

HOMELAND DEFENSE/  
NEIGHBORHOOD IMPROVEMENT  
BOND OVERSIGHT BOARD  
AGENDA

6-28-05 – 6:00 P.M.  
CITY OF MIAMI  
CITY HALL – CHAMBERS  
3500 Pan American Drive  
MIAMI, FLORIDA 33133

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I. **APPROVAL OF THE MINUTES OF THE MEETING OF MAY 24, 2005.**

II. **NEW BUSINESS:**

A. **AUDIT COMMITTEE REPORT:**

- FPL Easement for Underground Utilities Services at Jose Marti Park.
- Emergency Dock Repairs at Miamarina Pier 5.
- Land Acquisition for Future NE Fire Station at 958 & 960 NE 79 St.
- Land Acquisition for Future NE Fire Station at 990 NE 79 St.
- Downtown Streets Infrastructure – Phase I.
- SW 16<sup>th</sup> Terrace Road Reconstruction – Phase II.

**UPDATES:**

1. Cuban Memorial Linear Park & Calle Ocho from Domino Park to Cuban Memorial Boulevard.
2. Model City Revitalization Trust Replacement of HOME Investment Partnership Funds.
3. Little Haiti Park Appraisal Services.
4. Miami River Greenways Regulatory Guidelines – Professional Consulting Services.
5. New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village.
6. Black Police Precinct & Museum Restoration.
7. Gibson Park Improvements – Phase I.
8. Bay of Pigs – Playground Equipment.
9. Jose Marti Park – New Water Playground.
10. Williams Park – Irrigation.
11. Coral Gate Park – Irrigation.
12. Southside Park – Irrigation.
13. Elizabeth Virrick Park Community Center & Gymnasium Repairs.

III. **CHAIRPERSON'S OPEN AGENDA:**

IV. **ADDITIONAL ITEMS:**

**HOMELAND DEFENSE/  
NEIGHBORHOOD IMPROVEMENT  
BOND OVERSIGHT BOARD  
MINUTES**

**5-24-05 – 6:00 P.M.  
CITY OF MIAMI  
CITY HALL – CHAMBERS  
3500 Pan American Drive  
MIAMI, FLORIDA 33133**

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The meeting was called to order at 6:09 p.m., with the following members found to be

**Present:** Rolando Aedo  
Kay Hancock Apfel  
Eileen Broton  
Luis Cabrera (arrived at 6:10 p.m.)  
Mariano Cruz  
Luis de Rosa (left at 6:47 p.m.)  
Robert A. Flanders (Chairman)  
Jason Manowitz  
Gary Reshefsky

**Absent:** Ringo Cayard  
Walter Harvey  
David E. Marko  
Jami Reyes  
Manolo Reyes (Vice Chairman)  
Albena Sumner

**ALSO PRESENT:** Commissioner Tomas Regalado, District 4  
Rafael O. Diaz, Deputy City Attorney  
Alicia Cuervo Schreiber, Chief of Operations  
Mary Conway, CIP/Transportation Director  
Danette Perez, CIP Department  
Zimri Prendes, CIP Department  
Alvaro Alonso, CIP Department  
Kevin Brown, CIP Department  
Dianne Johnson, CIP Department  
Cary Sanchez-Rea, CIP Department  
Major Hector Mirabile, Police Department  
Commander Steven Caceres, Police Department  
Madeline Valdes, Economic Development  
Teri E. Thomas, City Clerk's Office  
Jonah Pruitt III, Miami Museum of Science

I. **APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 26, 2005.**

HD/NIB MOTION 05-56

A MOTION TO APPROVE THE MINUTES OF THE MEETING OF APRIL 26, 2005.

MOVED: M. Cruz  
SECONDED: L. Cabrera  
ABSENT: R. Cayard, L. De Rosa, W. Harvey, D. Marko, J. Reyes, M. Reyes,  
A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

II. **NEW BUSINESS:**

A. **AUDIT COMMITTEE REPORT:**

- Initial Grant to Miami Museum of Science for Development of a Science Museum Facility in Bicentennial Park.

TOTAL DOLLAR AMOUNT: \$700,000 (\$3,500,000 allocated; estimated current balance is \$2,8 Million)

SOURCE OF FUNDS: HDNI Bonds – Museum of Science

DESCRIPTION OF PROJECT: For the planning, development and project management activities relating to the construction of Miami Museum of Science & Planetarium to be located at he City's Bicentennial Park, hereinafter referred to as Project..

HD/NIB MOTION 05-50

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE INITIAL GRANT TO MIAMI MUSEUM OF SCIENCE FOR DEVELOPMENT OF A SCIENCE MUSEUM FACILITY IN BICENTENNIAL PARK.

MOVED: M. Cruz  
SECONDED: L. De Rosa  
ABSENT: L. Cabrera, R. Cayard, W. Harvey, D. Marko, J. Reyes, M. Reyes,  
A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Little Haiti Park Land Acquisitions – Parcels 67, 75 & 76.

TOTAL DOLLAR AMOUNT: \$1,966,000 (\$20 Million in first Series, total \$25 Million; current estimated balance is \$11,241,068.  
SOURCE OF FUNDS: HDNI Bonds - Little Haiti Park Land Acquisition & Development  
DESCRIPTION OF PROJECT: The dollar amount requested of \$1,966,000 to cover cost of Land Acquisition for parcel #67, 75, 76.

HD/NIB MOTION 05-51

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE LITTLE HAITI PARK LAND ACQUISITIONS -- PARCELS 67, 75 & 76.

MOVED: L. De Rosa  
SECONDED: K. Apfel  
ABSENT: R. Cayard, W. Harvey, D. Marko, J. Reyes, M. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- South Miami Avenue Project – Design Services.

TOTAL DOLLAR AMOUNT: \$295,229 (3,000,000 1st Series allocation; estimated current balance \$1,890,263)  
SOURCE OF FUNDS: HDNI-Dist 2-Quality of Life Improvements and Local Option Gas Tax  
DESCRIPTION OF PROJECT: Task includes pre-design services and testing, design services. Activities include design survey, geotechnical exploration, validation of roundabout study, typical section package, pavement design, early development of preliminary roundabout geometrics coordinated with the City, County and Park Place Development.

HD/NIB MOTION 05-52

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE SOUTH MIAMI AVENUE PROJECT -- DESIGN SERVICES.

MOVED: M. Cruz  
SECONDED: L. Cabrera  
ABSENT: R. Cayard, W. Harvey, D. Marko, J. Reyes, M. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- **Model City Infrastructure – MLK Boulevard Project.**

TOTAL DOLLAR AMOUNT: \$1,000,000 (\$6 Million allocated per 5/10/05 HDNI report, estimated balance of \$1,027,385)  
SOURCE OF FUNDS: **HDNI- Model City Infrastructure Improvements**  
DESCRIPTION OF PROJECT: Scope includes milling and resurfacing, re-striping, replacement of substandard street signs, reconstruction of broken curbs and sidewalks with ADA ramps for NW 62<sup>nd</sup> Street from NW 37 Avenue to NW 5 Place, NW 12<sup>th</sup> Avenue to NW 5 Place will be further enhanced by implementing elements of the streetscape portion of the Dr. Martin Luther King Jr. Blvd Master Plan. Elements include landscaping, hardscape, decorative lighting, pavers and specialty items that convey the legacy of Dr. Martin Luther King, Jr.

**HD/NIB MOTION 05-53**

**A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND THE MODEL CITY INFRASTRUCTURE -- MLK BOULEVARD PROJECT.**

MOVED: M. Cruz  
SECONDED: K. Apfel  
ABSENT: R. Cayard, L. De Rosa, W. Harvey, D. Marko, J. Reyes, M. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- **Curb Replacement Project for District 4.**

TOTAL DOLLAR AMOUNT: \$300,000 (\$5,000,000 allocated; estimated current balance is \$3,748,025)  
SOURCE OF FUNDS: HDNI Bonds – District 4 Quality of Life  
DESCRIPTION OF PROJECT: Curb replacement at various City Streets in District 4.

**HD/NIB MOTION 05-49**

**A MOTION TO APPROVE A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND THE CURB REPLACEMENT PROJECT FOR DISTRICT 4.**

MOVED: J. Manowitz  
SECONDED: L. Cabrera  
ABSENT: R. Cayard, W. Harvey, D. Marko, J. Reyes, M. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Beacom Boulevard Neighborhood Gateway – Design Services.

TOTAL DOLLAR AMOUNT: \$94,614 (Allocated \$1.6 Mill 1<sup>st</sup> Series, estimated balance of \$1,505,386)  
 SOURCE OF FUNDS: **HDNI- Neighborhood Gateways Improvements**  
 DESCRIPTION OF PROJECT: To design a welcoming gateway for the entrance to the Little Havana Neighborhood on SW 8 St (Calle Ocho) at Beacom Blvd. This gateway will be over a state-owned roadway, so will involve coordination with FDOT in addition to the regular City departments.

HD/NIB MOTION 05-54

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE BEACOM BOULEVARD NEIGHBORHOOD GATEWAY - DESIGN SERVICES.

MOVED: M. Cruz  
 SECONDED: R. Aedo  
 ABSENT: R. Cayard, L. De Rosa, W. Harvey, D. Marko, J. Reyes, M. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Morningside Park Recreation Building Improvements – Design Services.

TOTAL DOLLAR AMOUNT: \$ 67,916 (Allocated \$1.35 Million, estimated balance of \$1,282,084)  
 SOURCE OF FUNDS: **HDNI- Neighborhood Park Improvements**  
 DESCRIPTION OF PROJECT: Renovate the existing Recreation Building to upgrade bathrooms to ADA compliance, add air conditioning to the main double story space in the building and enclose and enlarge the porch area in the building to become an activity/aerobics room. Add a new parking lot to relieve the on-street parking in the front of the building.

HD/NIB MOTION 05-55

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE MORNINGSIDE PARK RECREATION BUILDING IMPROVEMENTS - DESIGN SERVICES.

MOVED: L. Cabrera  
 SECONDED: M. Cruz  
 ABSENT: R. Cayard, L. De Rosa, W. Harvey, D. Marko, J. Reyes, M. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

### **UPDATES:**

**1. Ballet Gamonet at the Alfred I. Dupont Building.**

Rolando Aedo reported that Ballet Gamonet is anticipating moving forward on the project and has asked the Board for its continued support. There is not a lot of progress on the project yet, but there appears to be some recent momentum.

Dianne Johnson, CIP Department, reported that Ballet Gamonet has not secured a site, and that they would like to relocate in downtown Miami. Ballet Gamonet merged with Maximum Dance Company. Ballet Gamonet is expected to report back to the CIP Department within 60 days with a revised proposal for the site they will use.

**2. Coral View Project – The Aston.**

Dianne Johnson, CIP Department, reported that the developer, Willy Bermello, did not have direct knowledge of the cause of the interruption of work on the project, but he has assigned a project manager to the project, and he has assured the Department that the project will be completed by the first week of June.

Mary Conway, Director, CIP, reported that the CIP Department is also sending inspectors to the site once or twice a week to monitor the project's progress.

**3. Orange Bowl Stadium – Replacement of Field & Maintenance Equipment.**

Rolando Aedo reported that the Orange Bowl Stadium -- Replacement of Field & Maintenance Equipment project has been completed.

**4. Bryan Park – Interior Improvements.**

Rolando Aedo reported that the Bryan Park -- Interior Improvements project has been completed.

**5. Jose Marti Park – New Playground Equipment & Wooden Deck.**

Rolando Aedo reported that the Jose Marti Park -- New Playground Equipment & Wooden Deck project has been completed.

**6. Hadley Park – New Tennis Court Wind Screens.**

Rolando Aedo reported that the Hadley Park -- New Tennis Court Wind Screens project has been completed.

**7. Triangle Park – New Playground Equipment.**

Rolando Aedo reported that the Triangle Park -- New Playground Equipment project has been completed.

**8. Williams Park – New Playground Equipment.**

Rolando Aedo reported that the Williams Park -- New Playground Equipment project has been completed.

**9. Fire-Rescue Homeland Defense Preparedness Initiatives.**

Chairman Robert Flanders reported that 100 percent of the funds allocated by the Board have been spent.

**10. Police Mobile Command Unit.**

No update given.

**11. Police Bomb Squad Bunker Improvements.**

No update given.

**12. Police Sky Watch Observation Tower.**

No update given.

**13. Police Security Gates – South Substation.**

No update given.

**14. Police Training Facility – Presentation.**

Commander Steven Caceres, Police Department, reported that a design for the facility should be completed within 18 months, but fundraising will begin immediately for the facility. The project is currently at the competitive design stage.

Cary Sanchez-Rea, CIP Department, reported that preparations are being made to begin a design competition for the police training facility, and the aim is to attain a national focus. Qualification materials are currently being prepared, as well as the design criteria. Programming has been developed alongside the Police Department, and the preliminary concept has already been generated. The preliminary selection should occur around late fall, and those individuals will be invited back to make their presentations, and then designers will be selected.

Mary Conway, Director, CIP, reported that the CIP Department has a target date of another three weeks to have a draft of a Request for Qualifications to go out on the street, which will go out nationally. There will be a two-tiered selection process. The Department will short-list three to four firms, or teams of firms, to make presentations, and make a final selection of one firm. That process is expected to be fully completed within a six-month period. A fee will be negotiated once that process is complete, and then it will come back before the Board for approval and authorization, as well as going before the City Commission.

Gary Reshefsky requested that Commander Steven Caceres and Major Hector Mirabile come back to the Board within 90 days with an update.

**15. Little Haiti Park Project - Progress Report.**

No update given.

**III. CHAIRPERSON'S OPEN AGENDA:**



**IV. ADDITIONAL ITEMS:**

HD/NIB MOTION 05-57

A MOTION TO ADJOURN TODAY'S MEETING.

MOVED: M. CRUZ

SECONDED: R. Aedo

ABSENT: R. Cayard, L. De Rosa, W. Harvey, D. Marko, J. Reyes, M. Reyes,  
A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

The meeting adjourned at 7:59 p.m.

DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM



1. DATE: 6/28/05

DISTRICT: 3

NAME OF PROJECT: JOSE MARTI PARK - FPL EASEMENT UNDERGROUND UTILITIES SERVICES AT THE NEWLY COMPLETED RECREATIONAL BUILDING

INITIATING DEPARTMENT/DIVISION: Parks & Recreation

INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco (305) 416-1253

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: CIP/PROJECT NUMBER: 331419

ADDITIONAL PROJECT NUMBER: (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,

TOTAL DOLLAR AMOUNT: \$5,000 (1.35 million allocated; estimated current balance is \$29,172)

SOURCE OF FUNDS: HDNI - Neighborhood Park Improvements

ACCOUNT CODE(S): CIP # 331419

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco / Parks & Recreation

DESCRIPTION OF PROJECT: Scope includes the cost of installation of a new pad mounted transformer at the newly completed Jose Marti Park-Recreational Building in order to provide electrical power to the building by Florida Power and Light Company (FPL).

