

RESOLUTION NO. 2021-31560

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE "AD HOC NORTH BEACH CRA ADVISORY COMMITTEE," TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE PROPOSED NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY (THE "NORTH BEACH CRA"), INCLUDING REVIEW AND INPUT WITH REGARD TO THE PROPOSED REDEVELOPMENT PLAN FOR THE NORTH BEACH CRA ("REDEVELOPMENT PLAN"), AND THE PRIORITIZATION OF PUBLIC PROJECTS TO BE INCLUDED IN THE REDEVELOPMENT PLAN; PRESCRIBING THE PURPOSE, POWERS AND DUTIES, COMPOSITION, TERMS OF OFFICE, KNOWLEDGE AND EXPERIENCE OF THE COMMITTEE MEMBERS; AND, PROVIDING FOR AN ADMINISTRATIVE LIAISON TO THE COMMITTEE.

WHEREAS, the Community Redevelopment Act of 1969, Chapter 163 of the Florida Statutes, allows local governments to use property taxes generated in designated communities for economic revitalization purposes within the district; and

WHEREAS, economic development is a primary Citywide goal, and the Miami Beach City Commission has emphasized a focus on North Beach, the area of Miami Beach north of 63rd Street; and

WHEREAS, within North Beach, there exists a defined geographic area containing a large number of deteriorated buildings and substandard housing units, which pose a public concern and demonstrate economic distress, as defined in Section 163.340, Florida Statutes; and

WHEREAS, both the 2014 North Beach Revitalization Plan, adopted pursuant to City Commission Resolution No. 2014-28879, and the 2016 North Beach Master Plan, adopted pursuant to Resolution No. 2016-29608 and reaffirmed by Resolution No. 2017-30013, identified use of a Community Redevelopment Agency as a potential funding mechanism for the numerous planning and improvement initiatives necessary for North Beach; and

WHEREAS, on July 25, 2018, the Mayor and City Commission adopted Resolution No. 2018-30432, accepting the recommendation of the NCAC to commence CRA discussions with the County; and

WHEREAS, in order to designate a CRA, the Community Redevelopment Act of 1969, Chapter 163, Florida Statutes, requires that an economic survey of the targeted area, also known as the finding of necessity report ("FoN"), determine the existence of a minimum two of fifteen specific conditions that the statute refers to as "blight" conditions; and

WHEREAS, although only two criteria are necessary to establish the need for a CRA, the City's consultant's FoN report identified the presence of nine (9) of the fifteen criteria, which are as follows:

1. predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
2. aggregate assessed values of real property in the area have failed to show appreciable increase over the five years prior to the finding of such conditions;
3. faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. unsanitary or unsafe conditions;
5. deterioration of site or other improvements;
6. inadequate and outdated building density patterns;
7. fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
8. a greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality; and
9. diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; and

WHEREAS, on July 17, 2019, the City Commission adopted Resolution No. 2019-30892, containing an earlier version of the FoN and directing the City Manager to initiate the process of requesting the CRA at the County level; and

WHEREAS, on October 31, 2019, the City of Miami Beach presented the FoN to the County Tax Increment Financing ("TIF") Committee, which accepted the declaration of necessity contained in the FoN, and made a motion to recommend that the City consider extending the boundary to include the Crespi and North Shore areas; and

WHEREAS, the City staff worked diligently to revised FoN to include the areas recommended by the County's TIF Committee, prior to advancing to the next County Commission committee meeting; and

WHEREAS, the City Administration (consistent with the County's TIF Committee's recommendation), proposed the following geographic boundaries for the proposed North Beach CRA: areas bounded by 87th Terrace to the north, the Atlantic Ocean to the east, 55th Street to the south, and Rue Notre Dame to the east; and

WHEREAS, the City studied the additional area and, after series of community engagements and resident feedback, decided to move forward with the original boundaries as detailed in the City Resolution No. 2019-30892; and

