicants through competitive examination, upon approval by the Personnel Board.

SECTION 8: CONDUCT OF EXAMINATIONS: The Human Resources Director or a designee shall be responsible for the conduct of all examinations.

(a) Identification of persons taking a competitive written examination may be concealed through the use of identification numbers if the Human Resources Director deems it appropriate. In such cases, all examinations bearing names of the applicant or any other identifying mark other than the assigned number shall be rejected and the applicant notified.

(b) The Human Resources Director shall take proper precautions to prevent any applicant or other unauthorized person from obtaining questions or any other material to be used in any examination in advance unless such questions or other material are available to all applicants. The Human Resources Director shall also prevent the examiner's identification of any applicant, or any applicant's work in examinations that requires the concealment of identity prior to completion of the rating of all applicants' work.

(c) When an applicant possesses or uses any extraneous, forbidden, or unfair source of information to assist in answering the questions or doing the assigned work, the examiner shall confiscate all material, document the circumstances, and submit such documentation to the Human Resources Director. The Human Resources Director may take such action as deemed appropriate including, but not limited to, disciplinary action up to and including termination and disqualification of the applicant.

(d) If the Human Resources Director determines an examination or portion thereof was conducted unfairly to an applicant, such examination or portion thereof may be re-administered for the applicant.

SECTION 9: RATING OF EXAMINATIONS: In all examinations, the minimum grade or rating for eligibility on an Eligible List shall be determined by the Human Resources Director. Such grade or rating may take into consideration all factors of the examination including, but not limited to, credits for training, experience, past service with the City, the application of the person, the oral interview, and other verified information.

SECTION 10: NOTICE OF RESULTS OF EXAMINATION: Unless the information is posted, as soon as practicable every applicant shall be notified of his/her final rating, whether the minimum possible grade was obtained and his/her relative Position on the Eligible List. Within thirty (30) days of the date of the examination, or as otherwise provided for in an applicable collective bargaining agreement, the applicant may review the applicant's examination score sheets by submitting a written request to the Human Resources Director. If an applicant believes that an error has been made in the grading or rating of the applicant's examination, the applicant must notify the Human Resources Director within thirty (30) calendar days, or as otherwise provided for in an applicable collective bargaining agreement, of the establishment of an Eligible List resulting from such examination. If the Human Resources Director determines that an error has occurred, the Human Resources Director shall correct the error as deemed appropriate.

SECTION 11: PRESERVATION OF WORK OF APPLICANTS:

(a) The applications, examination papers, other work and ratings of applicants who receive scores less than the minimum passing grade and who are not placed on the Eligible List, shall be retained for a period consistent with governing laws, but may be destroyed thereafter at the discretion of the Human Resources Director.

(b) The applications, examination papers and other work and ratings of applicants who are placed on the Eligible List shall be retained for the life of the Eligible List, and shall be open to inspection by an Appointing Authority for consideration in making appointments. Such documents shall be retained for a period consistent with governing laws, but may be destroyed thereafter at the discretion of the Human Resources Director. If the applicant receives an Appointment, such documents shall become part of the personnel file.

SECTION 12: POSTPONEMENT AND CANCELLATION OF EXAMINATIONS: All examinations shall be held upon the dates fixed by the Human Resources Director in the public notices; however, the Human Resources Director may postpone any examination because of an inadequate number of applicants, non-attendance of examiners or for any other reason. The Human Resources Director may also cancel any examination which becomes unnecessary because of a change in the personnel requirements.

RULE VII. ELIGIBILITY LISTS

SECTION 1: GENERAL PROVISIONS:

(a) **ARRANGEMENT OF LISTS:** The names of persons Eligible for Appointment to each Classification may be arranged on three (3) Lists: the Re-Employment List, the Transfer List, and the Original Entrance List. Additionally, for certain Classifications, names of persons eligible for Appointment shall be arranged on a Promotional List.

(b) **RE-ARRANGEMENT OF ELIGIBLES:**

1. If at any time after the creation of an Eligible List, and during the life of such List, the Human Resources Director has reason to believe that any person should be disqualified for Appointment because of incapacity or for any reason provided in Rule VI, Section 5(a), such person shall be notified and given an opportunity to be heard by the Human Resources Director. If such person fails to appear or if upon being heard fails to satisfy the Human Resources Director, the person's name shall be removed and the remaining names shall be re-arranged into their proper place on the Eligible List.

2. Upon the correction of an error in the marking of an examination as provided in Rule VI, Section 10, the name of such person shall be inserted into its proper place on or removed from the Eligible List as determined by the Human Resources Director.

(c) **REMOVAL OF NAMES FROM LISTS:**

1. Each person whose name appears on an Eligible List shall file all contact information including telephone number(s), email and residential address(es) and shall provide written notice of any change of either electronic or residential address, whether temporary or permanent, with the Human Resources Director. Failure to do so may cause the person's name to be removed from the List.

2. The name of any person appearing on any Eligible List may be removed by the Human Resources Director: (a) if the person fails to respond within ten (10) calendar days from the date a notice of certification is sent or issued; (b) if the person declines an appointment without an explanation; or (c) if the person cannot be located in five (5) calendar days. In case of such removal, the Human Resources Director shall notify the person at the last known electronic and residential address. The person may be reinstated on the Eligible List only at the discretion of the Human Resources Director.

SECTION 2: RE-EMPLOYMENT LISTS: For each Classification, the Human Resources Director shall maintain a Re-Employment List consisting of the names of persons who were laid off from such Positions as Regular employees. The names of employees who have been laid off may also be placed on Re-Employment Lists for such other Classification as the Human Resources Director deems appropriate. The order in which names shall be placed on Re-

Employment Lists shall be determined by the Human Resources Director after consideration of priority, length of service, skills, qualifications, ability to perform the work available, performance evaluations, disciplinary history and any other factors the Human Resources Director deems relevant. The duration of eligibility of names on Re-Employment Lists shall expire individually at the conclusion of one (1) year from the date the employee's name was placed on the Re-Employment List.

SECTION 3: TRANSFER LIST: For each Classification, the Human Resources Director shall maintain a general Transfer List consisting of the names of persons who expressed in writing the desire to transfer to a particular Classification or Position and who have occupied Positions in such Classification as Regular employees or who the Human Resources Director determines are otherwise qualified. The names will be placed on the Transfer List in alphabetical order. The duration of eligibility of names on the Transfer List may continue from year to year.

SECTION 4: ORIGINAL ENTRANCE LISTS:

(a) **Open Competitive Examinations:** The Human Resources Director shall prepare a List of Eligibles based on Open Competitive Examinations; the names shall be placed upon such List in order according to the final earned rating. The final earned rating shall be determined by the earned ratings on all phases of the examination according to weights for each phase established and announced by the Human Resources Director. Whenever it becomes necessary to hold a subsequent examination to obtain additional Eligibles from an Original Entrance List, the Human Resources Director may combine existing Lists with the new List for the same Classification by arranging the Eligibles' names as provided above, without regard to the time of the examination. Original Entrance Lists shall expire one (1) year after the posting of the results of the original entrance examination, or one (1) year after the date of combining Lists provided, however, that the eligibility of individual names on the Original Entrance List shall expire eighteen (18) months, which is defined as 547 calendar days, from the date the individual's name was placed on the Eligible Lists.

(b) **Non-Competitive Examinations:** The Human Resources Director shall prepare an Eligible List of all applicants meeting the required minimum Specifications for the Classification.

(c) **Open Continuous Examinations:**

1. In those Classifications for which there are continuous examinations, the Eligible List shall be prepared by the Human Resources Director by placing names on such List in order preference according to the final earned rating, without regard to the time of the examinations.

2. The duration of eligibility of names on Continuous Examination Lists shall expire individually at the conclusion of one (1) year from the date the applicant's name was placed on the Continuous Examination List.

SECTION: 5: PROMOTIONAL LISTS: After each Promotional Examination, the Human Resources Director shall prepare a Promotional List of employees who achieved passing scores in the examination, arranged in order of the final rating. The final rating shall be determined by the earned ratings on all phases of the examination according to weights for each phase established and announced by the Human Resources Director. Whenever it becomes necessary to hold subsequent examinations in order to obtain additional Eligibles for a Promotional List, the Human Resources Director may combine the existing List with the new List for the same Classification by arranging all the Eligibles in order of preference according to the final earned rating without regard to the time of examination. The Promotional List shall expire one (1) year after the posting of the results of a Promotional Examination, or where Lists have been combined, one (1) year after the date of combining the Lists.

SECTION 6: CERTIFICATION OF ELIGIBLE LIST: An Eligible List shall become effective when the Human Resources Director certifies that the List was prepared in accordance with these Rules and accurately reflects the final earned ratings in order of the persons whose name appear thereon.

SECTION 7: RESTORATION TO LIST: A Promotional Probationary employee who has been laid off during the Probationary Period and reverts to the previous Regular Classification shall be restored to the original Position on the Promotional List for the remainder of the one (1) year period after the posting of the results of the Promotional Examination, or where Lists have been combined, one (1) year after the date of combining the Lists.

SECTION 8: OTHER RE-EMPLOYMENT/ EMPLOYMENT: Nothing herein prohibits an Appointing Authority from re-employing within one (1) year an individual who previously held the position and who unless laid off, has not accepted the Leave Settlement, or from employing through Open Competition Examination, an individual who previously held a position within the City and signed the Leave Settlement. An individual who previously held the position within one (1) year or less and who did not accept the Leave Settlement may be considered for appointment to the position before the Eligibles on the Transfers List or the Eligibles on the Original Entrance List.

RULE VIII. METHODS OF FILLING VACANCIES

SECTION 1: TYPES OF APPOINTMENTS: All vacancies shall be filled by Appointment from Eligible Lists certified by the Human Resources Director, unless the Human Resources Director determines that a vacancy in the Classified Service may be filled by other methods as specified herein. In the absence of an appropriate List, Temporary Appointments may be permitted in accordance with the Civil Service Act and these Rules.

SECTION 2: NOTICE TO HUMAN RESOURCES DIRECTOR: Whenever vacancies in the Classified Service are to be filled, the Appointing Authority shall request certification of names from the Eligible Lists and shall notify the Human Resources Director of the title, the duties, the number of Positions to be filled, the Specifications, and any other pertinent information relating to the Classifications to which Appointments are to be made.

SECTION 3: CERTIFICATION OF ELIGIBLES:

(a) Upon receipt of a request for Certification of Eligible Lists, the Human Resources Director shall provide names of Eligibles from Eligible Lists as follows:

1. The Human Resources Director shall certify to the Appointing Authority names from the Re-Employment List before any certification of names may be made from other Lists of Eligibles.