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 6/8/05

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 6/28/05

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS:

APPROVAL: Robert O. ... BOND OVERSIGHT BOARD

DATE: 6/28/05

**HOMELAND DEFENSE / NEIGHBORHOOD IMPROVEMENT BOND FUNDS**

**JUNE 2005 DEPARTMENT OF PARKS AND RECREATION PROPOSED PROJECT FUNDING**

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<b><u>PARK</u></b>	<b><u>PROJECT</u></b>	<b><u>B-No.</u></b>	<b><u>\$ REQ.</u></b>	<b><u>BUDGET</u></b>	<b><u>ORIG. SCOPE</u></b>	<b><u>INITIATED BY</u></b>
<b>Jose Marti Park 362 S.W. 4<sup>th</sup> Street</b>	<b>Easement / Underground Utilities</b>	<b>B-35857</b>	<b>\$ 5,000</b>	<b>\$1.35 Mil</b>	<b>Included</b>	<b>Staff</b>
	<b>(Part of the newly completed recreation building project at Jose Marti Park In which FPL provided underground utilities services to the new building)</b>					

**Total Approvals Requested: \$5,000**



FPL

*4/1/05*

*Victor,*

April 5, 2005

Mr. Peter Kendrick  
City of Miami  
Department of Economic Development  
444 SW 2 AV, 3<sup>rd</sup> Floor  
Miami, FL. 33233

*This needs to be paid  
from the CIP budget  
for Jose Marti Recreatio  
Center.*

*Pete*

RECEIVED DEPT OF  
ECONOMIC DEVELOPMENT  
05 APR 11 AM 8:46

Re: CIAC Cost to Provide 120/208v Underground  
Service to Jose Marti Park Rec. Bldg.  
Invoice #637739

Dear Mr. Kendrick;

Per our previous conversation, enclosed please find Florida Power & Light Co. Invoice #637739 in the amount of \$4,993.00. This is the amount due by the City of Miami for the installation of 120/208v 3ph underground service to the new Jose Marti Park Recreational Building.

Your prompt attention to this matter would be greatly appreciated.

Yours truly,

Thomas S. Hodgdon  
Senior System Project Manager

*Invoice #637739  
Amount \$4,993.00*

**Payment Coupon**



General Mail Facility  
Miami, FL. 33188-0001

/610101200003844060000637739003994000079010101

B 01012 0000637739 7 9 01 01 01  
Please mail this portion with your check

Cust. No.: 384406		Inv. No.: 637739
Payment Due upon Receipt 05/04/2005	Amount Due This Invoice 4,993.00	
WO Reference #:		9622-41-883

Make check payable to FPL in US funds and mail payment to address below

CITY OF MIAMI  
PETER KENDRICK  
DEPARTMENT OF ECONOMIC DEVELOP  
444 SW 2 AV  
3RD FLOOR  
MIAMI FL 33233

FPL  
GENERAL MAIL FACILITY  
MIAMI FL 33188-0001

**Florida Power & Light Company**

Federal Tax ID#: 59-0247775

**INVOICE**

Customer Name and Address

CITY OF MIAMI  
PETER KENDRICK  
DEPARTMENT OF ECONOMIC DEVELOP  
444 SW 2 AV  
3RD FLOOR  
MIAMI FL 33233

Customer Number: 384406  
Invoice Number: 637739  
Invoice Date: 04/04/2005

B 01012 0000637739 7 9 01 01 01  
Please Retain This Portion for your Records

**CURRENT CHARGES AND CREDITS**

Customer No: 384406 Invoice No: 637739

DESCRIPTION	QUANTITY	PRICE	AMOUNT
DSB CUST CONTR NEW CNST WO PROV. 120/208V SVC TO JOSE MARTI REC BLDG- WR548263 9622-41-883	1	4,993.00	4,993.00
<b>For Inquiries Contact:</b> TOM HODGDON Phone: (305) 442-5128		<b>Total Amount Due</b>	<b>\$4,993.00</b>
		Payment Due upon Receipt	05/04/2005

Messages



**City of Miami**  
**Legislation**  
**Resolution: R-04-0188**

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.ci.miami.fl.us

File Number: 04-00255

Final Action Date: 3/25/2004

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO FLORIDA POWER & LIGHT FOR A PERPETUAL, NON-EXCLUSIVE 48 SQUARE FOOT EASEMENT, FOR CITY-OWNED PROPERTY, IN JOSE MARTI PARK KNOWN AS THE JOSE MARTI PARK RECREATION CENTER ("BUILDING"), LOCATED AT 362 SOUTHWEST 4TH STREET, MIAMI, FLORIDA, AS DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A NEW PAD MOUNTED TRANSFORMER, WITH THE RIGHT TO IMPROVE, ADD TO, ENLARGE, CHANGE THE VOLTAGE, OR THE SIZE OR REMOVE ANY AND ALL SUCH FACILITIES WITHIN THE EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS TO THE EASEMENT AREA.

WHEREAS, the City of Miami ("City") has constructed a new recreation facility on City-owned property in Jose Marti Park known as the Jose Marti Park Recreation Center ("Building"), and has requested that Florida Power & Light Company ("FPL") install power to the Building; and

WHEREAS, FPL's transformer is presently located on private property, is not in the right-of-way, and FPL needs access to the Building to install a new pad mounted transformer in order to establish electrical power to the Building; and

WHEREAS, FPL has requested that they be granted an easement from the City adjacent to the Building to install, operate and maintain a ground mount service transformer in order to establish electrical power to the City Building, and shall charge the City \$4,993; and

WHEREAS, granting this easement to FPL is necessary for FPL to provide electrical service to the Building and the general public;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City Manager is authorized{1} to execute a Grant of Easement, in substantially the attached form, with FPL for a perpetual, non-exclusive 48 square foot easement, for City-owned property in Jose Marti Park known as the Jose Marti Park Recreation Center, located at 362 Southwest 4th Street, Miami, Florida, as described in "Exhibit A," attached and incorporated, for the installation, operation and maintenance of a new pad mounted transformer,

with the right to improve, add to, enlarge, change the voltage, or the size, or remove any and all such facilities within the Easement with the right of ingress and egress to the easement area.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{2}

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Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

*Reserved for Recording*

**GRANT OF EASEMENT**  
FPL WR# \_\_\_\_\_

THIS INDENTURE, made this 8<sup>th</sup> day of June, 2004, between THE CITY OF MIAMI, a municipal corporation of the State of Florida, (hereinafter called "GRANTOR"), and FLORIDA POWER & LIGHT COMPANY, its licensees, agents, successors, and assigns, (hereinafter called "GRANTEE");

**WITNESSETH:**

THAT, the GRANTOR, for and in consideration of Four Thousand Nine Hundred Ninety Three DOLLARS (\$4,993.00) and other good and valuable considerations, the receipt of which is hereby acknowledged by the GRANTEE, has granted and does hereby grant to the GRANTEE, its successors and assigns, forever, the right and privilege of an approximately forty eight (48) square foot perpetual, non-exclusive easement, on City-owned property in Jose Marti Park known as the Jose Marti Park Recreation Center, located at 362 Southwest 4<sup>th</sup> Street, Miami, Florida, of the GRANTOR, shown and described on **EXHIBIT "A"**, attached hereto and made a part hereof, (hereinafter called the "PROPERTY" or "EASEMENT") for the installation, operation and maintenance of a new pad mounted transformer, to service exclusively City-owned property (including appurtenant equipment) to be installed from time to time; with the right to improve, add



to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within the EASEMENT, (hereinafter called the "FACILITIES"), with full right of ingress thereto and egress therefrom.

This grant of easement was approved by the City of Miami City Commission by Resolution No. 04-0144 on Mar. 25, 2004.

The GRANTEE shall regulate the installation and future operations of the FACILITIES so as not to conflict with normal operations of the GRANTOR, its licensees, agents, successors, and assigns; however, the GRANTEE shall have full right to enter upon the EASEMENT at any time when normal operations or emergency repairs of the FACILITIES are required.

The GRANTEE agrees to indemnify defend and hold harmless the GRANTOR from all and against all suits, claims, judgments, and all loss, damage, costs, attorneys fees and court costs or charges arising directly or indirectly from the installation or maintenance, repair, use or existence of the GRANTEE'S FACILITIES within the EASEMENT.

The GRANTOR shall be given written notice and the opportunity by the GRANTEE to attend all preconstruction meetings on installation work of the FACILITIES within the EASEMENT and shall be notified in writing well in advance of the actual start of construction within the EASEMENT. Notice shall be provided to City of Miami, City Manager, 444 SW 2<sup>nd</sup> Avenue, 10<sup>th</sup> Floor, Miami, FL 33130, with a copy to City of Miami, Public Works Department, 444 SW 2<sup>nd</sup> Avenue, 8<sup>th</sup> Floor, Miami, Florida 33130.

It is further understood and agreed by and between the parties hereto that GRANTOR reserves to itself, its heirs and assigns, all other rights not specifically granted herein, including but not limited to the right to construct streets, cross and recross said EASEMENT, and the right to erect light or telephone lines or any other improvements which do not hinder the operation of the FACILITIES by the GRANTEE on an ongoing basis.

The GRANTEE shall be held responsible for any damage to adjacent property as a result of the installation and future operation of the FACILITIES, and further, shall restore all pavement, sidewalks, curb and gutter, existing utilities, and landscaping to a condition acceptable to the GRANTOR.

The GRANTEE during the course of installation and future operation of the FACILITIES shall not encroach beyond the boundaries of the EASEMENT or any other easement that may be granted by the GRANTOR. Should the EASEMENT be abandoned or discontinued by law or otherwise, the said EASEMENT shall cease and revert with the right of immediate possession and right of entry to the GRANTOR or its successors in interest.

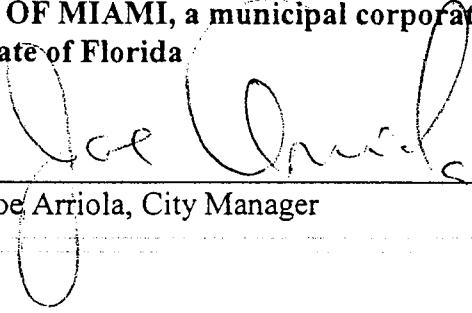
The GRANTEE agrees to restore, at GRANTEE'S sole cost and expense, any damage to the FACILITIES, or any areas used by GRANTEE'S agents for ingress and egress thereto, caused as a result of the use of the FACILITIES by the GRANTEE'S agents to a condition acceptable to the GRANTOR. Such restoration shall be done prior to the expiration of this agreement.

The GRANTOR does hereby fully warrant that it has good title to the PROPERTY and that it has full power and authority to grant this EASEMENT.

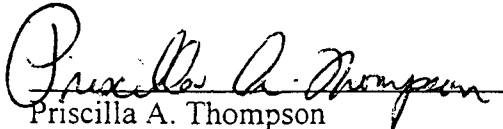
IN WITNESS WHEREOF, the Grantor has caused this Easement to be executed the day and year first above written.

**CITY OF MIAMI, a municipal corporation of  
the State of Florida**

By: \_\_\_\_\_

  
Joe Arriola, City Manager

ATTEST:

  
Priscilla A. Thompson  
City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

  
Alexander Vitarello  
City Attorney

Exhibit "A"

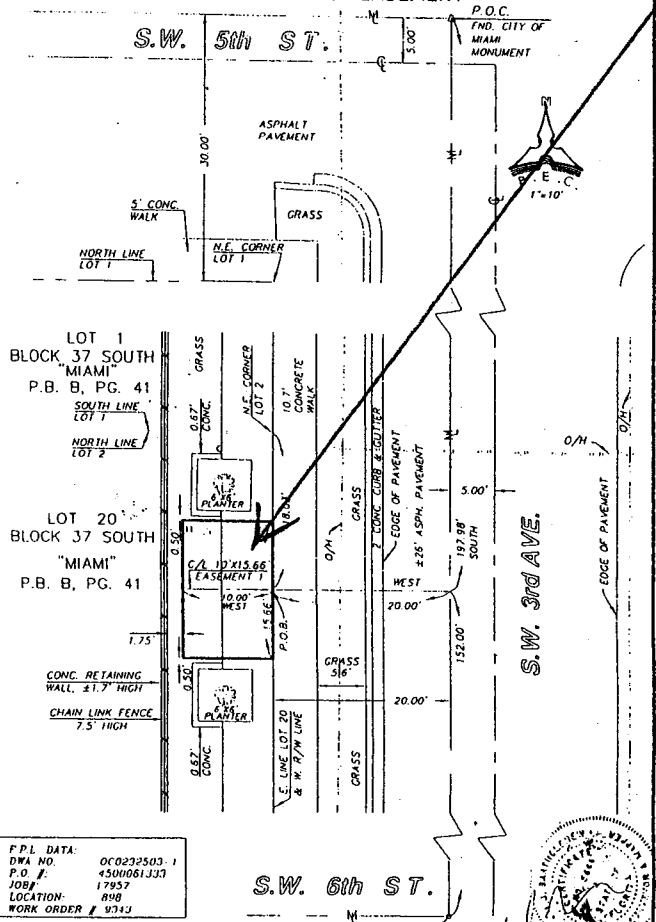
LEGAL DESCRIPTION

Commence at the Northwest Corner of the site for the "New Recreation Building of the Jose Marti Park"; Thence run N 87°55' 41"E for a distance of 13.05 feet to the point of beginning; thence continue N 87°55' 41"E for a distance of 8.0 feet; Thence S 02°14' 48"E for a distance of 6.0 feet; thence S 87°55' 41"W for a distance of 8.0 feet; thence N02°14' 48"W for a distance of 6.0 feet to the point of beginning.

# EASEMENT

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

10' X 15.66' EASEMENT



F.P.L. DATA:  
DWA NO. 0C022503-1  
P.O. # 4500061333  
JOB# 17957  
LOCATION: 898  
WORK ORDER # 9343

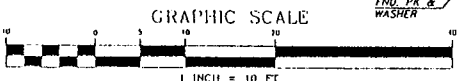
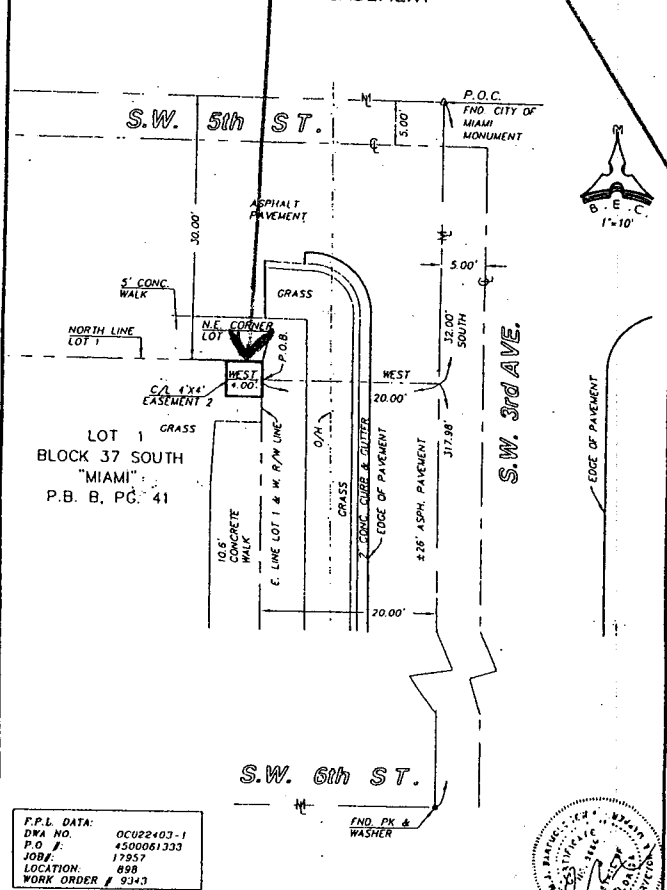