WHEREAS, on July 8, 2020, Miami-Dade County Board of Commissioners adopted Resolution No. R-619-20, finding that certain geographic area in the City of Miami Beach, generally described as bounded on the north by 87th Terrace, on the south by 65th Street, on the east by the Atlantic ocean, and on the west by Rue Notre Dame, to be slum or blighted; declaring that the rehabilitation, conservation and redevelopment, or a combination thereof, of the area to be in the interest of the public health, safety, morals and welfare of residents of the City and the County; and finding a need for the creation of the North Beach CRA; and

WHEREAS, it is in the best interest of the City to ensure the continued participation by residents, business owners, and community representatives of the North Beach Redevelopment area, in connection with the North Beach CRA; and

WHEREAS, as such, Commissioner Michael Gongora has sponsored this instant Resolution, which shall establish an ad hoc North Beach Redevelopment Oversight Committee

("Committee"), in order to advise the City Manager and City Mayor and City Commission in connection with the proposed North Beach CRA, including review and input with regard to the proposed redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects to be included in the Redevelopment Plan; and

WHEREAS, the purpose, powers and duties, composition, terms of office, knowledge and experience of the Committee members, and administrative liaison to the Committee are set forth in Exhibit "A" attached to this Resolution.

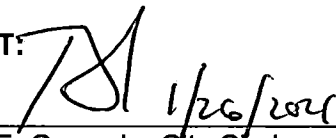
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby create an ad hoc North Beach Redevelopment Oversight Committee in order to advise the City Manager, and City Mayor and City Commission in connection with the proposed North Beach Community Redevelopment Area ("CRA"), including review and input with regard to the proposed redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects to be included in the Redevelopment Plan; prescribe the purpose, powers and duties, composition, terms of office, knowledge and experience of the Committee members; and, provide for an administrative liaison to the Committee.

PASSED AND ADOPTED this 13th day of January 2021.



Dan Gelber, Mayor

ATTEST:


Rafael E. Granado, City Clerk



Sponsored by Commissioner Michael Gongora

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

1-15-21
Date

EXHIBIT "A"

Ad Hoc North Beach CRA Advisory Committee

A. Purpose

The purpose of the Ad Hoc North Beach CRA Advisory Committee is to make advisory recommendations to the Administration and the City Commission, from a macro perspective, regarding the proposed North Beach CRA.

B. Powers and duties.

The Ad Hoc North Beach CRA Advisory Committee shall have the following powers and duties:

- (1) Provide advisory recommendations regarding the initial creation of the proposed Redevelopment Plan; and
- (2) Provide advisory recommendations regarding the public projects which would be included in the proposed Redevelopment Plan for the North Beach CRA, including recommendations relative to the overall timing, cost efficiencies, and prioritization of proposed public projects in the North Beach CRA;
- (3) Provide advisory recommendations regarding the proposed interlocal agreement with Miami-Dade County relating to the North Beach CRA, and all related matters pertaining to the initial establishment of the North Beach CRA.

C. Membership Composition

The Ad Hoc North Beach CRA Advisory Committee shall be composed of seven (7) at-large appointments, all of whom shall be appointed to serve for a term of no more than one (1) year at a time.

- (1) The seven (7) members shall be affiliated with the City; this requirement shall be fulfilled in the following ways:
 - (a) Resident Members. At least four (4) of the seven (7) members must currently reside within the geographic boundaries of the North Beach CRA area, and must have resided within the North Beach CRA area for a minimum of five years; or
 - (b) Business Member. At least one (1) of the seven (7) members shall demonstrate an Ownership Interest, for a minimum of five years, in a Business established within the geographic boundaries of the North Beach CRA area, without regard to that person's residency. A candidate who is both a resident and a business owner may qualify for either the Resident Member category pursuant to Section C(1)(a) above, or the Business Member category pursuant to this subsection.
 - (c) Real Estate Industry Member. One (1) out of seven (7) members of the Committee must be a real estate industry professional, residing generally within the City of Miami Beach.