2. If there is no Re-Employment List, the Human Resources Director shall certify to the Appointing Authority names from an Original Entrance List and/or Transfer List.

(b) Whenever vacancies are to be filled, the Human Resources Director shall provide the names of the Eligible persons ranking highest on the applicable List and certify at least two (2) names over and above the number of vacancies to be filled.

(c) In the event a List contains an insufficient number of names and the Appointing Authority requests that all vacancies be filled from one List and no List contains sufficient names, the Appointing Authority may request that an examination be conducted to create a List with the required number of names. Temporary Appointments may be made pending the creation of an adequate List. If the Human Resources Director determines, however, that a Temporary Appointment is inappropriate, the Human Resources Director may appoint one or more employees from the Eligibles List.

SECTION 4: APPOINTMENTS: After such interviews and investigations as deemed appropriate, the Appointing Authority shall make a contingent Appointment from the List of one or more of the persons certified as Eligible, and shall immediately notify the Human Resources Director of the person or persons appointed. If a candidate accepts an Appointment and fails to present for duty within five (5) calendar days after instructed to do so, the candidate shall be deemed to have declined the Appointment, unless otherwise provided by law.

SECTION 5: EMERGENCY APPOINTMENTS: In the event of a dire emergency, if the Human Resources Director is unavailable or time is of the essence, the Appointing Authority may select and appoint persons without regard to the Rules governing Appointments, but in no case shall such Emergency Appointments continue longer than thirty (30) calendar days. Successive Emergency Appointments of the same person shall not be made, and no person shall serve under Emergency Appointment longer than thirty (30) calendar days in any twelve (12) month period. Written notice of the Emergency Appointments shall be given immediately by the Appointing Authority to the Human Resources Director.

SECTION 6: SUBSTITUTE APPOINTMENTS: Whenever it becomes necessary to fill the Position of an employee who is absent from duties on a leave of absence, and the duration of the leave and/or conditions of work are such that in the opinion of the Human Resources Director it is impracticable to use Temporary Appointments, the Human Resources Director may approve an appointment on a Substitute basis to fill the vacancy during the entire period of the leave. If an Eligible List exists for the Classification to which the vacant Position belongs, selection shall be made from this Eligible List in the same manner as provided for Probationary appointments; if no such Eligible List exists, the Human Resources Director shall decide whether qualifying or competitive tests shall be conducted. Any person so appointed shall be compensated within the pay range provided for the Classification to which the vacant Position belongs, but no Classification Service rights shall accrue to such substitute employee in such Classification or Position.

SECTION 7: APPOINTMENT TO UNCLASSIFIED SERVICE:

(a) When any Regular employee in the Classified Service shall be appointed to an office or position in the Unclassified Service, his/her position in the Classified Service shall be considered vacated and shall be filled by the regular procedures which apply to filling such positions on a permanent basis. The Regular employee so appointed to the Unclassified office or position shall retain his/her Classified Service title and status.

(b) If such employee is separated from his/her Unclassified office or position, he/she shall be returned to the position and classification in the Classified Service which he/she held immediately prior to becoming an Unclassified employee with compensation within the salary range then prevailing for such classification.

(c) In the event the Classified Service classification of such employee has been abolished or otherwise discontinued, such employee shall be placed in a Classified position at the same level as his/her Classified Service classification for which, in the opinion of the Personnel Director, as approved by the Personnel Board, he/she possess at least minimum qualifications. If there is no classification at such level, he/she shall be placed in a Classified position at the next lower level for which, in the opinion of the Personnel Director, as approved by the Personnel Board, he/she possesses at least minimum qualifications. In either of such events, said employee shall be placed in such Classified position with compensation within the salary range then prevailing for such classification but not lower than the salary range held by such employee when appointed to the Unclassified office.

RULE IX. PROBATIONARY PERIOD

SECTION 1: PURPOSE: The Probationary Period is an intrinsic part of the Appointment process and shall be used to closely evaluate the employee's performance. A Probationary employee who in the sole discretion of an Appointing Authority does not satisfactorily meet all Specifications may be rejected by the Appointing Authority.

SECTION 2: DISCIPLINARY ACTION, SUSPENSION, REJECTION OR REMOVAL DURING PROBATIONARY PERIOD: During the Probationary Period, an employee may be subject to Rejection or disciplinary action including, but not limited to, Suspension, reduction in pay or Classification, or Removal at any time without any prior notice or warning in the sole discretion of the Appointing Authority. Notice of Suspension, reduction in pay or Classification, or Removal must be given to the employee and the Human Resources Director. A Probationary employee has no right to appeal Rejection, any disciplinary action, or Removal by the Appointing Authority for any reason whatsoever. The Personnel Board has no jurisdiction over Probationary employees. In the case of a Rejection, the Human Resources Director shall determine whether or not the Probationary employee should be restored to an Eligible List provided, however, a Probationary employee who has been rejected a second time or removed shall not be restored to an Eligible List.

SECTION 3: REPORTS DURING THE PROBATIONARY PERIOD: The Human Resources Director may require the Appointing Authority to submit a performance evaluation of the Probationary employee.

SECTION 4: REGULAR APPOINTMENT AFTER PROBATIONARY PERIOD:

(a) All Appointments are subject to successful completion of six (6) months Probationary Period, except as provided in these Rules.

(b) The Probationary Period for the Classifications of Firefighter I, Communications Supervisor, Dispatcher, Dispatcher Trainee, and Code Compliance Officer I shall be twelve (12) months.

The Probationary Period for Police Officer and Police Officer trainees shall be eighteen (18) months. The Probationary Period for the Classifications of Police Officer and Police Officer Trainee may be extended for an additional period of time up to eighteen (18) months.

(c) The Original Entrance or Promotional Probationary Period for the following Classifications shall be nine (9) months:

Sergeant of Police
Lieutenant of Police
Communications Operator

Communications Technician I
Identification Technician I
Identification Technician II
Identification Officer
Firefighter II
Fire Lieutenant
Fire Captain
Complaint Operator II

(d) A Probationary employee who is laid off or who resigns without pending disciplinary action after serving four (4) or more months of the Probationary Period, and who is re-appointed to the same Classification within one (1) year from the date of such separation, shall be given full credit for such prior Probationary time towards completion of the Probationary Period. In no event, however, is the Probationary Period to be served after such Re-Appointment to be for less than one (1) calendar month.

SECTION 5: PROBATIONARY PERIOD AFTER HAVING ATTAINED REGULAR STATUS:

(a) An employee rejected or laid off during the Probationary Period following a Promotional Appointment to a higher Classification shall be re-appointed to the Position from which the employee was promoted, even if the Layoff of the employee currently occupying the former Position is necessary.

(b) An employee rejected during the Probationary Period following a Promotional Appointment to a higher Classification for reasons which, in the opinion of the Human Resources Director, constitute sufficient cause for Removal as provided in Rule XI, Sections 2 and 6, shall be removed. If such employee is not part of a collective bargaining unit, the employee shall have the right to appeal such Removal from the City to the Personnel Board, but such employee shall not have the right to appeal the Appointing Authority's determination that the employee did not pass probation.

SECTION 6: ABSENCES DURING PROBATIONARY PERIOD:

(a) All absences during a Probationary Period shall extend the date of completion of the Probationary Period in time equal to the amount of time absent, except that the first thirty (30) days of an absence for non-service connected injury or illness or the first sixty (60) days of an absence for a service connected injury shall not extend the date of completion of the Probationary Period if the employee is on approved FMLA leave, or if the employee provides to the Human Resources Director proper medical evidence as to the existence of an illness or injury within two (2) weeks after the injury or illness commences, or as otherwise required by USERRA or other law.

(b) During an Original Entrance Probationary Period, any consecutive absence in excess of three (3) weeks, except for an approved absence in connection with illness or injury as provided in sub-paragraph (a) above or an absence which is otherwise provided

for by law, shall automatically cancel the Probationary Appointment. If, however, the Appointing Authority submits a written request to the Human Resources Director and obtains the Human Resources Director's approval, the appointee may be retained. The Probationary Period shall continue from the date of the return to duty if absence is due to military leave under USERRA. In the event such consecutive absence exceeds ninety (90) days, the Probationary Period shall be automatically terminated, except for an approved absence, illness or injury as provided in sub-paragraph (a) above or as otherwise required by USERRA or other law.

(c) During a Promotional Probationary Period, any consecutive absence in excess of six (6) weeks, except for an approved absence in connection with an illness or injury as provided in sub-paragraph (a) above or an absence which is otherwise provided for by law, shall automatically terminate the Probationary Appointment. If, however, the Appointing Authority submits a written request to the Human Resources Director and obtains the Human Resources Director's approval, such appointee may be retained. The Probationary Period shall continue from the date of the return to duty if absence is due to military leave under USERRA. In the event such consecutive absence exceeds six (6) months, the Probationary Period shall be automatically terminated, except for an approved absence, illness or injury as provided in sub-paragraph (a) above or as otherwise required by USERRA or other law.

SECTION 7: NON-APPLICABILITY OF PART-TIME SERVICE: Service in a part time capacity does not apply to, nor lessen the length of, the Probationary Period for that position.

RULE X. DISCIPLINARY ACTIONS

SECTION 1: PURPOSE: Any Appointing Authority may take disciplinary action against a subordinate employee at any time for sufficient cause which will promote the efficiency of the City as determined by the Appointing Authority provided, however, that any action involving loss of time, pay or benefits, must be submitted in advance to the Human Resources Director who will make a recommendation to the City Manager as to whether or not the disciplinary action should be approved, rejected or modified.

SECTION 2: GROUNDS FOR DISCIPLINARY ACTION:

(a) Sufficient cause is required for the Human Resources Director to issue an Intent to Discipline. The Intent to Discipline shall list the grounds of alleged misconduct which, if sustained, will result in Final Action to Discipline including reduction in pay, Suspension, Demotion and/or Removal. Grounds for misconduct include, but are not limited to, if an employee:

1. Has been convicted of a criminal offense involving moral turpitude, referred to a pre-trial intervention or diversion program, pled guilty, entered an admission of guilt or otherwise received a withhold of adjudication, or has been arrested for any criminal offense or of conduct involving moral turpitude.
2. Has willfully violated any of the provisions of the Civil Service Act or of these Rules or Work Rules, or has attempted to or does commit any act or acts intended to nullify any of the provisions thereof.
3. Has been guilty of conduct unbecoming an employee of the City.
4. Fails to report to the Human Resources Director, in writing, any conviction, finding of guilt, withhold of adjudication, enrollment in a pretrial diversion program, or entrance of a plea of guilty or nolo contendere for any criminal offense other than minor traffic violation within forty-eight (48) hours after the final judgment.
5. Fails to report knowledge of or reasonable basis of suspicion of another employee's theft of time, money, property, fraud, embezzlement or corruption.
6. Has violated any lawful and reasonable regulation or order, or failed to obey any lawful and reasonable directive from a superior where such violation or failure to obey has resulted or may have resulted in loss or injury to the City, the public, or to persons or property in the custody of the City.
7. Has engaged in any of the following:

(a) Has been intoxicated or under the influence of intoxicants or narcotics while on duty or while wearing a City furnished uniform, whether on or off duty.