EXHIBIT "A"  
SHEET 1 OF 2

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

4' X 4' EASEMENT



F.P.L. DATA:  
DWA NO. 0C022403-1  
P.O. # 4500061333  
JOB# 17957  
LOCATION: 898  
WORK ORDER # 9343

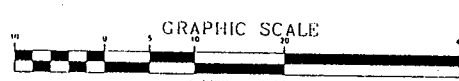
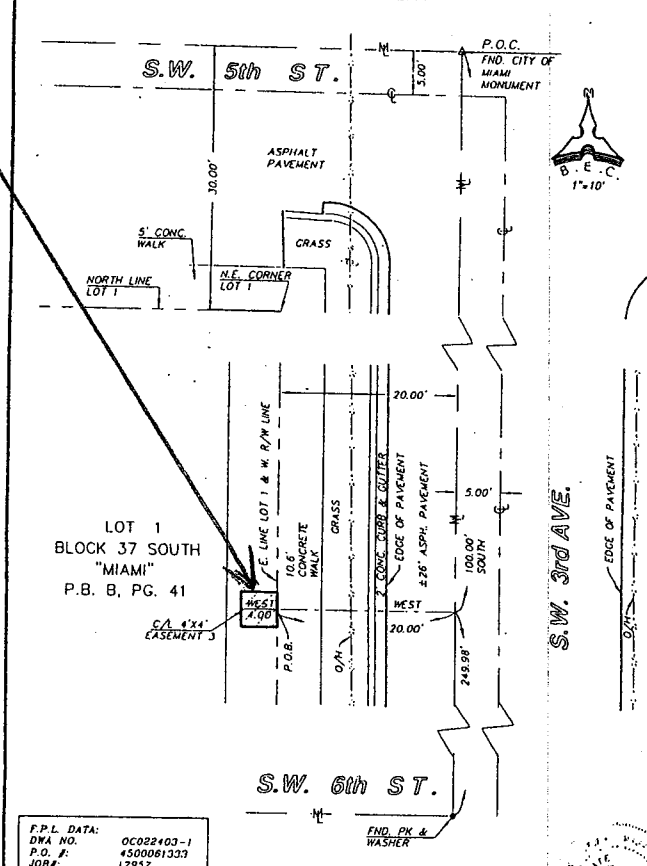


EXHIBIT "B"  
SHEET 1 OF 2

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

4' X 4' EASEMENT



F.P.L. DATA:  
DWA NO. 0C022403-1  
P.O. # 4500061333  
JOB# 17957  
LOCATION: 898  
WORK ORDER # 9343

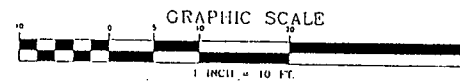


EXHIBIT "C"  
SHEET 1 OF 2

BISCAYNE ENGINEERING COMPANY, INC.  
Consulting Engineers - Planners - Surveyors  
529 WEST FLAGLER STREET  
MIAMI, FLORIDA 33101  
PH (305) 374-7671  
FAX (305) 374-0809

PREPARED FOR  
Florida Power & Light Co.  
SIC ADDRESS SW 3 AVE & SW 5 ST  
MIAMI, FL

DATE 03-19-2003  
DRAWN BY  
SCALE 1" = 10'  
FIELD BOOK 2470 / 1, 2  
ORDER NO. 03-26754  
DRAWING NO. 2088-55-11

BISCAYNE ENGINEERING COMPANY, INC.  
Consulting Engineers - Planners - Surveyors  
529 WEST FLAGLER STREET  
MIAMI, FLORIDA 33101  
PH (305) 374-7671  
FAX (305) 374-0809

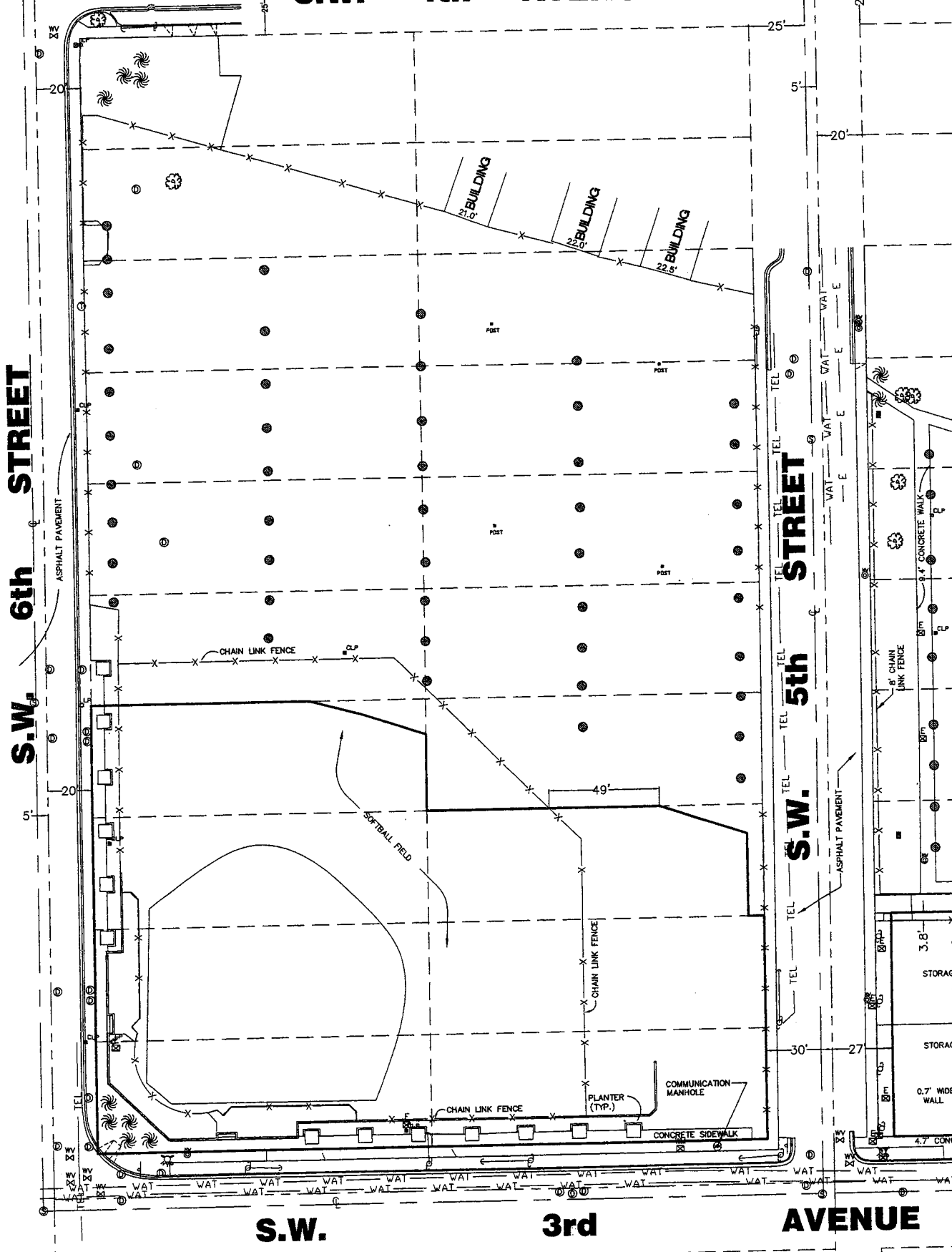
PREPARED FOR  
Florida Power & Light Co.  
SIC ADDRESS SW 3 AVE & SW 5 ST  
MIAMI, FL

DATE 03-19-2003  
DRAWN BY  
SCALE 1" = 10'  
FIELD BOOK 2470 / 1, 2  
ORDER NO. 03-26755  
DRAWING NO. 2088-55-06

BISCAYNE ENGINEERING COMPANY, INC.  
Consulting Engineers - Planners - Surveyors  
529 WEST FLAGLER STREET  
MIAMI, FLORIDA 33101  
PH (305) 374-7671  
FAX (305) 374-0809

PREPARED FOR  
Florida Power & Light Co.  
SIC ADDRESS SW 3 AVE & SW 5 ST  
MIAMI, FL

DATE 03-19-2003  
DRAWN BY  
SCALE 1" = 10'  
FIELD BOOK 2470 / 1, 2  
ORDER NO. 03-26755  
DRAWING NO. 2088-55-07



**ARCHITECTURE  
- ENGINEERING  
SURVEYING  
PLANNING**  
2001 N.W. 107th AVENUE  
MIAMI, FLORIDA 33172-2507  
(305) 592-7275

**CLIENT**  
**CITY OF MIAMI**  
**444 S.W. 2nd AVENUE**  
**MIAMI, FL 33130**

**PROJECT**  
**JOSE MARTI PARK**  
**CITY OF MIAMI**  
**MIAMI-DADE COUNTY, FL**

FLORIDA CERTIFICATION OF AUTHORIZATION NUMBER LB 24

DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM



1. DATE: 6/28/05 DISTRICT: 2

NAME OF PROJECT: MIAMARINA PIER 5 DOCK EMERGENCY REPAIRS

INITIATING DEPARTMENT/DIVISION: Public Facilities

INITIATING CONTACT PERSON/CONTACT NUMBER: Daniel Newhoff (305) 579-6341

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: CIP/PROJECT NUMBER: 326015

ADDITIONAL PROJECT NUMBER: (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes, TOTAL DOLLAR AMOUNT: \$1,000,000 (10 Million total Bond allocation)

SOURCE OF FUNDS: HDNI - Citywide Waterfront Improvements

ACCOUNT CODE(S): CIP # 326015

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Daniel Newhoff / Public Facilities

DESCRIPTION OF PROJECT: Scope includes the repairs to an 18 foot lateral concrete joist supporting the commercial dock, one of four per section of Pier 5 at MiaMarina which is deteriorating at an accelerated rate because of natural elements decaying the concrete.

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 6/8/05

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 6/28/05

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS: Estimated 1 Million for improvements based on staff recommendations. Exact amount will come back before board. Coconut Grove Dock Master Plan funded 1st series, but will be swapped to 2nd series because of Coconut Grove Master plan.

APPROVAL: [Signature] DATE: 6/28/05 BOND OVERSIGHT BOARD

Enclosures: Back-Up Materials [X] YES [ ] NO







**Perez, Danette**

---

**From:** Newhoff, Daniel  
**Sent:** Wednesday, June 01, 2005 5:45 PM  
**To:** Perez, Danette  
**Cc:** Saenz, Pilar; Argudin, Alejandra; Blanco, Armando; Bogner, Stephen; Fabrikant, Gary; Poteet, Neal; Ordonez, Juan B.  
**Subject:** FW: MiaMarina Pier 5 Damage Photos

Hi Danette,

Attached is the original e-mail and photos I mailed last week. On May 26<sup>th</sup>, Mary mentioned to me that CIP would be taking emergency legislation to the June 9<sup>th</sup> Commission meeting authorizing an estimated \$1,000,000 to be allocated from Citywide Waterfront Improvement BOB funding.

If necessary, I am more than willing to attend an emergency BOB meeting prior to the June 9<sup>th</sup> Commission meeting.

Please advise if this has changed, and/or what future action is needed on my part.

Thanks

Daniel Newhoff  
 Asst. to Director  
 Dept. of Public Facilities  
 305 -579-6341  
[Dnewhoff@ci.miami.fl.us](mailto:Dnewhoff@ci.miami.fl.us)

---

**From:** Newhoff, Daniel  
**Sent:** Wednesday, May 25, 2005 12:37 PM  
**To:** Conway, Mary  
**Cc:** Haskins, Linda; Bogner, Stephen; Blanco, Armando; Poms, Allan I.; Ordonez, Juan B.; Argudin, Alejandra; Saenz, Pilar  
**Subject:** MiaMarina Pier 5 Damage Photos

Hi Mary,

Yesterday, Stephen, Juan, Allan, and I inspected the damage underneath the commercial dockage area of Pier 5 at MiaMarina. The deterioration is largely the result of natural elements decaying the concrete at an accelerated rate, more than previously anticipated back in the late 80's when the dockage was designed and installed. As Stephen mentioned, the immediate damage involved an 18 foot lateral concrete joist supporting the dock, one of four per section, which broke off and fell into the water. The area directly on top of the joist was secured and no longer accessible to our customers. However, as you can see in the photos, there are about 14 other sets of similar joists showing the same symptoms as the one that gave way. Juan and Allan are preparing a report offering their assessment of the situation. I have attached photos of the damage to assist. I spoke with Pilar yesterday, who suggested that we borrow from our CIP Marina Dockmaster office project. This account has \$997,000 available toward our suggested 3 million dollar Dockmaster office. Please advise on any action needed from our end to help fund what probably will be at least \$500,000 in life/safety repairs.

Thanks

Daniel Newhoff  
 Asst. to Director  
 Dept. of Public Facilities  
 305 -579-6341  
[Dnewhoff@ci.miami.fl.us](mailto:Dnewhoff@ci.miami.fl.us)

6/3/2005



FILE ID: \_\_\_\_\_

Date: 6/3/2005

Requesting Department: CIP

Commission Meeting Date: 6/9/2005

District Impacted: \_\_\_\_\_

Type:  Resolution  Ordinance  Emergency Ordinance  Discussion Item

Other \_\_\_\_\_

Subject: Emergency Ordinance revising appropriations and allocations for capital projects.

**Purpose of Item:**

Revising appropriations and allocations for capital improvement projects scheduled to begin in FY2004-2005, specifically for time-sensitive Homeland Defense/Neighborhood Improvement Bond projects, appropriating new revenue and adjusting appropriations per recent Community Development Block Grant legislation.

**Background Information:**

The City of Miami Capital Improvement Projects have been reviewed and, in some cases, ongoing capital projects have been revised and respective appropriations increased or decreased in their totals, more specifically to expedite time-sensitive projects under the Homeland Defense/Neighborhood Improvement Bond Program. Further, on May 21, 2005, a lateral concrete joist supporting the dock at Pier 5 at Miamarina broke off, indicating deterioration of the pier structure. Reallocation of first series Homeland Defense/Neighborhood Improvement Bonds is recommended for funding the required structural remediation.

This legislation also includes an adjustment to the current CDBG appropriation for capital street projects per a resolution approved by the City Commission on May 26, 2005.

**Budget Impact Analysis**

YES Is this item related to revenue?

NO Is this item an expenditure? If so, please identify funding source below.

General Account No: \_\_\_\_\_

Special Revenue Account No: \_\_\_\_\_

CIP Project No: \_\_\_\_\_

\_\_\_\_\_ Is this item funded by Homeland Defense/Neighborhood Improvement Bonds?