(d) Attorney Member. One (1) out of seven (7) member of the Committee must be an attorney with experience in land use, real estate, or other related practice areas, residing generally within the City of Miami Beach.

(e) General Requirements. Each of the seven (7) members must have a demonstrated interest in neighborhood leadership issues, including, without limitation, neighborhood business groups, homeowners associations, condominium associations, cooperatives, civic groups, or other similar qualifications.

For the purposes of this Section C, the following terms shall have the following meaning:

- “Ownership Interest” shall mean the ownership of ten percent (10%) or more (including the ownership of 10% or more of the outstanding capital stock) in a business.
- “Business” shall mean any sole proprietorship, sponsorship, corporation, limited liability company, but shall exclude a business engaged in real estate development and property management, or a law firm (as individuals practicing in those areas would be covered under the Real Estate Industry Member category in subsection C(1)(c) herein, or the Attorney Member category in subsection C(1)(d)).

Appointed members shall be required to demonstrate compliance with the City affiliation requirements herein by executing an affidavit, in a form prepared by the City Clerk’s Office, stipulating that they have met the requirements set forth above, prior to being sworn in as a member.

D. Conflict of interest.

in accordance with Florida law, under circumstances presenting a conflict of interest, an advisory board member should abstain from voting with respect to any measure in which the advisory board member has a personal, private, or professional interest and which inures to his special private gain or the special gain of a principal by whom he is retained. The City Attorney’s Office liaison shall assist advisory board members in addressing any potential voting conflicts, as necessary.

E. Administrative Liaison

The supporting departments for the Ad Hoc North Beach Development Oversight Committee shall be the City Manager’s Office, the Economic Development Department, and the Office of Capital Improvements. The City Attorney’s Office shall provide counsel to the Committee, and the City’s Office of the Inspector General shall provide oversight.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael Paz, Acting City Attorney
DATE: January 13, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE "AD HOC NORTH BEACH CRA ADVISORY COMMITTEE," TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE PROPOSED NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY (THE "NORTH BEACH CRA"), INCLUDING REVIEW AND INPUT WITH REGARD TO THE PROPOSED REDEVELOPMENT PLAN FOR THE NORTH BEACH CRA ("REDEVELOPMENT PLAN"), AND THE PRIORITIZATION OF PUBLIC PROJECTS TO BE INCLUDED IN THE REDEVELOPMENT PLAN; PRESCRIBING THE PURPOSE, POWERS AND DUTIES, COMPOSITION, TERMS OF OFFICE, KNOWLEDGE AND EXPERIENCE OF THE COMMITTEE MEMBERS; AND, PROVIDING FOR AN ADMINISTRATIVE LIAISON TO THE COMMITTEE.

RECOMMENDATION

Pursuant to the request of Commissioner Michael Gongora, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the January 13, 2021 City Commission meeting.

FINANCIAL INFORMATION

No fiscal impact.

Applicable Area

Not Applicable

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

ATTACHMENTS:

Description

- ☐ Memo
- ☐ Resolution

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, ACTING CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION
RAUL J. AGUILA, INTERIM CITY MANAGER

FROM: RAFAEL PAZ, ACTING CITY ATTORNEY *RP*

DATE: January 13, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE "AD HOC NORTH BEACH CRA ADVISORY COMMITTEE," TO ADVISE THE ADMINISTRATION AND CITY COMMISSION IN CONNECTION WITH THE PROPOSED NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY (THE "NORTH BEACH CRA"), INCLUDING REVIEW AND INPUT WITH REGARD TO THE PROPOSED REDEVELOPMENT PLAN FOR THE NORTH BEACH CRA ("REDEVELOPMENT PLAN"), AND THE PRIORITIZATION OF PUBLIC PROJECTS TO BE INCLUDED IN THE REDEVELOPMENT PLAN; PRESCRIBING THE PURPOSE, POWERS AND DUTIES, COMPOSITION, TERMS OF OFFICE, KNOWLEDGE AND EXPERIENCE OF THE COMMITTEE MEMBERS; AND, PROVIDING FOR AN ADMINISTRATIVE LIAISON TO THE COMMITTEE.