(b) Has imbibed any amount of any intoxicant, narcotic, alcohol, illegal drug, or controlled substance, has tested positive for any intoxicant, alcohol, narcotic, illegal drug or controlled substance, or has used any amount of any narcotics, alcohol, illegal drug, or controlled substance, during duty hours if the employee is a sworn Police Officer, an employee of the Fire Division detailed to fire fighting apparatus, or an employee responsible for the operation of an automobile, truck, tractor, bulldozer, roadgrader, roadroller, crane, or other such power equipment.

(c) Has failed to report a citation, arrest or notice to appear for any moving violation if the employee is a sworn Police Officer, an employee of the Fire Division detailed to fire fighting apparatus, or an employee responsible for the operation of an automobile, truck, tractor, bulldozer, roadgrader, roadroller, crane, or other such power equipment.

(d) Has tested positive or is in possession and/or is using, dispensing, or selling any illegal drug or controlled substance not prescribed by a licensed physician, whether on or off duty.

(e) Has tested positive or used and/or possesses alcohol during duty hours.

8. Has a mental, psychological or physical condition which prevents the employee from performing the essential functions of the Position with or without reasonable accommodation.

9. Has been insubordinate.

10. Has been offensive in conduct or language toward the public, City officers, superiors, or toward other employees.

11. Has been incompetent, negligent or inefficient and/or has received two consecutive overall performance evaluations of Improvement Needed, Unsatisfactory, or any combination thereof.

12. Has been careless, inefficient, or negligent with the time, service equipment materials, property or anything of value of the City. \

13. Has stolen, misplaced or misused time, services, equipment, materials, property or any other thing of value belonging to the City, including the authority accorded by the employee's Position.

14. Has threatened to use, attempted to use or used political influence in securing Promotion, leave of absence, transfer or change of Classification, pay or character of work.

15. Has violated the provisions of the Conflict of Interest Ordinance of the City of Miami Beach.

16. Has falsified a time record or failed to report absence from duty in accordance with prescribed procedures.

17. Has been absent from duty without approved leave of absence from the Appointing Authority, or contrary to prescribed procedures, or has failed to report after a leave of absence has expired, or within a reasonable time after such leave of absence has been revoked or cancelled, if an extension of such is not otherwise required by law.

18. Has been excessively absent or habitually tardy or has refused to perform a reasonable amount of work when directed to do so.

19. Has engaged in any activities prohibited under the provisions of Rule I, Section 3 of these Rules.

20. Has been antagonistic in attitude toward superiors or other employees, criticizes orders or rules issued and policies adopted by superiors, or interferes with the proper coordination of the City's employees to the detriment of efficient public service.

21. Has been guilty of actions which amount to disgraceful conduct while on or off duty.

22. Has willfully refused or failed to appear before any grand jury, court, or judge, or officer, board or body authorized by law or the City Commission to conduct any hearing or inquiry relative to the official duties of such employee, or has refused and continues to refuse to answer any related questions concerning official duties which have been asked of the employee as part of an official hearing or inquiry by the Appointing Authority, the City Manager or by any other person authorized by the City Commission or the City Manager to conduct such hearing or inquiry, unless refusal to do so is otherwise protected by law.

23. Has been guilty of gross negligence or gross inefficiency in the performance of duties, where such negligence or inefficiency has resulted in loss or injury to the City, the public, or to persons or property affected thereby.

24. Has engaged in or failed to report unlawful harassment, discrimination or retaliation.

25. Has engaged in or failed to report any violation of law or ethics.
26. Has violated the provisions of Department rules.
27. Has made a false statement or material omission in the application for employment, promotion, advancement wage increase, or other term or condition of employment; has made a false statement or material omission during an investigation; has made a false statement or material omission in any documentation.
28. Has had an excessive number of accidents resulting in personal injury, injury to self, others or property, or other violation of safety practices.
29. Has a Position that requires the operation of a motor vehicle in the performance of duties, is a sworn police officer, an employee of the Fire Division, detailed to fire fighting apparatus, or an employee responsible for the operation of an automobile, truck, tractor, bulldozer, roadgrader, roadroller, crane, or other power equipment, and has had driver's license or driving privileges suspended or revoked; has failed to wear corrective lenses as required by Rule XVII, Medical and Physical Standard.
30. Has a Position requiring a valid driver's license or valid specialized license, and has failed to obtain or maintain such license or allowed it to lapse or has had restrictions imposed by operation of law.
31. Has engaged in a physical altercation outside the lawful exercise of duties with either other City employees or the general public, regardless of provocation.
32. For any other just cause.

SECTION 3: REDUCTION IN PAY:

(a) Subject to approval by the City Manager, an Appointing Authority may reduce the wage of an employee for disciplinary purpose or when the employee's performance does not conform to the required Specifications, Job Description, Work Rules, Department Rules or for other just cause. Any such reduction must be submitted in advance to the Human Resources Director who will make a recommendation to the City Manager as to whether or not the reduction should be approved, denied or modified.

(b) In the event that an employee's wage is reduced for disciplinary purpose, such reduction in pay shall not exceed five percent (5%) of the wage of such employee, and shall continue for the length of time the employee remains in that Position; however, the reduction may be adjusted by the Appointing Authority, with the approval of the City Manager, at any time.

(c) The procedures established by Rule XIII Appeals from Disciplinary Action shall apply in case of appeals from reduction in pay of classified employees not in a collective bargaining unit.

SECTION 4: DEMOTIONS: A reduction of employment status from a higher Classification to a lower Classification is a Demotion.

(a) Subject to approval by the City Manager, an Appointing Authority may Demote an employee for disciplinary purpose or when the employee's performance does not conform to the required Specifications, Job Description, Work Rules, Department Rules or for other just cause. Any request for a Demotion must be submitted in advance and in writing to the Human Resources Director who will make a recommendation to the City Manager as to whether or not the disciplinary action should be approved, denied, or modified.

(b) The Human Resources Director may place an employee to a vacant Position at the request of such employee, after an investigation as the Human Resources Director may deem necessary. The Human Resources Director may arrange the placement of the employee to a vacant Position under another Appointing Authority. However, no such placement will be made unless approved by both the Human Resources Director and the prospective Appointing Authority. Notice of such proposed placement shall be given to the current Appointing Authority by the Human Resources Director at least ten (10) days before the placement becomes effective, unless said notice is waived in writing by the current Appointing Authority.

(c) The Human Resources Director, with the consent of the prospective Appointing Authority, may demote an employee to a vacant Position as a substitute for a Layoff. The City Manager may require such action if the City Manager determines it is in the best interest of the City. Any employee so demoted shall be placed on the Re-Employment List for the Classification from which the employee was demoted. An employee shall not be demoted to a Position for which the employee does not possess the minimum Specification, as determined by the Human Resources Director.

(d) The procedure established by Rule XIII, Appeals from Disciplinary Action, shall apply in case of appeals from Demotions made for disciplinary actions of classified employees not in a collective bargaining unit.

SECTION 5: SUSPENSIONS:

(a) Subject to approval by the City Manager, an Appointing Authority may Suspend an employee for disciplinary purpose or when the employee's performance does not conform to the required Specifications, Job Description, Work Rules or department rules or for other just cause. Any Suspension must be submitted in advance to the Human Resources Director who will make a recommendation to the City Manager as to whether or not the disciplinary action should be approved, denied, or modified.

(b) Subject to the approval by the City Manager, an Appointing Authority may suspend an employee at any time whenever an employee has been indicted, informed against, or otherwise charged in any state or federal court and the Human Resources Director determines the matter to be job related. Such suspension may continue until the acquittal or conviction of such employee or until the case against the employee has been otherwise resolved. However, if the charges, indictment, and/or information are dropped, or otherwise dismissed by the prosecuting authority, the employee will be reinstated and entitled to recover all lost wages and benefits suffered as a result of such suspension, unless the City has otherwise taken disciplinary action, up to and including termination, based upon such conduct or other conduct or violation of rules contained herein.

(c) If an employee requests a continuance based upon an indictment, information or other charges and the continuance is granted, the employee shall waive any and all rights to wages and all other benefits and terms and conditions of employment lost by reason of such continuance from the date of said continuance until the date of acquittal.

(d) The procedure established by Rule XIII, Appeals from Disciplinary Action shall apply in case of an appeal from Suspension made for disciplinary action of classified employees not in a collective bargaining unit.

SECTION 6: REMOVALS:

(a) Subject to approval by the City Manager, an Appointing Authority may remove an employee for disciplinary purpose or when the employee's performance does not conform to the required Specifications, Job Description, Work Rules or department rules or for other just cause. Any Removal must be submitted in advance to the Human Resources Director who will make a recommendation to the City Manager as to whether or not the disciplinary action should be approved, denied, or modified.

(b) The procedures established by Rule XIII, Appeals from Disciplinary Action shall apply in case of appeals from Removals of classified employees not in a collective bargaining unit.

RULE XI. TRANSFERS, ASSIGNMENTS, PROMOTIONS

SECTION 1: TRANSFERS:

(a) **Classification Transfer:** The Transfer of an employee from a Position in one Classification to a Position in another Classification for which the employee is qualified and for which the same maximum rate of pay has been established, is called a Classification Transfer and may be made by the Appointing Authorities involved and the Human Resources Director, or whenever the City Manager deems such action to be for the good of the Service. No Classification Transfer which requires an employee to Transfer from the employee's existing regular pension system or relief and pension fund to any other, or which renders such employee ineligible to remain in or participate in benefits of the employee's existing regular pension system or relief and pension fund, shall be made without the written consent of the employee.

(b) **Organizational Transfer:** The Transfer of an employee from a Position in one Classification to another Position in the same Classification under another Appointing Authority is called an Organizational Transfer, and may be made with the consent of the Appointing Authorities involved and the Human Resources Director.

SECTION 2: OUT OF CLASSIFICATION ASSIGNMENT: The assignment for a temporary period from a Position in one Classification to a Position in another Classification having a higher maximum rate of compensation, or with the consent of the affected employee to another Classification having a lower maximum rate of compensation under the same Appointing Authority, is an Assignment and may be made in order to bring about a better distribution of persons in the Service to effect economies or to provide training.