Start Up Capital Cost: \_\_\_\_\_

Maintenance Cost: \_\_\_\_\_

Total Fiscal Impact: \_\_\_\_\_

C.I.P. APPROVAL  
Signature \_\_\_\_\_ Date 6/6/05

**Final Approvals**  
(SIGN AND DATE)

CIP Mary H. Conway  
If using or receiving capital funds  
Grants \_\_\_\_\_

Budget [Signature] 6/6/05

Risk Management \_\_\_\_\_

Purchasing \_\_\_\_\_

Dept. Director [Signature]

Chief [Signature]

City Manager [Signature]

..Title

AN EMERGENCY ORDINANCE, WITH ATTACHMENTS, OF THE MIAMI CITY COMMISSION, AMENDING ORDINANCE NO. 12622, AS AMENDED, ADOPTED DECEMBER 9, 2004, TO REVISE CURRENT HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND APPROPRIATIONS AMONG APPROVED PROJECTS, APPROPRIATE NEW REVENUE AND ADJUST COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATIONS; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 9, 2004 the City Commission approved Ordinance No. 12622 establishing appropriations for Capital Projects for fiscal year 2004-2005; and

WHEREAS, the City of Miami Capital Improvement Projects have been reviewed and, in some cases, ongoing capital projects have been revised and respective appropriations increased or decreased in their totals ; and

WHEREAS, it is necessary to reallocate first series Homeland Defense/Neighborhood Improvement Bond funds for B-30305 "Miamarina Emergency Pier Repairs" to address a life/safety condition resulting from failing concrete underneath the commercial dockage area of Pier 5 at Miamarina; and

WHEREAS, this Ordinance is declared to be an emergency measure on the grounds it is necessary to safeguard the health, safety, welfare and convenience of the City, specifically to ensure that funding is in place to remediate the structural condition at the Miamarina pier;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings found in the preamble of this resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Ordinance No. 12622, as amended, adopted December 9, 2004, the Capital Projects Appropriations Ordinance, is amended in the following particulars: {1}

"Ordinance No. 12622

Section 1. The herein appropriations are hereby made for implementation of all municipal capital improvements of the City of Miami, including new capital improvement projects scheduled to begin during Fiscal Year 2005. The herein appropriations which are hereby designated by reference to descriptive project title and number also include appropriations for previously approved scheduled projects as well as reappropriations of prior funds. The sources of revenues to support the herein appropriations are hereby identified by fund and project in ten Capital Funds, as follows:

Appropriations

*	*	*	*	*	*
<u>III. Fund 312 Public Safety</u>					
Sub-fund Police					
*	*	*	*	*	*
12.	312048	Police Homeland Defense Preparedness Initiatives			
		Funding Source:			
	a.	Homeland Defense/Neighborhood Improvement Bonds	\$ 2,828,100	\$ 3,038,100	
		Total	\$ 2,828,100	\$ 3,038,100	
*	*	*	*	*	*
<u>V. Fund 325 Public Facilities</u>					
*	*	*	*	*	*
Sub-fund Auditoriums					
*	*	*	*	*	*
3.	322062	Manuel Artime Center Interior Improvements			
		Funding Sources:			
	a.	Contribution from FY 2001 General Fund (Strategic Investments)		\$ 366,600	
	b.	Contribution from Special Revenue Fund (Public Facilities 119003)		118,195	
	e.	<del>Community Development Block Grant</del>	<del>131,000</del>	-	
	c.	<u>Miscellaneous Revenue (Revenue Project 383001)</u>		<u>75,000</u>	
		Total	\$ 615,795	\$ 559,795	
*	*	*	*	*	*
Sub-fund Marinas					
*	*	*	*	*	*
Sub-fund Historic Preservation					
1.	327001	Historic Preservation Initiatives			
		Funding Sources:			
	a.	Homeland Defense/Neighborhood Improvement Bonds	\$ 2,750,000	\$ 2,355,000	
	b.	Donation from Dade Heritage Trust		76,351	
	c.	Capital Projects Revolving Account		100,000	
	d.	Florida Bureau of Historic Preservation		300,000	
		Total	\$ 3,226,354	\$ 2,831,351	
*	*	*	*	*	*

VI. Fund 331 Parks & Recreation

*	*	*	*	*	*
71.	333143	Museum of Science			
		Funding Sources:			
	a.	Homeland Defense/Neighborhood Improvement			
		Bonds	\$ <del>1,000,000</del>	\$ 1,400,000	
		Total	\$ <del>1,000,000</del>	<u>\$ 1,400,000</u>	
72.	333144	Museum of Art			
		Funding Sources:			
	a.	Homeland Defense/Neighborhood Improvement			
		Bonds	\$ <del>1,600,000</del>	\$ 1,400,000	
		Total	\$ <del>1,600,000</del>	<u>\$ 1,400,000</u>	

*	*	*	*	*	*
74.	333145	Soccer Complex Development			
		Funding Sources:			
	a.	Homeland Defense/Neighborhood Improvement			
		Bonds - Interest		\$ 1,976,250	
	b.	<u>Homeland Defense/Neighborhood Improvement</u>			
		<u>Bonds</u>		<u>241,234</u>	
		Total	\$ <del>1,976,250</del>	<u>\$ 2,217,484</u>	

VII. Fund 341 Streets & Sidewalks

*	*	*	*	*	*
10.	341183	Citywide Street Improvements FY'2001-2005			
		Funding Sources:			
	a.	Contribution from Special Revenue Fund			
		(Municipal Fuel Tax Project 693001)		\$ 303,600	
	b.	Local Option Gas Tax		5,002,900	
	c.	Community Development Block Grant	<u>3,503,845</u>	<u>3,261,646</u>	
	d.	Assessment Lien Revenue		475,800	
		Total	\$ <del>9,286,145</del>	<u>\$ 9,043,946</u>	

*	*	*	*	*	*
25.	341212	Neighborhood Gateways Improvements			
		Funding Source:			
	a.	Homeland Defense/Neighborhood Improvement			
		Bonds	\$ <del>1,600,000</del>	\$ 1,343,766	
		Total	\$ <del>1,600,000</del>	<u>\$ 1,343,766</u>	

\* \* \* \* \*

Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance is declared to be an emergency measure on the grounds it is necessary to safeguard the health, safety, welfare and convenience of the City.

Section 6. The requirement of reading this Ordinance on two separate days is dispensed with by an affirmative vote of not less than four-fifths of the members of the Commission.

Section 7. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor. {2}

APPROVED AS TO FORM AND CORRECTNESS:

---

JORGE L. FERNANDEZ  
CITY ATTORNEY

..Footnote

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

**Fiscal Year 2005  
Capital Appropriations Amendment Detail**

	New Appropriations	Transfers of Existing Funds	Reduction in Appropriations	Explanation
<b>Capital Improvements Program Fund</b>				
<b>Revenues</b>				
Misc. Revenue - revenue project 383001	75,000			To cover reprogrammed CDBG funds
Homeland Defense/Neighborhood Improvement Bonds	-	651,234		
Community Development Block Grant	-		(373,199)	Per resolution (File ID 05-00458) reallocating CDBG funding; approved at May 26, 2005 Commission meeting.
<b>Total Revenues:</b>	<b>\$ 75,000</b>	<b>\$ 651,234</b>	<b>\$ (373,199)</b>	
<b>Expenses</b>				
<b>312048 -Police Homeland Defense Preparedness Initiative</b>				
Homeland Defense/Neighborhood Improvement Bonds		56,000		B-72911 Police Preparedness Initiatives
Homeland Defense/Neighborhood Improvement Bonds		30,000		B-72926 Police HQ Shower Rehabilitation & ADA Upgrades
Homeland Defense/Neighborhood Improvement Bonds		124,000		B-30082 Bomb Squad Office
<b>322062 - Manuel Artime Center Interior Improvements</b>				
Community Development Block Grant		-	(100,000)	B-30194 Manuel Artime ADA Improvements; Per resolution (File ID 05-00458) reallocating CDBG funding; approved at May 26, 2005 Commission meeting.
Misc. Revenue - revenue project 383001	75,000			B-30194 Manuel Artime ADA Improvements
			(31,000)	B-30195 Manuel Artime A/C Energy Efficiency; Per resolution (File ID 05-00458) reallocating CDBG funding; approved at May 26, 2005 Commission meeting.
<b>326015 - Citywide Waterfront Improvements</b>				
Homeland Defense/Neighborhood Improvement Bonds		(997,530)		B-60464 Dinner Key Marina Dockmaster's Office
Homeland Defense/Neighborhood Improvement Bonds		997,530		B-30325 Miamarina Emergency Pier Repairs



**Fiscal Year 2005  
Capital Appropriations Amendment Detail**

	New Appropriations	Transfers of Existing Funds	Reduction in Appropriations	Explanation
<b>327001 - Historic Preservation Initiatives</b>				
Homeland Defense/Neighborhood Improvement Bonds		(395,000)		B-30121 City Hall Historic Preservation Grant Match
<b>333143 - Museum of Science</b>				
Homeland Defense/Neighborhood Improvement Bonds		(300,000)		B-30169 Museum of Science - Contribution to Park Master Plan
Homeland Defense/Neighborhood Improvement Bonds		700,000		B-78502 Museum of Science - Development at Bicentennial Park
<b>333144 - Miami Art Museum</b>				
Homeland Defense/Neighborhood Improvement Bonds		(900,000)		B-30170 Miami Art Museum - Contribution to Park Master Plan
Homeland Defense/Neighborhood Improvement Bonds		700,000		B-78503 Miami Art Museum - Development at Bicentennial Park
<b>333145 - Soccer Complex Development</b>				
Homeland Defense/Neighborhood Improvement Bonds		241,234		B-35907 Athalie Range Park Soccer/Football Complex
<b>341183 - Citywide Street Improvements</b>				
Community Development Block Grant			(242,199)	Adjustment to reflect current CDBG allocations to street projects
<b>341212 - Neighborhood Gateways Improvements</b>				
Homeland Defense/Neighborhood Improvement Bonds		(256,234)		B-30144 Neighborhood Gateways - Coral Way
<b>Total Expenses:</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ (373,199)</b>	
<b>Revenues / Expenses - Capital Improvement Fund</b>	-	651,234	-	

**City of Miami:**  
Total net transfers of  
existing funds.



DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM

1. DATE: 6/28/05 DISTRICT: 2  
NAME OF PROJECT: LAND ACQUISITION FOR FUTURE NORTHEAST FIRE STATION-  
LOCATED AT 990 N.E. 79TH STREET  
INITIATING DEPARTMENT/DIVISION: Economic Development  
INITIATING CONTACT PERSON/CONTACT NUMBER: Madeline Valdez (305) 416-1461  
C.I.P. DEPARTMENT CONTACT: \_\_\_\_\_  
RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 313306  
ADDITIONAL PROJECT NUMBER: \_\_\_\_\_  
(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
TOTAL DOLLAR AMOUNT: \$935,200 (10 Million allocated, with 5.5 Million in 1st series. Estimated current  
balance is (\$2,064,800)  
SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility  
ACCOUNT CODE(S): CIP # 313306

If grant funded, is there a City match requirement?  YES  NO  
AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_  
Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:  
Individuals / Departments who provided input: Madeline Valdez / Economic Development  
DESCRIPTION OF PROJECT: Land acquisition for future NorthEast Fire Station, located at 990 NE 79 Street

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 6/8/05  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 6/28/05  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Revisions to Original Scope?  YES  NO (If YES see Item 5 below)  
Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN  
Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
DESIGN COST: \_\_\_\_\_  
CONSTRUCTION COST: \_\_\_\_\_  
Is conceptual estimate within project budget?  YES  NO  
If not, have additional funds been identified?  YES  NO  
Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE  
Individuals / Departments who provided input: \_\_\_\_\_  
Justifications for change: \_\_\_\_\_  
Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_  
Have additional funds been identified?  YES  NO  
Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: City tries to stay at 15% of appraised value. It currently has a temporary trailer on 82nd Street  
and 2nd Avenue. We recognize that land acquisition costs exceeds budget of 50/50 land to construction, therefore  
the City is seeking other funding sources. Total dollar amount includes closing costs.

APPROVAL: Robert O. Land DATE: 6/28/05  
BOND OVERSIGHT BOARD



**AGENDA ITEM SUMMARY FORM**

FILE ID: \_\_\_\_\_

Date: May 24, 2005

Requesting Department: Economic Development

Commission Meeting Date: June 23, 2005

District Impacted: District 2

Type:  Resolution  Ordinance  Emergency Ordinance  Discussion Item

C

FS.

#

13

Subject: Opt

theast Fire Station – 990 N.E. 79<sup>th</sup> Street

**Purpose of Item**

A Resolution of the City of Miami Commission, with attachment(s), by a four-fifths (4/5ths) affirmative vote, authorizing the City Manager to exercise the option to purchase real property located at 990 N.E. 79 Street, Miami, Florida ("property"), as legally described in the option agreement between the City of Miami and Jeffrey Lefcourt, attached and incorporated, in connection with the development of a fire station, for a total purchase price of Nine Hundred Thousand Dollars (\$900,000) and to consummate said transaction in accordance with the terms of said option agreement; further allocating funds, in the amount of Nine Hundred Thirty-Five Thousand Two Hundred Dollars (\$935,200) from the Neighborhood Fire Stations and Training Facility project, Account No. 313306.289307 appropriated from the \$255 million Homeland Defense/Neighborhood Improvement Bond to cover the cost of said acquisition inclusive of cost of survey, environmental reports, demolition and other costs associated with said acquisition.

**Background Information:**

On December 12, 2002 the City of Miami Commission adopted Resolution No. 02-1294 which authorized and approved certain projects to be funded from the Homeland Defense/Neighborhood Improvement Bond Funds. On July 17, 2003 the City of Miami Commission adopted Ordinance No. 12380, as amended, the Capital Projects Appropriations Ordinance, to appropriate \$15,750,000 available funds from the Homeland Defense/Neighborhood Improvement Bond Proceeds for various capital improvement purposes including appropriating \$5,500,000 to the Neighborhood Fire Stations and Training Facility Project Account No. 313306. The Department of Fire-Rescue has determined a need to add a fire station in the Northeast area of the City of Miami to improve emergency response time and the fire station must be located within the following boundaries between Northeast 5th Avenue to the west, Northeast 11th Avenue to the east, Northeast 73rd Street to the south, and Northeast 82nd Street to the north, Miami, Florida, ("NE Fire Station Project"). This property located at 990 N.E. 79 Street, Miami, Florida, is within the Northeast Fire Station Project boundary. Two independent appraisals were procured and they established \$747,500 as the fair market value for this property. The Purchase Price exceeds the appraised value by 20.4%. The Department of Economic Development has prepared an Option to Purchase Real Property Agreement ("Option Agreement") to purchase said property for \$900,000. It is a condition precedent to the validity of the Option Agreement and its execution by the City Manager that the City of Miami Commission approve the Option Agreement by a greater majority of a 4/5th affirmative vote. Failing such approval the Option Agreement shall be automatically null and void without the necessity of further action by either party.

continuation....

**Subject:** Option Agreement for future Northeast Fire Station – 990 N.E. 79<sup>th</sup> Street

**Budget Impact Analysis**

**NO** Is this item related to revenue?

**YES** Is this item an expenditure? If so, please identify funding source below.

General Account No: \_\_\_\_\_

Special Revenue Account No: \_\_\_\_\_

CIP Project No: 313306-289307

**YES** Is this item funded by Homeland Defense/Neighborhood Improvement Bonds?

**Start Up Capital Cost:** \$ \_\_\_\_\_

**Maintenance Cost:** \$ \_\_\_\_\_

**Total Fiscal Impact:** \$ \_\_\_\_\_

**Final Approvals**

(SIGN AND DATE)

**CIP** \_\_\_\_\_ **Budget** \_\_\_\_\_

If using or receiving capital funds

**Grants** \_\_\_\_\_ **Risk Management** \_\_\_\_\_

**Purchasing** \_\_\_\_\_ **Dept. Director** \_\_\_\_\_

**Chief** \_\_\_\_\_ **City Manager** \_\_\_\_\_

## **..Title**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AUTHORIZING THE CITY MANAGER TO EXERCISE THE OPTION TO PURCHASE REAL PROPERTY LOCATED AT 990 N.E. 79 STREET, MIAMI, FLORIDA ("PROPERTY"), AS LEGALLY DESCRIBED IN THE OPTION AGREEMENT BETWEEN THE CITY OF MIAMI AND JEFFREY LEFCOURT, ATTACHED AND INCORPORATED, IN CONNECTION WITH THE DEVELOPMENT OF A FIRE STATION, FOR A TOTAL PURCHASE PRICE OF NINE HUNDRED THOUSAND DOLLARS (\$900,000) AND TO CONSUMMATE SAID TRANSACTION IN ACCORDANCE WITH THE TERMS OF SAID OPTION AGREEMENT; FURTHER ALLOCATING FUNDS, IN THE AMOUNT OF NINE HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED DOLLARS (\$935,200) FROM THE NEIGHBORHOOD FIRE STATIONS AND TRAINING FACILITY PROJECT, ACCOUNT NO. 313306.289307 APPROPRIATED FROM THE \$255 MILLION HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND TO COVER THE COST OF SAID ACQUISITION INCLUSIVE OF COST OF SURVEY, ENVIRONMENTAL REPORTS, DEMOLITION AND OTHER COSTS ASSOCIATED WITH SAID ACQUISITION.