The above-referenced Resolution has been prepared at the request of Commissioner Michael Gongora.

On July 8, 2020, the Miami-Dade County Board of County Commissioners adopted Resolution R-619-20, which approved the Finding of Necessity acknowledging the need to declare a community redevelopment area in North Beach, and delegating the City the power to establish the North Beach Community Redevelopment Agency ("CRA") and prepare a plan of redevelopment for the North Beach CRA.

The Administration has engaged Daedalus Advisory Services to prepare the CRA Redevelopment Plan. Daedalus Advisory Services, a real estate finance and economic development firm, was selected from a pool of prequalified firms identified through a competitive bid process (RFQ-2019-084-ND).

It is in the best interest of the City to ensure the continued participation by residents, business owners, and community representatives of the North Beach Redevelopment area, in connection with the North Beach CRA. As such, Commissioner Michael Gongora has sponsored the following Resolution, which shall establish the Ad Hoc North Beach CRA Advisory Committee ("Committee"), in order to advise the City Manager and the City Commission in connection with the proposed North Beach CRA, including review and input with regard to the proposed

redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects to be included in the Redevelopment Plan.

As set forth in Exhibit "A" attached to the Resolution, the North Beach Advisory Committee would be tasked solely with making advisory recommendations to the City Manager and the City Commission, from a macro perspective, regarding the proposed North Beach CRA, including, without limitation, the development of the public projects which would be included in the proposed redevelopment plan for the North Beach CRA, and oversight with regard to timely progress, overall goals, costs (including financial efficiencies), and completion of North Beach CRA projects.

Exhibit "A" outlines the purpose and powers of the Committee, membership composition, and administrative liaisons to the Committee.

RAP/FA/ag

RESOLUTION NO. 2020-31531

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPOINTING CITY ATTORNEY RAUL J. AGUILA AS INTERIM CITY MANAGER UNTIL SUCH TIME AS THE CITY COMMISSION APPOINTS A PERMANENT CITY MANAGER AND THE NEW CITY MANAGER COMMENCES THEIR TERM OF EMPLOYMENT, WITH THE UNDERSTANDING THAT: (1) MR. AGUILA WILL RETURN TO HIS PERMANENT POSITION AS THE CITY ATTORNEY ONCE THE PERMANENT CITY MANAGER'S EMPLOYMENT TERM COMMENCES, AND (2) THE INTERIM CITY MANAGER WILL NOT MAKE ANY SIGNIFICANT PERSONNEL CHANGES AMONG EXECUTIVE ADMINISTRATIVE STAFF WITHOUT PRIOR CONSULTATION WITH THE MAYOR AND CITY COMMISSION; AND ALSO, APPOINTING DEPUTY CITY ATTORNEY RAFAEL PAZ AS THE ACTING CITY ATTORNEY DURING MR. AGUILA'S PERIOD OF SERVICE AS INTERIM CITY MANAGER, WITH THE UNDERSTANDING THAT MR. PAZ WILL RETURN TO HIS POSITION AS DEPUTY CITY ATTORNEY ONCE MR. AGUILA RETURNS TO HIS PERMANENT POSITION AS CITY ATTORNEY.