(a) Any employee so assigned to a higher Classification will receive the pay of the higher Classification.

(b) Any employee so assigned to a lower Classification will maintain the current pay or not be decreased.

(c) The time an employee spends in such Assignment shall not be used for computing any rights in the higher Classification to which the employee may be so assigned.

SECTION 3: PROMOTIONS: An increase in employment status from a Position in a lower Classification to a Position in a higher Classification is a Promotion. No Promotion shall be made except as a result of examination as provided in these Rules. However, the Human Resources Director may eliminate competitive examinations in specific categories as set forth in Section 10G of Article IV of Subpart B of the Related Special Laws of the Code of City of Miami Beach. If competitive examinations are eliminated, the Promotion shall be based upon the Specifications, skill, ability, qualifications, length of service, performance evaluation, disciplinary history, and such other factors as may be deemed relevant by the Human Resources Director.

RULE XII. RESIGNATIONS AND LAYOFFS

SECTION 1: RESIGNATIONS:

(a) Any person who voluntarily withdraws as a Regular employee in the Classified Service, whose service has been satisfactory, and withdraws from the Service after submitting a written resignation, while in compliance with all attendant requirements of the Appointing Authority and the Human Resources Director, and who further declines to accept the Leave Settlement, may be re-employed.

(b) Any person who voluntarily withdraws as a Regular employee in the Classified Service, whose service has not been satisfactory or who fails to submit a written resignation or who fails to comply with the attendant requirements of the Appointing Authority and the Human Resources Director or who accepts the Leave Settlement, shall forfeit all Civil Service rights and may apply for employment only through Original Entrance procedures.

(c) Employees who resign from employment after the institution of disciplinary action are subject to disqualification from re-employment under Rule VI, Application and Examination, Section 5.

SECTION 2: LAYOFFS:

(a) An Appointing Authority may reduce the number of employees or Positions in any Classification because of lack of work, lack of funding, changes in job duties, changes in organization, or for other legitimate reasons. Upon investigation and recommendation by the Human Resources Director, the City Manager shall determine whether only the employees of the Appointing Authority concerned shall be considered for Layoff or whether the Service in whole or in part shall be considered. The Human Resources Director shall inform the Appointing Authority as to the order in which employees shall be laid off. The employee's length of service, skills, qualifications, ability to perform the work available, performance evaluations, disciplinary history, and any other factors deemed relevant will be considered in determining the order of Layoff. A written notice of Layoff containing the reasons therefore shall be provided to each employee or mailed electronically or otherwise to the last known address. In determining the order of Layoff in each Classification, Temporary employees shall be considered as a separate entity and the length and relative value of service of the employees in such Temporary status shall be comparable only among such Temporary employees of such Classification.

(b) No Regular or Probationary employee in a Classification shall be laid off so long as any Emergency or Temporary employee is employed in the same Classification, or any other Classification to which Transfers can readily be made in the opinion of the City Manager. Furthermore, all employees in a Classification who have not completed an Original Probationary Period shall be laid off before any Regular employees in the same Classification. In the event of further reductions in force, employees will be laid off or

reduced in Classification in accordance with length of service, skills, qualifications, ability to perform the work, performance evaluations, disciplinary history, and any other factors the Human Resources Director deems relevant. When two or more employees have equal skill, qualifications, ability to perform the work, which include performance evaluations and disciplinary history, the employee with the least length of service will be the first laid off or demoted. No employee shall be laid off or demoted without receiving one week's notice prior to the effective date of Layoff or Demotion.

(c) When deemed to be in the best interests of the City, the Human Resources Director may require that employees in a lower Classification be laid off when employees in a higher Classification who are willing and qualified for the work of the lower Classification would otherwise have to be laid off.

(d) Length of service shall be terminated when a Regular employee:

1. resigns;
2. is laid off for more than one year;
3. is terminated for cause;
4. retires or is retired;
5. fails to return to work at the expiration of any approved leave of absence, unless otherwise prohibited by law; or
6. fails to report to work within seven (7) calendar days after the date of written notice of recall to work after a Layoff given by the City by electronic, certified or registered mail to the employee at the last address appearing on the records in Human Resources. It shall be the employee's responsibility to provide the Human Resources Director with a current residential and email address.

(e) Any person who has served satisfactorily as a Regular employee, and who is laid off as provided in this Section, shall be placed on the Re-Employment List. The employee's length of service shall not be discontinued, unless the employee shall request in writing to be removed from such Re-Employment List, or unless such Re-Employment List shall expire by limitation; then, the employee shall forfeit all Civil Service rights and shall be Eligible for future employment only through Original Entrance procedures. When there is a recall from the Re-Employment List, employees laid off will be recalled in the order determined by the Human Resources Director after consideration of length of service, skills, qualifications, ability to perform the work, performance evaluations, disciplinary history, and any other factors the Human Resources Director deems relevant.

RULE XIII. APPEALS FROM DISCIPLINARY ACTION

SECTION 1: RIGHTS OF REGULAR EMPLOYEES:

(a) Whenever the Appointing Authority of any Regular employee determines that there are reasons for reduction in pay, Suspension, Demotion or Removal of such employee, the Appointing Authority shall notify the Human Resources Director, the City Manager and the City Attorney in writing prior to the intended action.

(b) The written notice of intent required by paragraph (a) above shall state the type of disciplinary action to be considered, the reasons therefor and shall be given to the employee or emailed or mailed to the employee's place of residence. A copy of such notice shall be submitted to the Human Resources Director.

(c) If an employee is released from duty by the Appointing Authority pending the investigation for disciplinary action, the Appointing Authority shall provide written notice to the Human Resources Director, the City Manager, the City Attorney, and the employee within 24 hours after such release from duty.

SECTION 2: REQUEST FOR APPEALS HEARING: A Regular employee not covered by a collective bargaining agreement may appeal from the above disciplinary action within ten (10) calendar days after the delivery or mailing of such written notice by filing a written request for a hearing before the Personnel Board with the Human Resources Director. The written request shall contain the employee's name, Position; the disciplinary action the employee is appealing, and a brief explanation as to why the employee is appealing the disciplinary action. The employee may also attach supporting documents.

SECTION 3: APPEALS HEARING FOR DISCIPLINARY ACTION BY REGULAR EMPLOYEES:

(a) Within ten (10) calendar days after receipt of a request for an appeals hearing, the Personnel Board shall fix a time and place for a public appeals hearing within thirty (30) calendar days thereafter. Written notice of such time and place shall be delivered or mailed promptly to the employee, the Appointing Authority and the City Manager.

(b) A quorum of the Personnel Board consists of three (3) Associate Members and one (1) Employee Member. The Chair or acting Chair shall grant a continuance at the time of hearing for lack of quorum or emergency. The Chair may grant a continuance to either party for good and sufficient cause. Absent an emergency, such request for continuance should be received in writing by the Human Resources Director, with a copy to the opposing party, no less than seven (7) calendar days prior to the date of the scheduled hearing.

(c) The Personnel Board may call any person to appear or request the production of any records relevant to the appeal prior to or at the hearing.

(d) The current or former Appointing Authority or a representative designated by Human Resources shall have the right to appear at such hearing and to be represented by counsel appointed by the City.

(e) The employee shall have the right to appear at such hearing and to be represented by an attorney licensed to practice in the State of Florida.

(f) An appeal for hearing from disciplinary action shall not be subject to formal rules of evidence. However, the findings of the Personnel Board shall be based upon competent and substantial evidence of record.

(g) The Appointing Authority shall have the burden of presenting evidence to prove the allegations supporting the disciplinary action.

(h) The employee shall have the right to present evidence to refute such allegations.

(i) Each party shall have the right to make an opening statement.

(j) Rulings on objections and questions of procedure or law shall be made by the Chair. Before making the ruling, the Chair or any member of the Personnel Board may request an opinion from the City Attorney for the Personnel Board.

(k) After both the Appointing Authority and the employee have presented their testimony and evidence, the Personnel Board shall receive argument in summation. The Appointing Authority may reserve time for rebuttal.

(l) After the completion of closing argument, the Board shall hold an open executive session to consider the testimony and evidence presented before the Board to determine the truth or untruth of the charges. At such open executive session only the members of the Board and the Attorney for the Board, at the Board's request, shall be heard.

(m) The Chair shall entertain a motion, duly seconded, to grant or deny the appeal. Each Associate Member shall be entitled to one (1) vote; the three Employee Members shall be entitled to a total of one vote, voting as an Employee Member unit. The Human Resources Director as the Secretary of the Personnel Board shall then call the roll. A majority vote of those members present shall be required to grant the appeal and overturn the disciplinary action. In the event of a tied vote, the appeal shall be denied and the disciplinary action shall remain.

(n) The Personnel Board may request written submissions of proposed findings of fact and conclusions of law.

(o) Within five (5) business days after the close of the hearing, the Personnel Board shall report its findings in writing. The Human Resources Director shall promptly deliver or mail a copy of such findings to the Appointing Authority and to the employee.

SECTION 4: FAILURE OF PARTIES TO APPEAR: If the employee fails to appear, the Personnel Board shall deny the appeal unless the employee demonstrates cause for non-appearance within ten (10) calendar days of the denial. If the Appointing Authority or the Appointing Authority designee fails to appear, the Personnel Board may hear the employee's evidence and render a decision thereon or may continue the hearing.

SECTION 5: RESIGNATION BEFORE HEARING: If the employee resigns before the Personnel Board issues its findings, the appeal shall be dismissed. Any person resigning under such circumstances shall forfeit all Civil Service rights.

SECTION 6: COMPENSATION WHEN AN EMPLOYEE PREVAILS: If the employee prevails at an appeals hearing from the disciplinary action and the disciplinary action is overturned by the Personnel Board, the employee shall recover any wages and benefits lost by reason of such disciplinary action. However, under no circumstances shall the employee be entitled to recover attorney's fees.

SECTION 7: PARTICIPATION IN EXAMINATIONS WHEN EMPLOYEE PREVAILS: If the employee is precluded from participating in any examination solely because of the disciplinary action at the time such examination is held, and the employee prevails at the appeals hearing, then at the employee's request, the employee shall be given an individual examination of the same degree of difficulty. If the employee passes such examination, the employee's name shall be placed into the existing Eligible List in order of the final earned rating, and the employee's Eligibility shall continue for the life of the existing List.

RULE XIV. ATTENDANCE, LEAVE, AND ABSENCE

SECTION 1: ATTENDANCE:

(a) **HOURS OF WORK:** Administrative regulations pertaining to hours of work shall be promulgated in order to establish, insofar as practicable, uniformity in hours of work for all employees.

(b) **LEAVES WITH PAY:** All leaves with pay shall be in accordance with ordinances adopted by the City or otherwise required by law.