## **..Body**

WHEREAS, on December 12, 2002 the City of Miami Commission adopted Resolution No. 02-1294 which authorized and approved certain projects to be funded from the Homeland Defense/Neighborhood Improvement Bond Funds; and

WHEREAS, on July 17, 2003 the City of Miami Commission adopted Ordinance No. 12380, as amended, the Capital Projects Appropriations Ordinance, to appropriate \$15,750,000 available funds from the Homeland Defense/Neighborhood Improvement Bond Proceeds for various capital

improvement purposes including appropriating \$5,500,000 to the Neighborhood Fire Stations and Training Facility Project Account No. 313306; and

WHEREAS, the Department of Fire-Rescue has determined a need to add a fire station in the Northeast area of the City of Miami to improve emergency response time and that the fire station must be located within the following boundaries between Northeast 5th Avenue to the west, Northeast 11th Avenue to the east, Northeast 73rd Street to the south, and Northeast 82nd Street to the north, Miami, Florida, ("NE Fire Station Project"); and

WHEREAS, the property located at 990 N.E. 79 Street, Miami, Florida, is within the Northeast Fire Station Project boundary; and

WHEREAS, two independent appraisals were procured and established \$747,500 as the fair market value for this property; and

WHEREAS, the Purchase Price exceeds the appraised value by 20.4%;  
and

WHEREAS, the Department of Economic Development has prepared an Option to Purchase Real Property Agreement ("Option Agreement") to purchase said property for \$900,000; and

WHEREAS, it is a condition precedent to the validity of the Option Agreement and its execution by the City Manager that the Miami City Commission approve the Option Agreement by a greater majority of a 4/5th affirmative vote; and

WHEREAS, failing such approval the Option Agreement shall be automatically null and void without the necessity of further action by either party;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA;

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. By a four-fifths (4/5ths) affirmative vote, the City Manager is hereby authorized<sup>/1</sup> to exercise the Option Agreement between the City of Miami and Jeffrey Lefcourt, to purchase said property, as legally described in "Exhibit A," attached and incorporated, in connection with the development of a Fire Station, with a total purchase price of Nine Hundred Thousand Dollars (\$900,000) and to consummate said transaction in accordance with the terms of said Option Agreement.

Section 3. This Resolution further allocates funds in the amount of Nine Hundred Thirty-Five Thousand Two Hundred Dollars (\$935,200) from the Neighborhood Fire Stations and Training Facility Project, Account No. 313306.289307 appropriated from the \$255 Million Homeland Defense/Neighborhood Improvement Bond to cover the costs of said acquisition inclusive of cost of survey, environmental reports, demolition and other closing costs associated with said acquisition.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.<sup>/2</sup>

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Manuel A. Diaz, Mayor

ATTEST:

\_\_\_\_\_  
Priscilla A. Thompson  
City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
Jorge L. Fernandez  
City Attorney

## **..Footnote**

\_\_\_\_\_  
<sup>1/</sup> The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

<sup>2/</sup> If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.



Exhibit "B"  
Entity Optionor's Affidavit  
with All Necessary Items Attached

STATE OF FLORIDA     )

COUNTY OF MIAMI-DADE) SS:

BEFORE ME, the undersigned authority, this \_\_\_\_ day of \_\_\_\_\_, 2005, personally appeared Jeffrey Lefcourt, who upon being first duly sworn, deposes and says:

1. My name is Jeffrey Lefcourt, and I am the owner of the Property located at 990 NE 79<sup>th</sup> Street, Miami, Florida (hereinafter "Optionor") in connection with that certain Option to Purchase Real Property, dated \_\_\_\_\_, 2005 (the "Option Agreement") by and between Optionor and the City of Miami, a municipal corporation organized and existing under the State of Florida (hereinafter "City" or "Optionee") related to an exclusive, irrevocable option held by the City to purchase Optionor's property (as described in the Option Agreement, hereinafter the "Property").

2. I have personal knowledge of the matters contained herein.

3. I am above the age of 18 and I am competent to attest to these matters.

4. I have read the foregoing Option Agreement, am familiar with the Property, and know the contents of the Option Agreement and the duties, obligations, responsibilities, and requirements of Optionor under the Option Agreement. The contents, duties, obligations, responsibilities, and requirements are true and correct of my own knowledge.

5. As required by the foregoing Option Agreement and on behalf of Optionor, I hereby

certify, represent, and warrant to Optionee that there are no parties in use and/or possession of the Property, other than Optionor, and that there are no existing oral or written leases, subleases, licenses, other options to purchase, rights of first refusal, agreements, or contracts for sale, use, or possession of or other interest covering all or any part of the Property (except as listed below, copies of which are attached hereto):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FURTHER SAYETH THE AFFIANT NAUGHT.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Signature: \_\_\_\_\_

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

Notary Public State Of Florida

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_ Did Take An Oath

\_\_\_\_\_ Did Not Take An Oath

\_\_\_\_\_ Personally Known

\_\_\_\_\_ Produced I.D., Type of I.D. Produced: \_\_\_\_\_

Exhibit "C"

Broker Registration and Disclosure Form

NONE.

Prepared by:

City of Miami  
Office of City Attorney  
444 S.W. 2nd Avenue, Ste. 945  
Miami, Florida 33130

### **OPTION TO PURCHASE REAL PROPERTY**

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between Jeffrey Lefcourt, a single man, whose principal address is 9801 Collins Avenue, #18M, Bal Harbour, Florida 33154-1823 ("Optionor"), and the City of Miami, (hereinafter "City" or "Optionee") a municipal corporation organized and existing under the laws of the State of Florida, whose principal address is 444 S.W. 2<sup>nd</sup> Avenue, Ste. 325, Miami, Florida, 33130.

1. **GRANT OF OPTION.** Optionor hereby grants to City or Optionee the exclusive irrevocable option to purchase all of the real properties located in Miami-Dade County, Florida, particularly described in Exhibit "A", together with all improvements, easements and appurtenances (collectively referred to hereinafter as the "Property"), in accordance with the provisions of this Agreement. Optionor herewith delivers to City a duly adopted, valid corporate resolution designating authorized representatives and granting such representatives the power and authority to enter into this Option Agreement and to take all necessary actions connected herewith. The Optionor covenants to convey the above-described Property by Warranty Deed to the City, or to such persons or entities that the Optionee may in writing assign or direct, for a price of Nine Hundred Thousand Dollars (\$900,000.00) (the "Purchase Price"), which, after reduction by the amount of the Deposit, and after review of the appraisal, survey, and environmental audit as provided herein, is payable in full at closing. This Purchase Price presumes that the Property contains at least 12,000 square feet, to be confirmed by the Survey. In the event that the square footage is more than 12,000 square feet, the Purchase Price shall not be affected. In the event the square footage is less than 12,000 square feet then the Purchase Price shall be adjusted to reflect a reduction based on \$75.00 per square foot. The determination of the final Purchase Price can only be made after the completion and approval of the appraisals, survey, and environmental audit.

For Purchase Price in excess of Five Hundred Thousand Dollars (\$500,000.00) the City shall obtain at least two (2) appraisals by appraisers approved pursuant to Section 253.025 (6) (b), Florida Statutes. For Purchase Price under Five Hundred Thousand Dollars (\$500,000.00) the City shall obtain one (1) appraisal by appraisers approved pursuant to Section 253.025(6)(b), Florida Statutes.

2. **ASSIGNMENT OF OPTION.** The City may assign this option to any assignee and Optionor hereby consents to such assignment and will honor the option, as if the City had exercised it. The City or its assignee may exercise this option at any time on or before the day written below as the Option Expiration Date, by written notice to the Optionor. In the event that the City, its assignee or other holder of the option, shall decide to purchase the property at the Purchase Price and terms herein within that time, the amount paid for this option shall be credited to the Purchase Price.

3. OPTION TERMS. The option payment is One Thousand and 00/100 Dollars (\$1,000.00) ("Option Payment"). This Option Payment will be made within twenty (20) business days of the time the Optionee executes this Agreement. This is specific and independent consideration payable to the Optionor to grant the City, as Optionee, an exclusive, irrevocable option to purchase the Property in accordance with this Agreement. The duration of this exclusive, irrevocable option shall commence on the date the Optionor signs this Agreement and shall continue through July 31, 2005 ("Option Expiration Date"). During this time, the Optionor shall not lease, sell, option, transfer, offer or otherwise encumber the Property for sale to any other person or entity. Upon receipt thereof, Optionor shall acknowledge receipt of the Option Payment on the receipt provided by Optionee and return same to Optionee. The Optionor will forward to Optionee within seven (7) business days of Optionee's execution of this Agreement copies of the previous title policy, surveys, and environmental reports, if any, related to the Property. The Option may only be exercised by the City Commission, during the period beginning with the Optionee's approval by execution of this Agreement, which exercise must be conveyed in writing to the Optionor, and ending on July 31, 2005 ("Option Expiration Date"), unless extended by other provisions of this Agreement. Within forty-five (45) days of the City Commission approval, the Optionee shall pay to \_\_\_\_\_ (the "Escrow Agent") Thirty-One Thousand Five Hundred Dollars (\$31,500.00) ("Deposit") (Option Payment and Deposit are jointly referred to as "Total Deposit" herein). The Total Deposit shall be held by the Escrow Agent in an interest bearing account, with interest accruing to Optionee, unless the Total Deposit is disbursed to the Optionor upon Optionee's default. At Closing, the Total Deposit and all interest earned thereon, shall be delivered by the Escrow Agent to the Optionor and credited against the Purchase Price. The closing shall occur within One Hundred and Twenty (120) days of the exercise of the option, unless such time is extended for good cause, pursuant to the terms of this Agreement. If the time to exercise the option is extended pursuant to the provisions of this Agreement, the Closing Date shall occur within sixty (60) days of the extended period.

The Deposit shall be fully refundable to City in the event any of the following occur: (a) the City Commission fails to approve the purchase of the real property (pursuant to Section 166.045, Florida Statutes, if the Purchase Price exceeds the average appraised value, the City Commission approval must be by four-fifths (4/5ths) affirmative vote); (b) if a survey ordered by the City of the Property shows any encroachment on the Property or that improvements presently located on the Property encroach on the land of others and the Optionor does not choose to cure said defects within thirty (30) days of receiving notice from Optionee; (c) an environmental audit and/or site assessment ordered by the City results in a finding that environmental contamination of the Property has resulted and the cost of clearing hazardous materials exceeds 5% of the Purchase Price, and the Optionor chooses to terminate this Agreement; (d) the Optionor cannot deliver fully insurable and marketable title; and (e) the Optionor fails to perform the conditions precedent to closing set forth in §4 herein. If for any other reason other than (a)(b)(c)(d) or (e) above, the City, any assignee or holder of the option does not conclude the purchase within the time agreed upon for closing, or if the City, any assignee or holder of the option does not exercise the option, then the amount paid for this option shall be retained by the Optionor in full and complete satisfaction for holding the Property subject to that option for such time. Upon due exercise of this option, the Optionor will deliver to the City, or its assigns, for inspection at least thirty (30) days before the Closing Date, a warranty deed, a bill of sale, a no lien affidavit, and whatever other instruments in the opinion of the City are necessary to vest in Optionee 100% fee simple, fully good, clear insurable and marketable title, which constitutes legal and unencumbered title to the Property as of the date of

delivery of the deed. All such instruments will be in a form acceptable to the City Manager and approved as to legal form by the City Attorney and as to insurance requirements by the Risk Management Administrator. Upon Optionor's fulfillment of all of the conditions precedent to closing, the City shall receive automatic credit of the Deposit and any other credits or reductions pursuant to this Agreement against the Purchase Price and then shall deliver on the Closing Date the balance of the Purchase Price as payment in full to Optionor for the Property. This option may be recorded by the City in the Public Records of Miami-Dade County, Florida, and the holder of such option may purchase title insurance in an amount equivalent to the Purchase Price showing 100% fee simple, fully good, clear insurable and marketable title in the Optionor.

4. CONDITIONS PRECEDENT TO CLOSING

A. This Agreement is also contingent upon Optionor's performance of and compliance with the express terms of the conditions precedent to closing specified herein and Optionee's funds for closing being available at closing. If such funds are not available and/or if the Optionor fails to comply with the conditions precedent specified herein, then Optionee may in its sole discretion declare this Agreement void and it shall have no further force and effect as of that date. Optionor shall have no recourse whatsoever, at law or equity, (other than retention of the Option Payment set forth in §2 herein), against Optionee or the Property as a result of any matter arising out of this agreement at any time. Optionee's funds necessary to close are the sole responsibility of Optionee. Other than retention of the Option Payment of the City, Optionor shall have no recourse whatsoever, at law or equity, against the City or the Property as a result of any matter arising at any time, whether before or after fee simple title is conveyed to the City, relating to Optionee's funds. Should the City's funds not be available for any reason, Optionor may elect to terminate this Agreement by written notice to the parties without liability to any party.

B. In the event funds are not allocated and available for purchase of the Property at closing Optionor's sole and exclusive remedy and as agreed and liquidated damages will be to keep the Option Payment provided by §2 herein and the release of the Properties from the instant option. The parties shall have no further responsibilities as to this Agreement. Optionor and Optionee acknowledge and agree that actual damages are difficult or impossible to ascertain and that the Option Payment is a fair and reasonable estimation of the damages of Optionor.

C. The parties acknowledge and agree that on or after the exercise of this option by the City, and at least thirty (30) days prior to closing the Optionor must fully comply with, and have performed the following conditions precedent to closing at its own cost and expense:

At closing Optionor will, by virtue of this section, and by execution of an affidavit, warrant and represent to Optionee that there is one (1) party in use and/or possession of the Property, other than the Optionor, and that there are no other existing oral or written leases, subleases, licenses, other options to purchase, rights of first refusal, agreements or contracts for sale, use, or possession of or other interests covering all or any part of the Property, with the exception of that lease identified in Exhibit "B". As to that lease identified in Exhibit "B", the Optionor shall warrant and represent that any other existing parties in use and/or possession of the Property will vacate the Property thirty (30) prior to closing.

- (i) Optionor represents and warrants to the City that it has previously furnished to the City copies of any and all written leases, subleases, licenses, agreements, contracts for sale, other options or rights of first refusal (as applicable), estoppel letters from each tenant and subtenant, if any, specifying the nature, extent and duration of each tenant's and subtenant's occupancy, use, rental rate, advance rents, or security deposits paid by tenant and/or subtenant and estoppel letters from each optionee, contract vendors, and all others listed in Exhibit B. If there are none, then Exhibit B shall state "NONE". In the event the Optionor is unable to obtain these estoppel letters, Optionor represents and warrants that the Optionor has furnished the same information, true and correct, to City of Miami in the form of an affidavit.
- (ii) From the date of execution hereof, Optionor represents and warrants to the City that the Optionor shall not enter into any lease (oral or written), any sublease (oral or written), other option to purchase, agreement, contract for sale, or grant to any person(s) or entities any interest in the Property or any part thereof or encumber or suffer the Property or any part thereof to be encumbered by any mortgage, loan, mechanic's lien, workman's lien, or any other lien, without the prior written consent of the City which consent may be granted or withheld by the City in its sole discretion.
- (iii) Optionor agrees that it will take all necessary action to promptly terminate any and all leases, subleases, rights of occupancy, rights of use, options to purchase, other contracts for sale or purchase, options and any interest(s) of any other person(s) or entities, so that at closing the Optionor will convey the property to the City free and clear of any and all such items and furnish to the City adequate, written evidence of such terminations, and provide the City at closing with an affidavit in the form attached hereto as Exhibit B.
- (iv) The Optionor agrees that if, at least five (5) business days prior to closing, all abandoned personal property, refuse, garbage, junk, rubbish, vermin, trash and debris are not removed from the Property, the Purchase Price will be automatically adjusted by the costs of such removal, credited in favor of the City. The City will provide proof of the costs incurred to remove such materials. The Optionor agrees that such credit(s) will be automatically granted without the necessity of executing any addendum or amendment to this Agreement if the condition in this subsection is not fully complied with by the Optionor in the manner provided. The Optionor shall have no recourse from the granting of this credit at the time of closing.
- (v) Optionor's obligations in this section are conditions precedent to the closing of this transaction.