WHEREAS, on October 7, 2020, City Manager Jimmy Morales, submitted his letter of resignation to the Mayor and City Commission; and

WHEREAS, subsequently, Mr. Morales advised the City Commission that his last day as the City Manager would be December 11, 2020; and

WHEREAS, immediately following Mr. Morales' resignation, the City Commission initiated the recruitment process for the selection of a permanent City Manager, while also recognizing the need to appoint an Interim City Manager during the course of the selection process; and

WHEREAS, in view of the strong internal candidates for the permanent City Manager position, the City Commission determined that it would be unfair to appoint any internal candidate interesting in the permanent position to serve as Interim City Manager, as the City Commission desired not to provide any undue advantage to any one candidate over others; and

WHEREAS, based on the City Commission's desire to level the playing field for the recruitment process for the permanent City Manager position, the City Commission determined that it would only appoint an Interim City Manager who would pledge and commit to not apply for the permanent position; and

WHEREAS, five extremely talented and capable internal candidates indicated their interest to serve as Interim City Manager until a permanent City Manager is appointed; and

WHEREAS, among those candidates was Raul J. Aguila, the City's current City Attorney; and

WHEREAS, Mr. Aguila is a dedicated public servant with twenty-nine (29) years in public service – he served in the City Attorney's Office for Miami Beach for twenty-three (23) years as either a First Assistant City Attorney or Chief Deputy City Attorney, before being unanimously appointed by the City Commission to serve as the City Attorney in 2014; and

WHEREAS, Mr. Aguila's tenure as the City Attorney will end in March 2022, both as a matter of his employment contract, and the requirements of the City's Deferred Retirement Option Program ("DROP"); and

WHEREAS, Mr. Aguila, in addition to being an exceptional chief legal officer for the City, is familiar with the workings of every City department and possesses the institutional history and intimate knowledge of the City's business and the policy objectives the City Commission desires to achieve; and

WHEREAS, when Mr. Aguila advised the Mayor, the City Commissioners, and the City Clerk of his interest in the position as Interim City Manager; he advised that he would only accept the position if the ultimate vote of the City Commission to appoint him as Interim City Manager was unanimous, and, further, that once the permanent City Manager is appointed, he be allowed to return to his permanent position as City Attorney, until the end of his tenure in March 2022; and

WHEREAS, by virtue of the City Commission appointing Mr. Aguila as the Interim City Manager, there must be an Acting City Attorney during Mr. Aguila's period of service as the Interim City Manager; and

WHEREAS, at the December 9, 2020 City Commission meeting, Commissioner Michael Gongora made a motion to appoint Mr. Aguila as the City's Interim City Manager, and to appoint Deputy City Attorney Rafael Paz as the Acting City Attorney; and

WHEREAS, as part of the motion to appoint Mr. Aguila, the City Commission directed that the Interim City Manager not make any personal changes among executive in the City administration staff without prior consultation with the Mayor and City Commission; and

WHEREAS, once the appointments begin, the Interim City Manager and the Acting City Attorney will report directly to the City Commission, with the Interim City Manager exercising all powers of the City Manager, as chief executive officer for the City, under the City Charter and City Code; and the Acting City Attorney exercising all of the powers and duties of the City Attorney, as chief legal officer for the City, under the City Charter and City Code; and

WHEREAS, Commissioner Michael Gongora's motion was seconded by Commissioner David Richardson, and the motion passed unanimously.

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 appoint City Attorney Raul J. Aguila as Interim City Manager until such time as the City Commission appoints a permanent City Manager and the new City Manager commences their term of employment, with the understanding that: (1) Mr. Aguila will return to his permanent position as the City Attorney once the permanent City Manager's employment term commences; and (2) the Interim City Manager will not make any significant personnel changes among executive administrative staff without prior consultation with the Mayor and City Commission; and also, appointing Deputy City Attorney Rafael Paz as the Acting City Attorney during Mr. Aguila's period of service as Interim City Manager, with the understanding that Mr. Paz will return to his position as Deputy City Attorney once Mr. Aguila returns to his position as City Attorney.

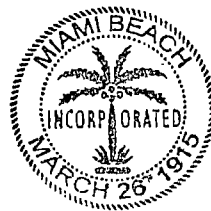
PASSED and ADOPTED this 9 day of December, 2020.



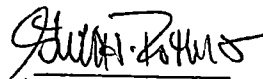
Dan Gelber, Mayor

ATTEST:  1/26/2021

Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



for City Attorney RA
01/19/2021
Date