(c) **ATTENDANCE RECORDS:** All employees must attend work in accordance with the requirements of administrative regulations, leave ordinances, the Department's Rules and procedures, and these Personnel Rules. It is the duty of the Appointing Authority to keep daily attendance records and to submit attendance reports to the Human Resources Department.

SECTION 2: REPORTS OF ABSENCE:

(a) An employee must report any absence not previously arranged in accordance with departmental rules or procedures, but in no case later than one hour after the usual time of beginning work each day of such absence, unless the cause of the absence is such that it will be of considerable duration and the employee has provided appropriate notification and documentation of the covered absence.

(b) The Human Resources Director or a designee can investigate absences for which compensation is claimed. Appropriate documentation from City designated Health Care Providers may be required stating that the employee was unable to perform the duties of the Position during the entire absence.

SECTION 3: MEDICAL EXAMINATION FOLLOWING ABSENCE: The Human Resources Director or the Appointing Authority may require a statement from a qualified licensed Health Care Provider that the employee is able to return to work. If an employee has been absent for ten (10) or more work days because of illness or injury, the Human Resources Director or the Appointing Authority may require a fitness for duty evaluation by the City Physician or other medical specialist designated by the City before the employee is permitted to return to work.

SECTION 4: LEAVE WITHOUT COMPENSATION: When a Regular employee requests a leave of absence not covered under the FMLA, the Appointing Authority may grant such leave of absence without pay for a period not longer than a total of twelve (12) working days, consecutive or otherwise, within a six (6) month period. A leave of absence longer than twelve (12) working days but not to exceed six (6) months, unless specifically provided elsewhere in these Rules, may be granted to a Regular employee upon written recommendation of the Appointing Authority and with the approval of the Human Resources Director. Such leave may

be cancelled at any time and the employee ordered to report back to duty within a reasonable time.

RULE XV. PERFORMANCE EVALUATIONS

SECTION 1: PURPOSE: The purpose of this Rule is to enhance the morale, incentive, and productivity of employees.

(a) The performance of employees shall be evaluated in writing and the evaluation reported to and retained by the Human Resources Director. Such evaluations shall be considered when pertinent in determining salary increases or decreases, Promotions, Demotions, Transfers, Separations, and other personnel actions.

(b) The Human Resources Director shall have the authority to waive the performance evaluation of any employee for a particular period. The waiver of an evaluation hereunder shall not be construed either favorably or unfavorably with respect to the employee.

SECTION 2: EVALUATORS:

(a) **AUTHORITY:** The Human Resources Director shall designate the Appointing Authorities as Evaluators who in turn may designate Evaluators. The Appointing Authorities shall provide the Human Resources Director with a record of all Evaluators.

(b) **RESPONSIBILITIES:** Evaluators shall be responsible for the timely and accurate preparation and submission of performance evaluation reports for the employees in their area of assigned responsibility. Evaluators shall attest to the validity and accuracy of the evaluations.

(c) **TRAINING:** The Human Resources Director shall provide a continuing program of orientation and training for all Evaluators regarding performance evaluations. Each Evaluator must participate in an introductory training course. After the initial training, Evaluators need be retrained only at the request or recommendation of the Appointing Authority, Human Resources Director, the Personnel Board or the City Manager.

(d) **DISQUALIFICATIONS FOR LOW RATINGS:** Any employee whose most recent performance evaluation score was less than 50 overall shall be disqualified from any promotional examination until such time as the employee receives a score of 50 or higher.

SECTION 3: REQUEST FOR APPEALS HEARING: A Regular employee may appeal an overall performance evaluation score of less than 60 within ten (10) calendar days of receiving the performance evaluation by filing a written request for a hearing before the Personnel Board with the Human Resources Director, who shall advise the Personnel Board Chair. The written request for appeal shall contain the employee's name, dates of service, Position and brief explanation as to why the employee believes the evaluation is inaccurate. Only the overall performance evaluation score may be appealed.

SECTION 4: APPEALS HEARING FOR PERFORMANCE EVALUATION:

(a) Within ten (10) calendar days after receipt of such petition, the Personnel Board shall fix a place and time for holding a public hearing within thirty (30) calendar days thereafter. Written notice of such time and place shall be delivered or mailed promptly to the Employee, to the Appointing Authority and to the City Manager.

(b) A quorum consists of three (3) Associate Members and one (1) Employee Member. The Chair or acting Chair shall grant a continuance at the time of hearing for lack of quorum or emergency. The Chair may grant a continuance to either party for good and sufficient cause. Absent an emergency, a request for continuance should be received in writing by the Human Resources Director with a copy to the opposing party no less than seven (7) calendar days prior to the date of the scheduled hearing.

(c) The Personnel Board may call any person to appear or request the production of any records relevant to the appeal prior to or at the hearing.

(d) The Appointing Authority or a designated representative shall have the right to be present at such hearing and to be represented by counsel appointed by the City.

(e) The employee shall have the right to appear at such hearing and to be represented by an attorney licensed to practice in the State of Florida.

(f) The appeals hearing shall not be subject to formal rules of evidence. The findings of the Personnel Board, however, shall be based upon competent and substantial evidence of record.

(g) The City shall have the burden of presenting evidence to prove the evaluation is accurate.

(h) The Appointing Authority or the Human Resources Director shall have the right to present evidence to substantiate the evaluation and refute the employee's evidence.

(i) Each party shall have the right to make an opening statement.

(j) Rulings on objections and questions of procedures or law shall be made by the Chair. Before making the ruling, the Chair or any Member of the Personnel Board may request an opinion from the City Attorney for the Personnel Board.

(k) After both the employee and the Appointing Authority have presented their testimony and evidence, the Personnel Board shall receive argument in summation. The employee may reserve time for rebuttal.

(l) After closing arguments, the Personnel Board shall hold an open executive session to consider the testimony and evidence presented. At such open executive

session, only the Members of the Personnel Board and, at the Personnel Board's request, the City Attorney for the Personnel Board shall be heard.

(m) The Chair shall entertain a motion, duly seconded, to grant or deny the appeal. Each Associate Member shall be entitled to one vote; the three Employee Members shall be entitled to a total of one vote, voting as an Employee Member unit. The Human Resources Director as Secretary of the Personnel Board shall then call the roll. A majority vote of those Members present shall be required to grant the appeal. In the event of a tied vote, the appeal shall be denied and the performance evaluation score(s) shall remain.

(n) The Personnel Board may request proposed findings of fact and conclusions of law to be submitted after the hearing.

(o) Within five (5) calendar days after the close of the hearing, the Personnel Board shall report its findings in writing. The Human Resources Director shall promptly deliver or mail a copy of such findings to the Appointing Authority and to the employee.

(p) If the appeal results in a finding in favor of the employee, the evaluation shall be raised as applicable.

SECTION 5: FAILURE OF PARTIES TO APPEAR: If the employee fails to appear, the Personnel Board shall deny the appeal unless the employee demonstrates cause for non-appearance within ten (10) calendar days of the denial. If the Appointing Authority or the Appointing Authority designee fails to appear, the Personnel Board may hear the employee's evidence and render a decision thereon or may continue the hearing.

SECTION 6: PERFORMANCE EVALUATION: A performance evaluation must be prepared for each employee. The Performance Evaluation shall accurately measure the employee's performance on the critical factors of the job and the overall responsibilities. The performance evaluation will be discussed with the employee. The performance evaluation is a permanent record in the employee's personnel file.

RULE XVI. SPECIAL CITY AWARDS

SECTION 1: PURPOSE: SPECIAL AWARDS: All Classified and Unclassified employees shall be Eligible for Special City Awards to be granted annually.

SECTION 2: SPECIAL CITY AWARDS: Nominations shall be accepted by the Personnel Board for Special City Awards in the following categories:

- (a) One Team, One City Award: For a team consisting of two or more persons (not necessarily within the same department) working together in a collaborative effort to accomplish one of the City's key intended outcomes.
- (b) Beyond the Call of Duty Award: For an employee whose brave, compassionate or humane act(s) went above and beyond the scope of normal employment duties.
- (c) City Betterment Award: For an employee who contributed to the betterment of a Department's or the City's operations by developing new methods, procedures, ideas or suggestions that resulted in the enhancement of safety, the saving of time, labor and/or money to the City.
- (d) Community Volunteer Award: For an employee whose volunteer work, outside the scope of normal employment duties, made a vital and valuable contribution to the community or to the civic, educational, athletic or other endeavors in the community.
- (e) Customer Service Award: For an employee whose extraordinary customer service at work exceeded expectations and which has been witnessed and documented.

SECTION 3: EMPLOYEE OF THE YEAR AWARD: The Personnel Board will present the Annual Employee of the Year Award to one of the recipient(s) of the above Special City Awards. The recipient(s) will be recognized by having their name(s) affixed to a plaque to be displayed at City Hall.

SECTION 4: NOMINATIONS AND SELECTIONS: The Human Resources Director will determine the time and manner for nominations. The selection of nominations and awardees will be made by the Personnel Board. The selections made by the Personnel Board are final and not appealable.

RULE XVII. EMPLOYEE TRAINING

SECTION 1: NEW EMPLOYEE TRAINING: The Appointed Authority is responsible for the instruction and training of employees in their duties and for providing applicable policies and objectives. The Human Resources Director shall provide training programs as necessary.

SECTION 2: IN-SERVICE TRAINING: The Human Resources Director may provide ongoing training opportunities.

SECTION 3: OTHER TRAINING: An employee who successfully completes any academic, extension, correspondence, or other special training courses may submit proof thereof to the Human Resources Director.

RULE XVIII. MEDICAL AND PHYSICAL STANDARDS

SECTION 1: APPLICANTS FOR EMPLOYMENT: The Human Resources Director is authorized to adopt physical and medical standards which are job related to the Position, are consistent with business necessity, and required of all applicants for that Position.

SECTION 2: EMPLOYEES: The Human Resources Director is authorized to adopt physical and medical standards which are job related to the Position, are consistent with business necessity, and required of all employees for that Position.

(a) When an employee fails to meet such physical and medical standards deemed necessary for continued employment in the Position held, and cannot do so with or without reasonable accommodation, a Classification or Organizational Transfer may be made, if practical, to a Position for which the employee is qualified, notwithstanding any other provisions of these Rules. If a Transfer cannot be arranged, the provisions of Rule XI, Sections 3 and 4 will apply. Any Transfer, Demotion or reduction in pay made in accordance with this Rule is subject to approval of the City Manager and the Human Resources Director. This paragraph shall not apply to Police Officers and Fire Fighters with respect to Transfers outside of their respective departments.