5. A. ENVIRONMENTAL SITE ASSESSMENT. The City shall, at its sole cost and expense and at least thirty (30) days prior to the Closing Date, procure an environmental site assessment of the Property, which meets the standard of practice of the American Society of Testing Materials ("ASTM"). The City shall use the services of competent, professional consultants with expertise in the environmental site assessing process to determine the existence and extent, if any, of Hazardous Materials on the Property. The examination of hazardous materials contamination shall be

performed to the standard of practice of the ASTM. For Phase I environmental site assessment, such standard of practice shall be the ASTM Practice E 1527. If the Findings and Conclusions section of the assessment reports evidence of recognized environmental conditions, then a Phase II Environmental Site Assessment shall be performed to address any suspicions raised in the Phase I environmental site assessment and to confirm the presence of contaminants on site. For purposes of this Agreement "Hazardous Materials" shall mean any hazardous or toxic substance, material or waste of any kind or any other substance which is regulated by any Environmental Law (as hereinafter defined in paragraph 4.B). The Phase I environmental site assessment shall be certified to the City and the date of certification shall be within 30 days before the date of closing. If a Phase II environmental site assessment is required, the City, at its sole, complete and unrestricted discretion, may extend the Closing Date for a reasonable period not exceeding an additional sixty (60) days, by providing written notice to the Optionor.

5. B. HAZARDOUS MATERIALS. In the event that the environmental site assessment provided for in paragraph 5. A. confirms the presence of Hazardous Materials on the Property, City, at its sole option, may elect to terminate this Agreement, the option money shall be fully refundable to the Optionee, and neither party shall have any further obligations under this Agreement. Should the City elect not to terminate this Agreement, Optionor shall, at his sole cost and expense and prior to the exercise of the option and closing, promptly commence and diligently pursue any assessment, clean up and monitoring of the Property necessary to bring the Property into full compliance with any and all applicable federal, state or local laws, statutes, ordinances, rules, regulations or other governmental restrictions regulating, relating to, or imposing liability or standards of conduct concerning Hazardous Materials ("Environmental Law"). However, should the estimated cost of clean up of Hazardous Materials exceed a sum which is equal to 5% of the Purchase Price, Optionor may elect to terminate this Agreement and no party shall have any further obligations under this Agreement. In the event that Hazardous Materials placed on the Property prior to closing are discovered after closing, Optionor shall remain fully obligated hereunder, with such obligation to survive the closing and delivery and recording of the deed and the City's possession of the Property, to diligently pursue and accomplish the clean up of Hazardous Materials in a manner consistent with all applicable Environmental Laws and at Optionor's sole cost and expense.

5. C. REMEDIES/RIGHT OF TERMINATION. If the City discovers, the presence of Hazardous Materials on the Property in levels or concentrations, which exceed the standards, set forth by DERM, the State or the Federal Government, City shall notify Optionor in writing and deliver to Optionor copies of all written reports concerning such Hazardous Materials (the "Environmental Notice"). The City and Optionor shall have seven (7) business days from the date the Optionor receives the Environmental Notice to negotiate a mutually agreeable remediation protocol. In the event the City and Optionor are unable to reach agreement with respect thereto within the seven (7) business day period provided herein, the parties shall have the right within two (2) calendar days of the expiration of the seven (7) business day period to cancel this Agreement by written notice to the other party whereupon (i) all property data and all studies, analysis, reports and plans respecting the Property delivered by City to Optionor or prepared by or on behalf of the City shall be returned and delivered to the City by the Optionor; and then (ii) except as otherwise hereafter provided in this Section, the parties shall thereupon be relieved of any and all further



responsibility hereunder and neither party shall have any further obligation on behalf of the other; and (iii) City shall be refunded the Deposit.

Further, in the event that either party elects to terminate this Agreement, Optionor shall indemnify and save harmless and defend the City, its officers, servants, agents and employees from and against any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of whatsoever kind arising from Hazardous Materials placed on the Property prior to closing whether the Hazardous Materials are discovered prior to or after closing. Optionor shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the City as a result of any claim, suit, or cause of action for injuries to body, life, limb or property for which Hazardous Materials placed on the Property prior to closing are alleged to be a contributing legal cause. Optionor shall indemnify and save the City, its officers, servants, agents and employees harmless from and against all judgments, orders, decrees, attorney's fees, costs, expenses and liabilities in and about any such claim, suit, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing.

6. RADON GAS. Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risk to persons who are exposed to it over time. Levels of radon that exceed Federal and State Guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your County public health unit. [Note: This Paragraph is provided for informational purposes pursuant to Section 404.056(7), Florida Statutes]

7. SURVEY. The City shall, at its sole cost and expense and not less than thirty-five (35) days prior to the Closing Date, obtain an updated boundary survey of the Property prepared by a professional land surveyor licensed by the State of Florida, which meets the standards and requirements of Optionee ("Survey"). The Survey shall be certified to City and the title insurer and the date of certification shall be within sixty (60) days before the date of closing, unless this sixty (60) day time period is waived by City and by the title insurer, in writing, for purposes of deleting the standard exceptions for survey matters and easements or claims of easements not shown by the public records from the owner's title policy. If the Survey shows any encroachment on the Property or that improvements presently located or intended to be located on the Property encroach on the land of others, at the discretion of the City, the same shall be treated as a title defect.

8. TITLE INSURANCE. The City shall, at its sole cost and expense, and at least thirty-five (35) days prior to the Closing Date, obtain a marketable title insurance commitment, to be followed by an owner's marketable title insurance policy (ALTA Form "B") from a title insurance company, approved by the Optionee, insuring marketable title of the City to the Property in the amount of the Purchase Price. The City shall require that the title insurer delete the standard exceptions of such policy referring to: (a) all taxes, (b) unrecorded rights or claims of parties in possession, (c) survey matters, (d) unrecorded easements or claims of easements, and (e) unrecorded mechanics' liens.

9. DEFECTS IN TITLE. If the title insurance commitment or survey furnished to the City pursuant to this Agreement discloses any defects in title, which are not acceptable to City, Optionor shall, within thirty (30) days after notice from City, remove or cure said defects in title.

Optionor agrees to use diligent effort to correct the defects in title within the time provided therefore, including the bringing of necessary suits. If Optionor is unsuccessful in removing the title defects within said time or if Optionor fails to make a diligent effort to correct the title defects, City shall have the option at its sole, complete and unrestricted discretion to either: (a) accept the title as it then is with a reduction in the Purchase Price by an amount agreed upon by both Optionor and Optionee; or (b) accept the title as it then is with no reduction in the Purchase Price; or (c) extend the amount of time that Optionor has to cure the defects in title; or (d) terminate this Agreement, thereupon releasing City and Optionor from all further obligations under this Agreement.

10. INTEREST CONVEYED. At closing, Optionor shall execute and deliver to the City a statutory warranty deed in accordance with Section 689.02, Florida Statutes, conveying good, insurable and marketable title to the Property in 100% fee simple free and clear of all mortgages, loans, liens, reservations, restrictions, easements, leases, subleases, tenancies and other encumbrances, except for those that are acceptable encumbrances, in the sole opinion of City, and do not impair the insurability and marketability of the title to the Property or the intended use of the Property. The grantee in Optionor's Warranty Deed shall be the City of Miami, a municipal corporation of the State of Florida, unless the City has assigned this option as provided herein.

11. EXPENSES. Optionor will pay the documentary revenue stamp tax and all other taxes or costs associated with the conveyance, and any other recordable instruments that City deems necessary to assure good, insurable and marketable title to the Property.

12. CLOSING COSTS AND ADJUSTMENTS. At Closing, the following items shall be borne, adjusted, prorated or assumed by or between Optionor and Optionee as follows:

A. Adjustments and Prorations.

- 1) Taxes and Assessments: All real estate taxes and assessments which are or which may become a lien against the Property shall be satisfied of record by Optionor at closing. In the event the City acquires fee simple title to the Property between January 1 and November 1, Optionor shall, in accordance with Section 196.295, Florida Statutes, place in escrow with the county tax collector an amount equal to the current taxes prorated to the date of transfer, based upon the current assessment and millage rates on the Property. In the event the City acquires fee simple title to the Property on or after November 1, Optionor shall pay to the county tax collector an amount equal to the taxes that are determined to be legally due and payable by the county tax collector.
- 2) Certified/Pending Liens: Certified, confirmed and ratified governmental liens and pending other liens as of the Closing Date shall be paid by Optionor.
- 3) Other Taxes, Expenses, Interest, Etc: Taxes (other than real property taxes), assessments, water and sewer charges, waste fee and fire protection charges, if applicable, shall be prorated as of the Closing Date.

- 4) Usual and Customary: Such other items that are usually and customarily pro-rated between purchasers and sellers of property in the area where the Property are located. All pro-rations shall utilize the 365-day method.

B. Closing Costs.

- 1) Each party shall be responsible for its own attorney's fees incurred in connection with the Closing.
- 2) Optionee shall pay all other closing and recording costs incurred in connection with the sale and purchase of the Property described in this Agreement, including, but not limited to:
  - (i) all inspection and environmental testing costs;
  - (ii) all recording charges, filing fees payable in connection with the transfer of the Property hereunder;
- 3) Optionor will pay the documentary stamps, which will be credited as a reduction from the Purchase Price at closing;

C. Other Contract Documents Required:

Optionor acknowledges that the property is being acquired by a governmental agency and that the transaction is subject to certain state and local requirements, which include reporting and disclosure of information.

Optionor agrees to comply with the public disclosure and inspection requirements under Chapter 119, Florida Statutes; disclosure of beneficial interests under Section 286.23, Florida Statutes; certification regarding conflict(s) of interest under Chapter 112, Florida Statutes and Chapter 2, of the City of Miami Code and Section 2-11-1 of the Miami-Dade County Code; certification regarding Public Entity Crimes under Section 287.133, Florida Statutes, and in connection therewith, Optionor agrees to execute and deliver all documents required or requested by Optionee or any or other governmental authority, including, but not limited to:

1. Conflict of Interest and Non-Collusion Affidavit; and
2. Sworn Disclosure of Beneficial Interest if Seller is a partnership, limited partnership, corporation, limited liability company, or trust; and
3. Public Entity Crime Affidavit

Additionally, if property is acquired with federal funds Optionor shall provide Optionee with a receipt of Disclosure and Notices under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended from time to time, and Optionor shall comply with such other certification or reporting requirements as may be required under the Program Regulation or applicable federal and state laws or regulations.

13. CLOSING PLACE AND DATE. The closing (the "Closing Date") shall be on or before one hundred and twenty (120) days after the date the City exercises the option; provided, however, that if a defect exists in the title to the Property, title commitment, survey, environmental site assessment, or any other documents required to be provided or completed and executed by Optionor, the closing shall occur either on the original closing date, or within sixty (60) days following the extension of the Option Expiration Date due to a Phase II Environmental Site Assessment, or within sixty (60) days after receipt of documentation curing the defects, whichever is later. The date and time of closing shall be mutually agreed upon by the parties. The closing shall occur at Suite 945, Miami Riverside Center, 444 SW 2<sup>nd</sup> Ave., Miami, Florida 33130, or at such other office address in Miami-Dade County, Florida as the City may designate.

14. RISK OF LOSS AND CONDITION OF REAL PROPERTY. Optionor assumes all risk of loss or damage to the Property prior to the date of closing and warrants that the Property shall be transferred and conveyed to the City in the same or essentially the same condition as of the date of Optionor's execution of this Agreement, ordinary wear and tear excepted. However, in the event the condition of the Property is altered by an act of God or other natural force beyond the control of Optionor, City may elect, at its sole option and complete, unrestricted discretion, to terminate this Agreement and neither party shall have any further obligations or responsibilities under this Agreement. Optionor represents and warrants that there are no parties other than Optionor in occupancy, use or possession of any part of the Property. Optionor agrees to clean up and remove, at its own cost, all abandoned personal property, refuse, garbage, junk, rubbish, vermin, trash and debris from the Property to the satisfaction of the City five (5) days prior to closing.

15. RIGHT TO ENTER PROPERTY ,POSSESSION AND USE. Optionor agrees that from the date this Agreement is executed by Optionor, Optionee, the City and/or its agents, with reasonable notice and upon permission by Optionor, which shall not be unreasonably withheld, shall have the right to enter the Property for all lawful purposes in connection with this Agreement. Optionor shall deliver possession and use of the Property to the City at closing.

16. ACCESS. Optionor warrants that there is legal ingress and egress for the Property over public roads or valid, recorded easements that benefit the Property and provide for such access.

17. DEFAULT. If Optionor defaults under this Agreement, City may waive the default and proceed to closing, seek specific performance, or refuse to close and elect to receive the return of any money paid, including the reimbursement of any expenses incurred in involving the sale of the property, each without waiving any action for damages, or any other remedy permitted by law or in equity resulting from Optionor's default. In connection with any dispute arising out of this Agreement, including without limitation litigation and appeals, each party will bear its own attorney's fees.

18. BROKERS. Optionor warrants that no persons, firms, corporations or other entities are entitled to a real estate commission or other fees as a result of this Agreement or subsequent closing, except as accurately disclosed on the disclosure statement in substantially the attached

form as set forth in Exhibit "C". Optionor shall indemnify and hold City harmless from any and all such claims, whether disclosed or undisclosed.

19. RECORDING. This Agreement, or notice of it, may be recorded by City in the appropriate county or counties.

20. ASSIGNMENT. This Agreement may be assigned by City, in which event City will provide written notice of assignment to Optionor. In case of such assignment, the City's assignee assumes all of the City's duties hereunder and may fully exercise every right and privilege of the City pursuant to this Agreement. The City will in such instance be discharged from any responsibilities hereunder. Optionor shall not assign this Agreement without the prior written consent of City, which consent the City may grant or withhold in its sole, complete and unrestricted discretion as the City is relying on Optionor's 100% fee simple title to this Property.

21. TIME. Time is of essence with regard to all dates or times set forth in this Agreement.

22. SEVERABILITY. In the event any of the provisions of this Agreement are deemed to be unenforceable, the enforceability of the remaining provisions of this Agreement shall not be affected.

23. SUCCESSORS IN INTEREST. Upon Optionor's execution of this Agreement, Optionor's heirs, legal representatives, successors and assigns will be bound by it. Upon the City's exercise of the option, by and through its City Commission, the City and its successors and assigns will be bound by it. Whenever used, the singular shall include the plural and one gender shall include all genders.

24. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations and understandings of the parties. No supplement, modification or amendment to this Agreement shall be binding unless executed in writing by the parties.

25. WAIVER. Failure of City to insist upon strict performance of any covenant or condition of this Agreement, or to exercise any right herein contained, shall not be construed as a waiver or relinquishment for the future of any such covenant, condition or right; but the same shall remain in full force and effect.

26. WAIVER OF TRIAL BY JURY. The parties hereby knowingly, voluntarily and intentionally waive any right they may have to a trial by jury or to file permissive counterclaims or to claim attorney's fees from the other party in respect to any litigation arising out of, under or in connection with this Agreement, or any course of conduct, course of dealing, statements (whether verbal or written) or actions of any party hereto. This provision is a material inducement for Optionor and City entering into this Agreement.

27. AGREEMENT EFFECTIVE. This Agreement or any modification, amendment or supplement or alteration thereto, shall not be effective or binding upon any of the parties hereto until it has been executed by all of the parties hereto.

28. ADDENDUM. Any addendum attached hereto that is signed by the parties shall be deemed a part of this Agreement and shall be annexed to the Agreement. The Resolution of the City Commission of the Optionee shall, in addition to approving the purchase contemplated under this Agreement, empower the City Manager of the Optionee to modify this Agreement in the event a modification to this Agreement becomes necessary or desirable. Such modification shall only be effective upon execution by both parties.