(b) An employee who operates a motor vehicle as part of his/her duties, and who has acceptable vision only when wearing corrective lenses must, at all times while engaged in driving, wear such corrective lenses. An employee who fails to wear required corrective lenses while driving is subject to disciplinary action as provided in Rule XI.

R9 - New Business and Commission Requests

R9E Discussion Regarding Base Flood And Freeboard Requirements For The Collins Park Parking Garage.

(Office of the City Manager)

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

To: Jimmy Morales, City Manager
From: Jonah Wolfson, Commissioner
Date: December 15, 2014
Re: **Commission Agenda Discussion Item**

Please place on the December 17, 2014, Commission Agenda the following issue for discussion:

Issuing of an RFP for parking attendants for the City's parking garages with the term agreement commencing on the day following the expiration of the City's agreement with SP Plus Municipal Services (Contract No.: RFP -17-10/11) on August 15, 2015, that is, August 16, 2015.

JW

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MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: January 14, 2015
SUBJECT: **DISCUSSION REGARDING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN NORTH BEACH**

BACKGROUND / ANALYSIS

The Normandy Isles and North Shore Historic Districts were listed on the National Register of Historic Places on November 12, 2008 and November 18, 2009, respectively.

On September 9, 2014, the Historic Preservation Board approved a motion to direct staff to prepare a designation report for the proposed designation of the North Shore and Normandy Isle National Register Districts as Local Historic Districts. On September 10, 2014, the City Commission discussed the action of the HP Board, and voted to suspend the designation proceedings. The Commission also directed the Administration to bring the matter back before the City Commission in December, for further discussion.

On December 17, 2014, the City Commission requested a list of architecturally significant buildings located in North Beach that do not currently have the protection of local historic district designation.

There are approximately 440 buildings listed as 'Contributing' within the boundaries of the two North Beach National Register Historic Districts. The Administration has identified buildings believed to have a high degree of architectural and historic significance. The addresses of these structures, which are illustrated in the attached maps and corresponding photo montages, are as follows:

Located within North Shore National Register District

7337 Harding Av
7330 Harding Av
7435 Byron Av
7344-50 Byron Av
620 75th St
7904 Harding Av
8040 Harding Av
315 83rd St
8601 Harding Av

Located within Normandy Isles National Register District

987 & 993 Bay Dr
960 Bay Dr

Agenda Item R9G
Date 1-14-15

920-930 Bay Dr
910 Bay Dr
900 Bay Dr
6881 Bay Dr
6891 Bay Dr
6941 Bay Dr
880 71st St
1255-65 Marseille Dr
1225-33 Marseille Dr
1811 Marseille Dr
1011 Marseille Dr
7200 Bay Dr
1200 Marseille Dr
1133 Normandy Dr
7130 Rue Versailles
924 Marseille Dr

Located outside of National Register District
2301 Normandy Dr

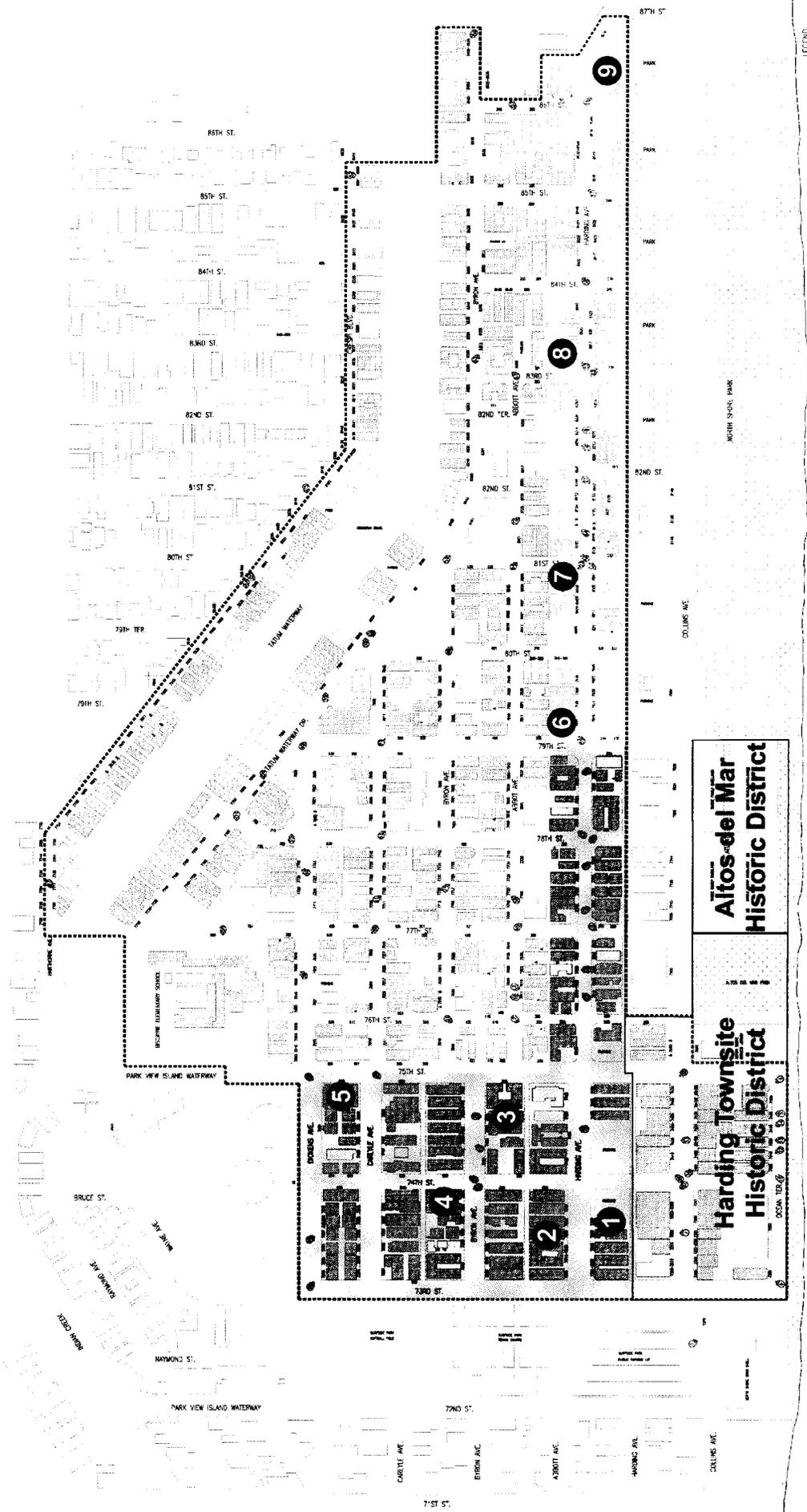
CONCLUSION

The Administration recommends that the City Commission discuss the attached list of buildings and provide appropriate policy direction.


JLM/JM/JTRM/DJT

Attachments

T:\AGENDA\2015\January\Discussion - Architecturally Significant Building in North Beach REV.docx



- LEGEND
- CONTRIBUTING BUILDINGS
 - NON-CONTRIBUTING BUILDINGS
 - NON-CONTRIBUTING PARKS
 - WATERWAYS
 - ADDRESS CLUSTERS
 - DISTRICT BOUNDARIES
 - PHOTOGRAPH NUMBERS

PHOTOGRAPH NUMBER	DATE	PHOTOGRAPHER

THE ORIGINAL MAPS OF THIS DISTRICT WERE DRAWN BY THE LOCAL BEACH PLANNING BOARD LONG BEFORE AND REVISED BY THE STAFF OF THE FLORIDA BUREAU OF HISTORIC PRESERVATION IN 1974. THE MAPS WERE REVISED TO REFLECT THE RESULTS OF THE HISTORIC PRESERVATION COMMISSION'S REVISIONS TO THE MAPS OF THE DISTRICT AND THE STAFF OF THE HISTORIC PRESERVATION BOARD'S REVISIONS TO THE MAPS OF THE DISTRICT. THE MAPS WERE REVISED TO REFLECT THE RESULTS OF THE HISTORIC PRESERVATION BOARD'S REVISIONS TO THE MAPS OF THE DISTRICT.



NORTH SHORE HISTORIC DISTRICT
 MIAMI BEACH (MIAMI-DADE COUNTY), FLORIDA
 HISTORIC AND ARCHITECTURAL RESOURCES OF THE NORTH BEACH COMMUNITY (NPS)

7435 Byron Ave



7904 Harding Ave



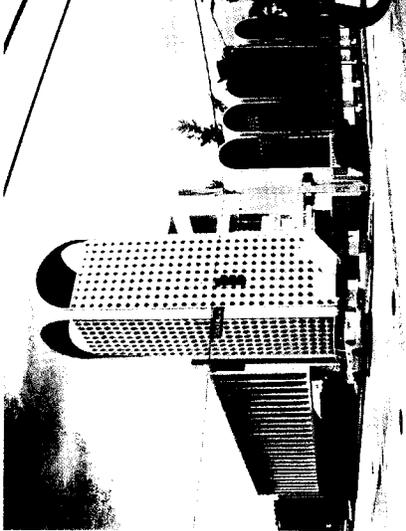
8601 Harding Ave



7330 Harding Ave



620 75th St



315 83rd St



7337 Harding Ave

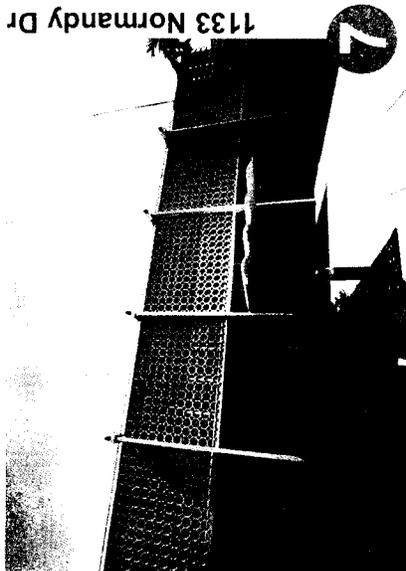
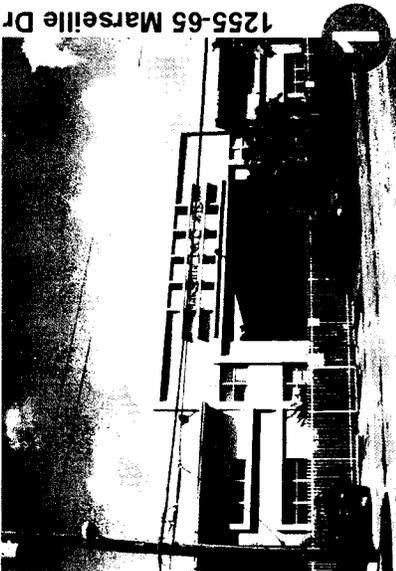
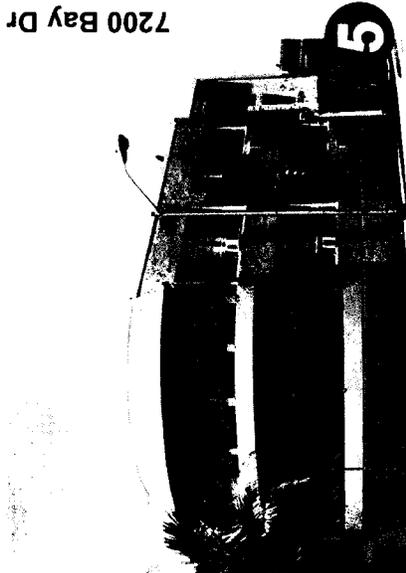
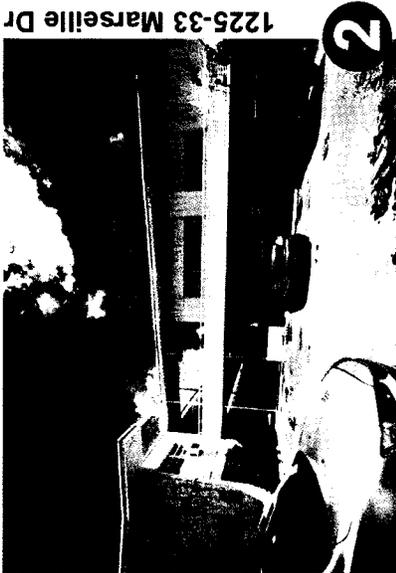


7344-50 Byron Ave



8040 Harding Ave







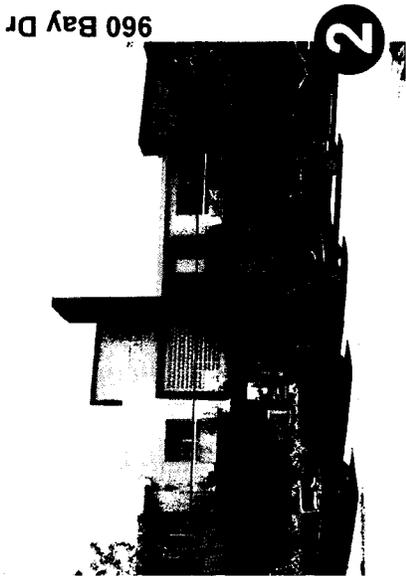
920-30 Bay Dr



6881 Bay Dr



880 71st St



960 Bay Dr



900 Bay Dr



6941 Bay Dr



987 & 993 Bay Dr

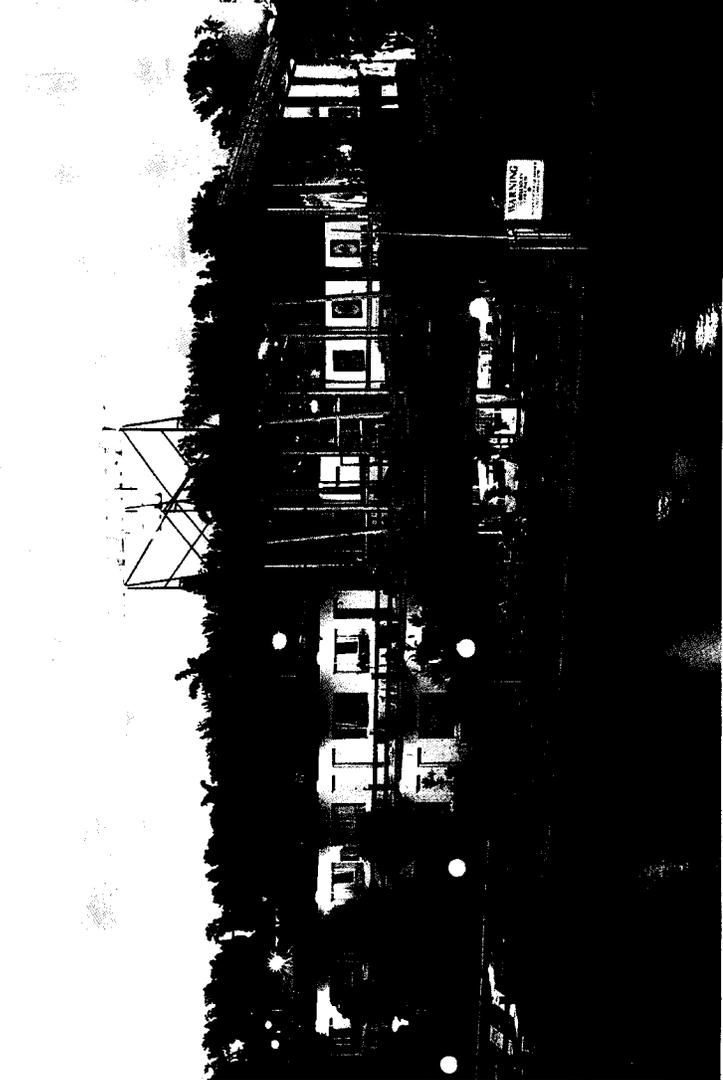


910 Bay Dr



6891 Bay Dr

2301 Normandy Dr



R9 - New Business and Commission Requests

R9H Discuss Atlantic Broadband Cable Vulnerabilities And Solutions.
(Requested by Mayor Philip Levine)

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: January 4th, 2015

SUBJECT: Agenda item for January 14th, 2015 City Commission Meeting

Please place on the January 14th City Commission Meeting an update discussion regarding the former Administration's failure to collect Parking Impact Fees; as well as new policies and procedures for future revenue collection.

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

Best Regards,

Dessiree Kane
on behalf of Commissioner Ed Tobin

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Grieco, Commissioner

DATE: December 30th, 2014

SUBJECT: Discussion regarding Annual Report Card for Commercial Vehicles

Please place on the January 14th City Commission Meeting Agenda a discussion item regarding Annual Report Card for Commercial Vehicles.

If you have any questions please do not hesitate to contact Danila Bonini at extension 6457.

MG/db

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Grieco, Commissioner

DATE: December 30th, 2014

SUBJECT: Discussion regarding Valet Parking Enforcement

Please place on the January 14th City Commission Meeting Agenda a discussion item regarding Valet Parking Enforcement.

If you have any questions please do not hesitate to contact Danila Bonini at extension 6457.

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Grieco, Commissioner

DATE: December 30th, 2014

SUBJECT: Discussion regarding the City of Miami Beach Holiday Decorations

Please place on the January 14th City Commission Meeting Agenda a Discussion regarding the City of Miami Beach Holiday Decorations or lack thereof during the 2014 holiday season.

If you have any questions please do not hesitate to contact Danila Bonini at extension 6457.

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Grieco, Commissioner

DATE: December 30th, 2014

SUBJECT: Discussion regarding the City of Miami Watson Island Project and the ability to mitigate affect on the beach

Please place on the January 14th City Commission Meeting Agenda a discussion item regarding the City of Miami Watson Island Project and the ability to mitigate affect on the beach.

If you have any questions please do not hesitate to contact Danila Bonini at extension 6457.

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Grieco, Commissioner

DATE: December 30th, 2014

SUBJECT: Discussion regarding the implementation of an exclusive pedestrian phase for all intersections along 41st Street that would extend sundown Friday to sundown Saturday

Please place on the January 14th City Commission Meeting Agenda a discussion item regarding the implementation of an exclusive pedestrian phase for all intersections along 41st Street that would extend sundown Friday to sundown Saturday.

If you have any questions please do not hesitate to contact Danila Bonini at extension 6457.

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Micky Steinberg, Commissioner

DATE: January 7, 2015

SUBJECT: Agenda item for January 14, 2015 City Commission Meeting

Please add to the January 14, 2015 City Commission agenda a discussion item regarding motorcycle/scooter parking in conventional parking spots.

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

Thank you.

Tathiane Trofino

MIAMIBEACH

On behalf of Commissioner Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7103 / Fax: 305-673-7096 / www.miamibeachfl.gov

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

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MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Micky Steinberg, Commissioner

DATE: January 6, 2015

SUBJECT: Agenda item for January 14, 2015 City Commission Meeting

Please add to the January 14, 2015 City Commission agenda a discussion item to waive the Square Footage fees for the Miami Beach Foodie Fest event, for a total \$9,429.27 (including tax).

The Miami Beach Foodie Fest is a new, affordable local's food festival which will take place on February 22, 2015 in North Beach.

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

Thank you.

Tathiane Trofino

MIAMIBEACH

On behalf of Commissioner Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7103 / Fax: 305-673-7096 / www.miamibeachfl.gov

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

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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: January 14, 2015

SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. **CitiMortgage Inc. vs. Rossana Lares, et al.**, Case No. 14-30952 CA 02 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located 5333 Collins Avenue, Unit 1008, Miami Beach, Florida. The Summons and Verified Complaint were served on the City on December 22, 2014.

The City's Answer and Affirmative Defense will be timely filed.

2. **The Bentley Condominium Association, Inc. vs. Allen Bombart, et al.**, Case No. 14-32152 CA 05 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located 510 Ocean Drive, PH1, Miami Beach, Florida. The Summons and Verified Complaint were served on the City on January 5, 2015.

The City's Answer and Affirmative Defense will be timely filed.