29. NOTICE. Whenever either party desires or is required to give notice unto the other, it must be given by written notice, and either delivered personally or mailed to the appropriate address indicated below, or such other address as is designated in writing by a party to this Agreement. Such notice shall be deemed given on the day on which personally served; or if by certified mail, on the fifth day after being posted or the date of actual receipt, whichever is earlier:

City/Optionee:

City Manager  
City of Miami  
3500 Pan American Drive  
Miami, Florida 33133

Optionor:

Jeffrey Lefcourt  
9801 Collins Avenue, #18M  
Bal Harbour, Florida 33154-1823

Copies To:

Director, Department of Economic Dev.  
City of Miami  
444 SW 2<sup>nd</sup> Avenue, 3rd Floor

City Attorney  
City of Miami  
444 SW 2<sup>nd</sup> Avenue, Suite 945  
Miami, Florida 33130

Copies To:

Shutts & Bowen, LLP.  
Attorneys and Counsellors at Law  
Maria A. Gralia, Esq.  
1500 Miami Center  
201 South Biscayne Boulevard  
Miami, Florida 33131

30. SURVIVAL. The covenants, warranties, representations, indemnities and undertakings of Optionor set forth in this Agreement shall survive the closing, the delivery and recording of the deed and the City's possession of the Property.

31. GOVERNING LAW/VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, regardless of any conflicts of laws or other rules that would require the application of the laws of another jurisdiction. Venue for any action on or arising out of this Agreement shall be in Miami-Dade County Florida. The parties expressly waive the right to bring an action in any other venue that would be available absent this provision and acknowledge that such waiver is a condition of, and material inducement for, the City of Miami entering into this Agreement.

THIS AGREEMENT IS INITIALLY TRANSMITTED TO THE OPTIONOR AS AN INVITATION TO MAKE AN OFFER. IF THIS AGREEMENT IS NOT EXECUTED BY THE

OPTIONOR ON OR BEFORE JUNE 1, 2005, THIS OFFER WILL BE VOID UNLESS THE CITY, AT ITS SOLE OPTION, ELECTS TO ACCEPT THIS OFFER. THE EXERCISE OF THIS OPTION IS SUBJECT TO: (1) APPROVAL OF THIS AGREEMENT, (2) PURCHASE PRICE, (3) THE CITY AND OPTIONEE APPROVAL OF ALL DOCUMENTS TO BE FURNISHED HEREUNDER BY OPTIONOR, AND (4) APPROVAL BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE OF THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA IS REQUIRED AS A CONDITION PRECEDENT TO THE EXERCISE OF THIS OPTION.

THIS IS TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY PRIOR TO SIGNING.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

WITNESSES: Optionor:

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

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

By: \_\_\_\_\_  
Jeffrey Lefcourt

STATE OF FLORIDA        )  
  )  
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared Jeffrey Lefcourt, who first being duly sworn, depose and say that they executed the above instrument for the purposes therein expressed.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

- ( ) Personally known
- ( ) Produced as Identification:

\_\_\_\_\_  
(NOTARY PUBLIC)  
SEAL

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Printed, Typed or Stamped Name)  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_





**Exhibit "A"**

**Address: 990 NE 79<sup>th</sup> Street  
Miami, Fla.**

**Folio: 01-3207-016-3510**

**Legal Description: Lots 5 & 6 less N5 of Lot 6, Block 21 of "SHORE CREST", according to the Plat thereof, as recorded in Plat Book 10, at Page 23, of the Public Records of Miami-Dade County, Florida.**

**My Home**  
Miami-Dade County, Florida



**miamidade.gov**

Property Information Map



Aerial Photography - AirPhoto USA 2004

0 — 114 ft

This map was created on 6/8/2005 4:52:23 PM for reference purposes only.

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**Close**

**Summary Details:**

Folio No.:	01-3207-016-3510
Property:	990 NE 79 ST
Mailing Address:	JEFFREY LEFCOURT
	9801 COLLINS AVE #18M BAL HARBOUR FL 33154-1823

**Property Information:**

Primary Zone:	S100 RESTRICTED COMMERCIAL	C-1
CLUC:	0013 OFFICE BUILDING	
Beds/Baths:	0/0	
Floors:	1	
Living Units:	0	
Adj Sq Footage:	4,407	
Lot Size:	12,000 SQ FT	
Year Built:	1974	
Legal Description:	SHORE CREST PB 10-23 LOTS 5 & 6 LESS N5FT OF LOT 6 BLK 21 LOT SIZE 120 X 100 OR 10486-782 0879 5	

**Sale Information:**

Sale O/R:	000000000
Sale Date:	11/1973
Sale Amount:	\$7,500

**Assessment Information:**

Year:	2004	2003
Land Value:	\$264,000	\$144,000
Building Value:	\$106,200	\$106,200
Market Value:	\$370,200	\$250,200
Assessed Value:	\$370,200	\$250,200
Total Exemptions:	\$0	\$0
Taxable Value:	\$370,200	\$250,200



# DEPARTMENT OF CAPITAL IMPROVEMENTS

## PROJECT OVERVIEW FORM

1. DATE: 6/28/05 DISTRICT: 2  
 NAME OF PROJECT: LAND ACQUISITION FOR FUTURE NORTHEAST FIRE STATION, LOCATED AT 958 AND 960 N.E. 79TH STREET  
 INITIATING DEPARTMENT/DIVISION: Economic Development  
 INITIATING CONTACT PERSON/CONTACT NUMBER: Madeline Valdez (305) 416-1461  
 C.I.P. DEPARTMENT CONTACT: \_\_\_\_\_  
 RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 313306  
 ADDITIONAL PROJECT NUMBER: \_\_\_\_\_ (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
 TOTAL DOLLAR AMOUNT: \$1,095,000 (10 Million allocated, with 5.5 Million in 1st series. Estimated current balance is (\$969,800)  
 SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility  
 ACCOUNT CODE(S): CIP # 313306

If grant funded, is there a City match requirement?  YES  NO  
 AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_  
 Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:  
 Individuals / Departments who provided input: Madeline Valdez / Economic Development

DESCRIPTION OF PROJECT: Land acquisition for future Northeast Fire Station, located at 958 AND 960 N.E. 79TH Street

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 6/8/05  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 6/28/05  
 Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Revisions to Original Scope?  YES  NO (If YES see Item 5 below)  
 Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN  
 Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
 DESIGN COST: \_\_\_\_\_  
 CONSTRUCTION COST: \_\_\_\_\_  
 Is conceptual estimate within project budget?  YES  NO  
 If not, have additional funds been identified?  YES  NO  
 Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE  
 Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_

Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_  
 Have additional funds been identified?  YES  NO  
 Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_  
 Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: City tries to stay at 15% of appraised value. It currently has a temporary trailer on 82nd Street and 2nd Avenue. We recognize that land acquisition costs exceeds budget of 50/50 land to construction, therefore the City is seeking other funding sources. Total dollar amount includes closing costs.

APPROVAL: *Robert O. Land* DATE: 6/28/05  
 BOND OVERSIGHT BOARD



## **AGENDA ITEM SUMMARY FORM**

**FILE ID:** \_\_\_\_\_

**Date:** May 24, 2005

**Requesting Department:** Economic Development

**Commission Meeting Date:** June 23, 2005

**District Impacted:** District 2

**Type:**  Resolution  Ordinance  Emergency Ordinance  Discussion Item

Other \_\_\_\_\_

**Subject:** Option Agreement for future Northeast Fire Station – 958 and 960 N.E. 79<sup>th</sup> Street

### **Purpose of Item:**

A Resolution of the City of Miami Commission, with attachment(s), by a four-fifths (4/5ths) affirmative vote, authorizing the City Manager to exercise the option to purchase real properties located at 958 and 960 N.E. 79 Street, Miami, Florida ("properties"), as legally described in the option agreement between the City of Miami and 79th Street LLC, a Florida limited liability company, attached and incorporated, in connection with the development of a fire station, for a total purchase price of One Million Fifty Thousand Dollars (\$1,050,000) and to consummate said transaction in accordance with the terms of said option agreement; further allocating funds, in the amount of One Million Ninety-Five Thousand Dollars (\$1,095,000) from the Neighborhood Fire Stations and Training Facility project, Account No. 313306.289307 appropriated from the \$255 million Homeland Defense/Neighborhood Improvement Bond to cover the cost of said acquisition inclusive of cost of survey, environmental reports, demolition and other costs associated with said acquisition.

### **Background Information:**

On December 12, 2002 the City of Miami Commission adopted Resolution No. 02-1294 which authorized and approved certain projects to be funded from the Homeland Defense/Neighborhood Improvement Bond Funds. On July 17, 2003 the City of Miami Commission adopted Ordinance No. 12380, as amended, the Capital Projects Appropriations Ordinance, to appropriate \$15,750,000 available funds from the Homeland Defense/Neighborhood Improvement Bond Proceeds for various capital improvement purposes including appropriating \$5,500,000 to the Neighborhood Fire Stations and Training Facility Project Account No. 313306. The Department of Fire-Rescue has determined a need to add a fire station in the Northeast area of the City of Miami to improve emergency response time and the fire station must be located within the following boundaries between Northeast 5th Avenue to the west, Northeast 11th Avenue to the east, Northeast 73rd Street to the south, and Northeast 82nd Street to the north, Miami, Florida, ("NE Fire Station Project"). The two properties located at 958 and 960 N.E. 79 Street, Miami, Florida, are within the Northeast Fire Station Project boundary. Two independent appraisals were procured and they established \$947,500 as the fair market value for both properties. The Purchase Price exceeds the appraised value by 11%. The Department of Economic Development has prepared an Option to Purchase Real Property Agreement ("Option Agreement") to purchase said properties for \$1,050,000. It is a condition precedent to the validity of the Option Agreement and its execution by the City Manager that the City of Miami Commission approve the Option Agreement by a greater majority of a 4/5th affirmative vote. Failing such approval the Option Agreement shall be automatically null and void without the necessity of further action by either party.

continuation....

**Subject:** Option Agreement for future Northeast Fire Station – 958 and 960 N.E. 79<sup>th</sup> Street

**Budget Impact Analysis**

**NO** Is this item related to revenue?

**YES** Is this item an expenditure? If so, please identify funding source below.

General Account No: \_\_\_\_\_

Special Revenue Account No: \_\_\_\_\_

CIP Project No: 313306-289307

**YES** Is this item funded by Homeland Defense/Neighborhood Improvement Bonds?

**Start Up Capital Cost:** \$ \_\_\_\_\_

**Maintenance Cost:** \$ \_\_\_\_\_

**Total Fiscal Impact:** \$ \_\_\_\_\_

**Final Approvals**

**(SIGN AND DATE)**

**CIP** \_\_\_\_\_ **Budget** \_\_\_\_\_

If using or receiving capital funds

**Grants** \_\_\_\_\_ **Risk Management** \_\_\_\_\_

**Purchasing** \_\_\_\_\_ **Dept. Director** \_\_\_\_\_

**Chief** \_\_\_\_\_ **City Manager** \_\_\_\_\_

## **..Title**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AUTHORIZING THE CITY MANAGER TO EXERCISE THE OPTION TO PURCHASE REAL PROPERTIES LOCATED AT 958 AND 960 N.E. 79 STREET, MIAMI, FLORIDA ("PROPERTIES"), AS LEGALLY DESCRIBED IN THE OPTION AGREEMENT BETWEEN THE CITY OF MIAMI AND 79TH STREET LLC, A FLORIDA LIMITED LIABILITY COMPANY, ATTACHED AND INCORPORATED, IN CONNECTION WITH THE DEVELOPMENT OF A FIRE STATION, FOR A TOTAL PURCHASE PRICE OF ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000) AND TO CONSUMMATE SAID TRANSACTION IN ACCORDANCE WITH THE TERMS OF SAID OPTION AGREEMENT; FURTHER ALLOCATING FUNDS, IN THE AMOUNT OF ONE MILLION NINETY-FIVE THOUSAND DOLLARS (\$1,095,000) FROM THE NEIGHBORHOOD FIRE STATIONS AND TRAINING FACILITY PROJECT, ACCOUNT NO. 313306.289307 APPROPRIATED FROM THE \$255 MILLION HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND TO COVER THE COST OF SAID ACQUISITION INCLUSIVE OF COST OF SURVEY, ENVIRONMENTAL REPORTS, DEMOLITION AND OTHER COSTS ASSOCIATED WITH SAID ACQUISITION.

## **..Body**

WHEREAS, on December 12, 2002 the City of Miami Commission adopted Resolution No. 02-1294 which authorized and approved certain projects to be funded from the Homeland Defense/Neighborhood Improvement Bond Funds; and

WHEREAS, on July 17, 2003 the City of Miami Commission adopted Ordinance No. 12380, as amended, the Capital Projects Appropriations Ordinance, to appropriate \$15,750,000 available funds from the Homeland Defense/Neighborhood Improvement Bond Proceeds for various capital

improvement purposes including appropriating \$5,500,000 to the Neighborhood Fire Stations and Training Facility Project Account No. 313306; and

WHEREAS, the Department of Fire-Rescue has determined a need to add a fire station in the Northeast area of the City of Miami to improve emergency response time and that the fire station must be located within the following boundaries between Northeast 5th Avenue to the west, Northeast 11th Avenue to the east, Northeast 73rd Street to the south, and Northeast 82nd Street to the north, Miami, Florida, ("NE Fire Station Project"); and

WHEREAS, the two properties located at 958 and 960 N.E. 79 Street, Miami, Florida, are within the Northeast Fire Station Project boundary; and

WHEREAS, two independent appraisals were procured and established \$947,500 as the fair market value for both properties; and

WHEREAS, the Purchase Price exceeds the appraised value by 11%; and

WHEREAS, the Department of Economic Development has prepared an Option to Purchase Real Property Agreement ("Option Agreement") to purchase said properties for \$1,050,000; and

WHEREAS, it is a condition precedent to the validity of the Option Agreement and its execution by the City Manager that the Miami City Commission approve the Option Agreement by a greater majority of a 4/5th affirmative vote; and

WHEREAS, failing such approval the Option Agreement shall be automatically null and void without the necessity of further action by either party;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA;

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. By a four-fifths (4/5ths) affirmative vote, the City Manager is hereby authorized<sup>1</sup> to exercise the Option Agreement between the City of Miami and 79th Street LLC, a Florida Limited Liability Company, to purchase said property, as legally described in "Exhibit A," attached and incorporated, in connection with the development of a Fire Station, with a total purchase price of One Million Fifty Thousand Dollars (\$1,050,000) and to consummate said transaction in accordance with the terms of said Option Agreement.

Section 3. This Resolution further allocates funds in the amount of One Million Ninety-Five Thousand Dollars (\$1,095,000) from the Neighborhood Fire Stations and Training Facility Project, Account No. 313306.289307 appropriated from the \$255 Million Homeland Defense/Neighborhood Improvement Bond to cover the costs of said acquisition inclusive of cost of survey, environmental reports, demolition and other closing costs associated with said acquisition.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.<sup>12</sup>



PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Manuel A. Diaz, Mayor

ATTEST:

\_\_\_\_\_  
Priscilla A. Thompson  
City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
Jorge L. Fernandez  
City Attorney

## **..Footnote**

\_\_\_\_\_  
<sup>1/</sup> The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

<sup>2/</sup> If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

Prepared by:

City of Miami  
Office of City Attorney  
444 S.W. 2nd Avenue, Ste. 945  
Miami, Florida 33130

### **OPTION TO PURCHASE REAL PROPERTY**

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between 79th Street LLC, a Florida Limited Liability Company, whose principal address is 291 Bal Bay Drive, Suite 306, Bal Harbour, Florida 33154-1367 ("Optionor"), and the City of Miami, (hereinafter "City" or "Optionee") a municipal corporation organized and existing under the laws of the State of Florida, whose principal address is 444 S.W. 2<sup>nd</sup> Avenue, Ste. 325, Miami, Florida, 33130.