RA\SR\ir
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**REPORTS
AND
INFORMATIONAL ITEMS**

**1. Reports and Informational Items
(see LTC 010-2015)**

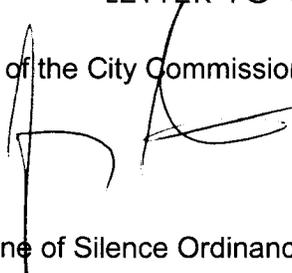
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003-2015

LETTER TO COMMISSION

To: Mayor Philip Levine and Members of the City Commission

From: Jimmy L. Morales, City Manager 

Date: January 14, 2015

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
2014-187-RFP-SR	5/19/14	Design/Build Services for Neighborhood No. 8: Central Bayshore South Right-of-Way Infrastructure <i>This project is currently on hold per requesting department</i>	CIP
2014-294-RFP-ME	8/05/2014	Design-Builder Services for the Miami Beach Convention Center Renovation and Expansion Project	City Manager
2014-236-ITB-YG	9/18/2014	Miami Beach Convention Center Bus Duct Replacement	Convention Center
2014-346-RFQ-YG	9/18/2014	Professional Architectural and Engineering Services in Specialized Categories on an "As-Needed-Basis"	Citywide
2014-235-ITB-JR	10/28/2014	Police Building Firing Range Ventilation Systems Replacement	CIP
2014-253-RFP-YG	11/12/2014	Design/Build Services for 54" Redundant Sewer Force Main	Public Works
2015-042-ITB-JR	11/14/2014	Aggregate Top Soil and Sand	Citywide
2015-052-ITB-WG	11/14/2014	Temporary Services	Citywide
2015-016-RFQ-YG	11/20/2014	Architectural and Engineering Design Services for the Altos del Mar Park Project	CIP

Document Number	Date Advertised and Issued	Document Title	Department
2015-043-RFQ-WG	12/19/2014	Resort Taxes Audit Services	Internal Audits
2015-081-ITN-LR	12/29/2014	Investment Advisory Services	
2015-055-ITN-WG	01/16/2015 (Tentative)	Property Management Services	Office of Housing and Community Services
2015-013-RFP-WG	01/16/2015 (Tentative)	Security Guard Services	Emergency Management
2015-061-RFP-LR	01/16/2015 (Tentative)	Background Checks	Police/Fire/HR
2015-076-RFQ-YG	01/16/2015 (Tentative)	General Building Contractor Services for North Beach Façade Improvement Project	Tourism, Culture and Economic Development
2015-086-RFQ-YG	01/16/2015 (Tentative)	Master Plan of North Beach District	City Manager
2015-081-ITN-LR	01/16/2015 (Tentative)	Neutrally Hosted Cellular Distributed Antenna System to Extend Carrier Services within the City	IT

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
T:\AGENDA\2015\January\PROCUREMENT\January Cone LTC

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: January 14, 2015
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 December 2014:

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.

Flooding Mitigation 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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RDA

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 14, 2015**

Chairperson of the Board Philip Levine
Member of the Board Michael Grieco
Member of the Board Joy Malakoff
Member of the Board Micky Steinberg
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson
Member of the Board Miami-Dade County Commissioner Bruno A. Barreiro

Executive Director Jimmy L. Morales
Assistant Director Kathie G. Brooks
General Counsel Raul J. Aguila
Secretary Rafael E. Granado

AGENDA

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The First Amendment To The Operating Budget For The City Center Redevelopment Area, For Fiscal Year 2014/15. **10:00 a.m. Public Hearing**
(Budget & Performance Improvement)

MIAMI BEACH

Miami Beach Redevelopment Agency

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

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

The regularly scheduled meetings of the Redevelopment Agency are established by Resolution and are generally held on the same day the Miami Beach City Commission holds their regularly scheduled meetings. The Redevelopment Agency meetings commence at 10:00 a.m.

1. Jimmy L. Morales has been designated as the Agency's Executive Director.
Rafael E. Granado has been designated as the Agency's Secretary.
2. Person requesting placement of an item on the agenda must provide a written statement to the Agency Executive Director, 4th Floor, City Hall, 1700 Convention Center Drive, telephone 305.673.7285, outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment will be set up to discuss the matter with a member of the Executive Director's staff. Procedurally, "Request for Agenda Consideration" will not be placed upon the Agency agenda until after Administrative staff review. Such review will ensure that the issue has been addressed in sufficient detail so that the Agency members may be fully apprised of the matter to be presented. Persons will be allowed three (3) minutes to make their presentation and will be limited to those subjects included in their written request. Such written requests must be received in the Executive Director's office no later than noon on Tuesday of the week prior to the scheduled Agency meeting to allow time for processing and inclusion in the agenda package.
3. Once an agenda for the Redevelopment Agency meeting is published, and a person wishes to speak on items listed on the agenda, he/she may call or come to the Agency Secretary's Office, 1st floor, City Hall, 1700 Convention Center Drive, telephone 305.673.7411, before 5:00 p.m., on the Tuesday prior to the Agency meeting and give their name, the agenda item to be discussed and, where known, the agenda item number.
4. The Agency agenda is available via the City's website, (www.miamibeachfl.gov) on the Thursday prior to the Agency meeting or may be reviewed at the Agency's Secretary Office (City Clerk's Office) on the Thursday prior to the Agency's regular meeting.
5. All persons who have been listed by the Agency Secretary to speak on the agenda item in which they are specifically interested will be allowed up to three (3) minutes to present their views.

Rafael E. Granado
Agency Secretary

Condensed Title:

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE OPERATING BUDGET FOR THE CITY CENTER REDEVELOPMENT AREA, FOR FISCAL YEAR 2014/15

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term

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

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:

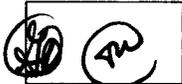
The budget for the City Center Redevelopment Area (RDA) for Fiscal Year 2014/15 was adopted on December 2, 2014 with the adoption of Resolution No. 608-2014.

The preliminary year-end analysis for FY 2013/14 shows that the City Center Redevelopment Area revenues totaled \$43.5 million and total expenditures were \$39.0 million resulting in a \$4.5 million surplus. The first amendment would allow for the funding of \$135,000 of encumbrances for good and services procured, but not yet received and expended at the end of FY 2013/14. The remaining \$4.399 million would be appropriated to the reserve for capital projects/debt service/contingency to cover the new debt service for the remaining items in the City Center Capital Plan, as well as for the \$274.3 million in debt for the Convention Center Project.

Advisory Board Recommendation:

N.A.

Financial Information:

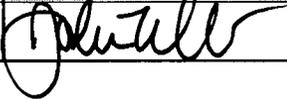
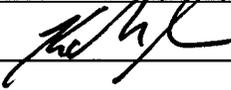
Source of Funds:	Amount	Account
	\$4,534,864	RDA Fund 168

Financial Impact Summary: The first amendment would allow for the funding of \$135,000 of encumbrances for good and services procured, but not yet received and expended at the end of FY 2013/14. The remaining \$4.399 million would be appropriated to the reserve for capital projects/debt service/contingency to cover the new debt service for the remaining items in the City Center Capital Plan, as well as for the \$274.3 million in debt for the Convention Center Project.

City Clerk's Office Legislative Tracking:

John Woodruff, OBPI Director

Sign-Offs:

RDA Coordinator	Budget Director	Assistant Director (RDA)	Executive Director (RDA)
			





MIAMI BEACH

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

REDEVELOPMENT AGENCY MEMORANDUM

TO: Chairperson and Members of the Miami Beach Redevelopment Agency

FROM: Jimmy L. Morales, Executive Director

DATE: January 14, 2015

SUBJECT: **A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE OPERATING BUDGET FOR THE CITY CENTER REDEVELOPMENT AREA, FOR FISCAL YEAR 2014/15.**

PUBLIC HEARING

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure expenditure trends are sustainable over the long term.

ANALYSIS

The budget for the City Center Redevelopment Area (RDA) for Fiscal Year 2014/15 was adopted on December 2, 2014 with the adoption of Resolution No. 608-2014.

City Center Redevelopment Area revenue sources include City and County Tax Increment, Resort Tax contributions; a ½ mill levy set aside for the Children's Trust pursuant to an Interlocal Agreement, dated August 16, 2004 between the RDA, the City of Miami Beach and Miami-Dade County; and an estimate interest income.

City Center Redevelopment Area expenses include community policing initiatives in City Center to continue to provide enhanced levels of staffing and services throughout the area, capital projects and maintenance of RDA capital projects. Administrative Expenses comprising a management fee allocated to the General Fund to pay for direct and indirect staff support for the RDA; operating expenses; a set aside for on-going planning and consulting work related to the Convention Center expansion master plan; capital renewal and replacement projects under \$25,000.

The City Center Redevelopment Area also annually assumes the combined debt service on the 2005 Series Bonds and the Parity Bonds accounts for approximately \$8.4 Million annually. City Center also continues assuming debt service payments on the portion of the Gulf Breeze Loan used to pay for the Bass Museum expansion and renovation, and the portion of the Sunshine State Loan Program used for Lincoln Road improvements.

The preliminary year-end analysis for FY 2013/14 shows that the City Center Redevelopment Area revenues totaled \$43.5 million and total expenditures were \$39.0 million resulting in a \$4.5 million surplus. The first amendment would allow for the funding of \$135,000 of encumbrances for good and services procured, but not yet received and expended at the end of FY 2013/14. The remaining \$4.399 million would be appropriated to the reserve for capital projects/debt service/contingency to cover the new debt service for the remaining items in the City Center Capital Plan, as well as for the \$274.3 million in debt for the Convention Center Project.

The RDA Operating Budget including the FY 2013/14 actual revenues and expenditures and proposed amendment to the FY 2014/15 budget is attached in Exhibit A.

CONCLUSION

The Executive Director recommends adopting the Resolution.

JLM/JW

A handwritten signature in black ink, appearing to be 'JW' or similar initials, enclosed within a circular scribble.



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 14, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting The First Amendment To The Fiscal Year 2014/15 Operating Budget For The City Center Redevelopment Area. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:01 a.m.
A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2014/15. *Inquiries may be directed to the Office of Budget and Performance Improvement at 305.673.7510.*

10:05 a.m.
An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," By Creating Article XVI Thereof, To Be Entitled "Nude Dance Establishments," To Provide Regulations Regarding Identification Requirements For All Workers And Performers In Such Establishments; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:10 a.m.
An Ordinance Amending Chapter 82 Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Division 5 Thereof, Entitled "Sidewalk Cafes," By Amending Subdivision II Thereof, Entitled "Permit," By Amending Section 82-387 Thereof, Entitled "Prohibited "No Table" Zones," By Correcting Scrivener's Errors In Subsection (a) And Adding A New Subsection (b) Prohibiting Sidewalk Café Operations/Permittees Within The City's Right-Of-Way On Euclid Avenue Between Lincoln Road And Lincoln Lane South; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Tourism and Economic Development Department at 305.673.7577.*

10:15 a.m.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-70, Entitled "Responsibilities Of Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Electric Personal Assistive Mobility Devices," By Amending The Responsibilities Set Forth Therein And To Include Persons And Business Entities Providing Rentals, Leases, And/Or Tours Of Other Motorized Means Of Transportation, And Correcting Scrivener's Errors Therein; And Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Transportation Department at 305.673.7514.*

10:20 a.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts: Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," To Establish Parking Requirements For The "CCC Convention Center District;" And By Amending Chapter 142, "Zoning Districts And Regulations," Article 2, "District Regulations," Division 7, "CCC Civic And Convention Center District," Section 142-365, "Development Regulations And Area Requirements," To Modify And Increase Regulations For Height And Number Of Stories For Hotels Within The CCC District; Providing For Repealer; Codification; Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.
Short Term Rentals In Collins Waterfront District
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," To Modify The Regulations And Requirements For Short Term Rentals To Include Properties Located Within The Collins Waterfront Local Historic District; Providing For Repealer; Severability; Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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

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

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

Rafael E. Granado, City Clerk
City of Miami Beach

RESOLUTION TO BE SUBMITTED