1. GRANT OF OPTION. Optionor hereby grants to City or Optionee the exclusive irrevocable option to purchase all of the real properties located in Miami-Dade County, Florida, particularly described in Exhibit "A", together with all improvements, easements and appurtenances (collectively referred to hereinafter as the "Property"), in accordance with the provisions of this Agreement. Optionor herewith delivers to City a duly adopted, valid corporate resolution designating authorized representatives and granting such representatives the power and authority to enter into this Option Agreement and to take all necessary actions connected herewith. The Optionor covenants to convey the above-described Property by Warranty Deed to the City, or to such persons or entities that the Optionee may in writing assign or direct, for a price of One Million Fifty Thousand (\$1,050,000.00) Dollars (the "Purchase Price"), which, after reduction by the amount of the Option Payment, and after review of the appraisal, survey, and environmental audit as provided herein, is payable in full at closing. This Purchase Price presumes that the Property contains at least 13,875 square feet, to be confirmed by the Survey. In the event that the square footage is more than 13,875 square feet, the Purchase Price shall not be affected. In the event the square footage is less than 13,875 square feet then the Purchase Price shall be adjusted to reflect a reduction based on \$75.68 per square foot. The determination of the final Purchase Price can only be made after the completion and approval of the appraisals, survey, and environmental audit. If the average price of the two independent appraisals ordered by the City is less than ninety (90%) of One Million Fifty Thousand Dollars (\$1,050,000.00) then the City will be entitled to cancel this Option and receive a return of the Option Fee and the parties will have no recourse from such cancellation.

For Purchase Price in excess of Five Hundred Thousand Dollars (\$500,000.00) the City shall obtain at least two (2) appraisals by appraisers approved pursuant to Section 253.025 (6) (b), Florida Statutes. For Purchase Price under Five Hundred Thousand Dollars (\$500,000.00) the City shall obtain one (1) appraisal by appraisers approved pursuant to Section 253.025(6)(b), Florida Statutes.

2. ASSIGNMENT OF OPTION. The City may assign this option to any assignee and Optionor hereby consents to such assignment and will honor the option, as if the City had exercised it. The City or its assignee may exercise this option at any time on or before the day written below as the Option Expiration Date, by written notice to the Optionor. In the event that

the City, its assignee or other holder of the option, shall decide to purchase the property at the Purchase Price and terms herein within that time, the amount paid for this option shall be credited to the Purchase Price.

3. OPTION TERMS. The option payment is One Thousand and 00/100 Dollars (\$1,000.00) ("Option Payment"). This Option Payment will be made within twenty (20) business days of the time the Optionee executes this Agreement. This is specific and independent consideration payable to the Optionor to grant the City, as Optionee, an exclusive, irrevocable option to purchase the Property in accordance with this Agreement. The duration of this exclusive, irrevocable option shall commence on the date the Optionor signs this Agreement and shall continue through July 31, 2005 ("Option Expiration Date"). During this time, the Optionor shall not lease, sell, option, transfer, offer or otherwise encumber the Property for sale to any other person or entity. Upon receipt thereof, Optionor shall acknowledge receipt of the Option Payment on the receipt provided by Optionee and return same to Optionee. The Optionor will forward to Optionee within seven (7) business days of Optionee's execution of this Agreement copies of the previous title policy, surveys, and environmental reports, if any, related to the Property. The Option may only be exercised by the City Commission, during the period beginning with the Optionee's approval by execution of this Agreement, which exercise must be conveyed in writing to the Optionor, and ending on July 31, 2005 ("Option Expiration Date"), unless extended by other provisions of this Agreement. The closing shall occur within One Hundred and Twenty (120) days of the exercise of the option, unless such time is extended for good cause, pursuant to the terms of this Agreement. If the time to exercise the option is extended pursuant to the provisions of this Agreement, the Closing Date shall occur within sixty (60) days of the extended period.

The option money shall be fully refundable to City in the event any of the following occur: (a) if the average of the two independent appraisals ordered by the City indicates the average appraised value is less than 90% of the purchase price; (b) the City Commission fails to approve the purchase of the real property (pursuant to Section 166.045, Florida Statutes, if the Purchase Price exceeds the average appraised value, the City Commission approval must be by four-fifths (4/5ths) affirmative vote); (c) if a survey ordered by the City of the Property shows any encroachment on the Property or that improvements presently located on the Property encroach on the land of others; (d) an environmental audit and/or site assessment ordered by the City results in a finding that environmental contamination of the Property has resulted and the cost of clearing hazardous materials exceeds 5% of the Purchase Price, and the Optionor chooses to terminate this Agreement; (e) the Optionor cannot deliver fully insurable and marketable title; (f) the Optionor fails to perform the conditions precedent to closing set forth in §4 herein. If for any other reason other than (a)(b)(c)(d)(e) or (f) above, the City, any assignee or holder of the option does not conclude the purchase within the time agreed upon for closing, or if the City, any assignee or holder of the option does not exercise the option, then the amount paid for this option shall be retained by the Optionor in full and complete satisfaction for holding the Property subject to that option for such time. Upon due exercise of this option, the Optionor will deliver to the City, or its assigns, for inspection at least thirty (30) days before the Closing Date, a warranty deed, a bill of sale, a no lien affidavit, and whatever other instruments in the opinion of the City are necessary to vest in Optionee 100% fee simple, fully good, clear insurable and marketable title, which constitutes legal and unencumbered title to the Property as of the date of delivery of the deed. All such instruments will be in a form acceptable to the City Manager and approved as to legal form by the City

Attorney and as to insurance requirements by the Risk Management Administrator. Upon Optionor's fulfillment of all of the conditions precedent to closing, the City shall receive automatic credit of the Option Payment and any other credits or reductions pursuant to this Agreement against the Purchase Price and then shall deliver on the Closing Date the balance of the Purchase Price as payment in full to Optionor for the Property. This option may be recorded by the City in the Public Records of Miami-Dade County, Florida, and the holder of such option may purchase title insurance in an amount equivalent to the Purchase Price showing 100% fee simple, fully good, clear insurable and marketable title in the Optionor.

4. CONDITIONS PRECEDENT TO CLOSING

A. This Agreement is also contingent upon Optionor's performance of and compliance with the express terms of the conditions precedent to closing specified herein and Optionee's funds for closing being available at closing. If such funds are not available and/or if the Optionor fails to comply with the conditions precedent specified herein, then Optionee may in its sole discretion declare this Agreement void and it shall have no further force and effect as of that date. Optionor shall have no recourse whatsoever, at law or equity, (other than retention of the Option Payment set forth in §2 herein), against Optionee or the Property as a result of any matter arising out of this agreement at any time. Optionee's funds necessary to close are the sole responsibility of Optionee. Other than retention of the Option Payment of the City, Optionor shall have no recourse whatsoever, at law or equity, against the City or the Property as a result of any matter arising at any time, whether before or after fee simple title is conveyed to the City, relating to Optionee's funds. Should the City's funds not be available for any reason, Optionor may elect to terminate this Agreement by written notice to the parties without liability to any party.

B. In the event funds are not allocated and available for purchase of the Property at closing Optionor's sole and exclusive remedy and as agreed and liquidated damages will be to keep the Option Payment provided by §2 herein and the release of the Properties from the instant option. The parties shall have no further responsibilities as to this Agreement. Optionor and Optionee acknowledge and agree that actual damages are difficult or impossible to ascertain and that the Option Payment is a fair and reasonable estimation of the damages of Optionor.

C. The parties acknowledge and agree that on or after the exercise of this option by the City, and at least thirty (30) days prior to closing the Optionor must fully comply with, and have performed the following conditions precedent to closing at its own cost and expense:

At closing Optionor will, by virtue of this section, and by execution of an affidavit, warrant and represent to Optionee that there are no parties in use and/or possession of the Property, other than the Optionor, and that there are no existing oral or written leases, subleases, licenses, other options to purchase, rights of first refusal, agreements or contracts for sale, use, or possession of or other interests covering all or any part of the Property (except as may be listed in the attached Exhibit B annexed hereto at the time of City Commission approval ( IF APPLICABLE)).

- (i) Optionor represents and warrants to the City that it has previously furnished to the City copies of any and all written leases, subleases, licenses, agreements, contracts for sale, other options or rights of first refusal (as applicable), estoppel letters from

each tenant and subtenant, if any, specifying the nature, extent and duration of each tenant's and subtenant's occupancy, use, rental rate, advance rents, or security deposits paid by tenant and/or subtenant and estoppel letters from each optionee, contract vendors, and all others listed in Exhibit B. If there are none, then Exhibit B shall state "NONE". In the event the Optionor is unable to obtain these estoppel letters, Optionor represents and warrants that the Optionor has furnished the same information, true and correct, to City of Miami in the form of an affidavit.

- (ii) From the date of execution hereof, Optionor represents and warrants to the City that the Optionor shall not enter into any lease (oral or written), any sublease (oral or written), other option to purchase, agreement, contract for sale, or grant to any person(s) or entities any interest in the Property or any part thereof or encumber or suffer the Property or any part thereof to be encumbered by any mortgage, loan, mechanic's lien, workman's lien, or any other lien, without the prior written consent of the City which consent may be granted or withheld by the City in its sole discretion.
- (iii) Optionor agrees that it will take all necessary action, including the expenditure of all reasonable sums of money, to promptly terminate any and all leases, subleases, rights of occupancy, rights of use, options to purchase, other contracts for sale or purchase, options and any interest(s) of any other person(s) or entities, so that at closing the Optionor will convey the property to the City free and clear of any and all such items and furnish to the City adequate, written evidence of such terminations, and provide the City at closing with an affidavit in the form attached hereto as Exhibit B.
- (iv) The Optionor agrees that if, at least five (5) business days prior to closing, all debris and/or miscellaneous materials are not removed from the Property, the Purchase Price will be automatically adjusted by the costs of such removal, credited in favor of the City. The Optionor agrees that such credit(s) will be automatically granted without the necessity of executing any addendum or amendment to this Agreement if the condition in this subsection is not fully complied with by the Optionor in the manner provided. The Optionor shall have no recourse from the granting of this credit.
- (v) Optionor's obligations in this section are conditions precedent to the closing of this transaction.

5. A. ENVIRONMENTAL SITE ASSESSMENT. The City shall, at its sole cost and expense and at least thirty (30) days prior to the Closing Date, procure an environmental site assessment of the Property, which meets the standard of practice of the American Society of Testing Materials ("ASTM"). The City shall use the services of competent, professional consultants with expertise in the environmental site assessing process to determine the existence and extent, if any, of Hazardous Materials on the Property. The examination of hazardous materials contamination shall be performed to the standard of practice of the ASTM. For Phase I environmental site assessment, such standard of practice shall be the ASTM Practice E 1527. If the Findings and Conclusions section of the assessment reports evidence of recognized environmental conditions, then a Phase II

Environmental Site Assessment shall be performed to address any suspicions raised in the Phase I environmental site assessment and to confirm the presence of contaminants on site. For purposes of this Agreement "Hazardous Materials" shall mean any hazardous or toxic substance, material or waste of any kind or any other substance which is regulated by any Environmental Law (as hereinafter defined in paragraph 4.B). The Phase I environmental site assessment shall be certified to the City and the date of certification shall be within 30 days before the date of closing. If a Phase II environmental site assessment is required, the City, at its sole, complete and unrestricted discretion, may extend the Closing Date for a reasonable period not exceeding an additional sixty (60) days, by providing written notice to the Optionor.

5. B. HAZARDOUS MATERIALS. In the event that the environmental site assessment provided for in paragraph 5. A. confirms the presence of Hazardous Materials on the Property, City, at its sole option, may elect to terminate this Agreement, the option money shall be fully refundable to the Optionee, and neither party shall have any further obligations under this Agreement. Should the City elect not to terminate this Agreement, Optionor shall, at his sole cost and expense and prior to the exercise of the option and closing, promptly commence and diligently pursue any assessment, clean up and monitoring of the Property necessary to bring the Property into full compliance with any and all applicable federal, state or local laws, statutes, ordinances, rules, regulations or other governmental restrictions regulating, relating to, or imposing liability or standards of conduct concerning Hazardous Materials ("Environmental Law"). However, should the estimated cost of clean up of Hazardous Materials exceed a sum which is equal to 5% of the Purchase Price, Optionor may elect to terminate this Agreement and no party shall have any further obligations under this Agreement. In the event that Hazardous Materials placed on the Property prior to closing are discovered after closing, Optionor shall remain fully obligated hereunder, with such obligation to survive the closing and delivery and recording of the deed and the City's possession of the Property, to diligently pursue and accomplish the clean up of Hazardous Materials in a manner consistent with all applicable Environmental Laws and at Optionor's sole cost and expense.

5. C. REMEDIES/RIGHT OF TERMINATION. If the City discovers, the presence of Hazardous Materials on the Property in levels or concentrations, which exceed the standards, set forth by DERM, the State or the Federal Government, City shall notify Optionor in writing and deliver to Optionor copies of all written reports concerning such Hazardous Materials (the "Environmental Notice"). The City and Optionor shall have seven (7) business days from the date the Optionor receives the Environmental Notice to negotiate a mutually agreeable remediation protocol. In the event the City and Optionor are unable to reach agreement with respect thereto within the seven (7) business day period provided herein, the parties shall have the right within two (2) calendar days of the expiration of the seven (7) business day period to cancel this Agreement by written notice to the other party whereupon (i) all property data and all studies, analysis, reports and plans respecting the Property delivered by City to Optionor or prepared by or on behalf of the City shall be returned and delivered to the City by the Optionor; and then (ii) except as otherwise hereafter provided in this Section, the parties shall thereupon be relieved of any and all further responsibility hereunder and neither party shall have any further obligation on behalf of the other; and (iii) City shall be refunded the Option Payment.

Further, in the event that either party elects to terminate this Agreement, Optionor shall indemnify and save harmless and defend the City, its officers, servants, agents and employees from and against any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of whatsoever kind arising from Hazardous Materials placed on the Property prior to closing whether the Hazardous Materials are discovered prior to or after closing. Optionor shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the City as a result of any claim, suit, or cause of action for injuries to body, life, limb or property for which Hazardous Materials placed on the Property prior to closing are alleged to be a contributing legal cause. Optionor shall indemnify and save the City, its officers, servants, agents and employees harmless from and against all judgments, orders, decrees, attorney's fees, costs, expenses and liabilities in and about any such claim, suit, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing.

6. RADON GAS. Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risk to persons who are exposed to it over time. Levels of radon that exceed Federal and State Guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your County public health unit. [Note: This Paragraph is provided for informational purposes pursuant to Section 404.056(7), Florida Statutes]

7. SURVEY. The City shall, at its sole cost and expense and not less than thirty-five (35) days prior to the Closing Date, obtain an updated boundary survey of the Property prepared by a professional land surveyor licensed by the State of Florida, which meets the standards and requirements of Optionee ("Survey"). The Survey shall be certified to City and the title insurer and the date of certification shall be within sixty (60) days before the date of closing, unless this sixty (60) day time period is waived by City and by the title insurer, in writing, for purposes of deleting the standard exceptions for survey matters and easements or claims of easements not shown by the public records from the owner's title policy. If the Survey shows any encroachment on the Property or that improvements presently located or intended to be located on the Property encroach on the land of others, at the discretion of the City, the same shall be treated as a title defect.

8. TITLE INSURANCE. The City shall, at its sole cost and expense, and at least thirty-five (35) days prior to the Closing Date, obtain a marketable title insurance commitment, to be followed by an owner's marketable title insurance policy (ALTA Form "B") from a title insurance company, approved by the Optionee, insuring marketable title of the City to the Property in the amount of the Purchase Price. The City shall require that the title insurer delete the standard exceptions of such policy referring to: (a) all taxes, (b) unrecorded rights or claims of parties in possession, (c) survey matters, (d) unrecorded easements or claims of easements, and (e) unrecorded mechanics' liens.

9. DEFECTS IN TITLE. If the title insurance commitment or survey furnished to the City pursuant to this Agreement discloses any defects in title, which are not acceptable to City, Optionor shall, within thirty (30) days after notice from City, remove or cure said defects in title. Optionor agrees to use diligent effort to correct the defects in title within the time provided therefore, including the bringing of necessary suits. If Optionor is unsuccessful in removing the title defects within said time or if Optionor fails to make a diligent effort to correct the title defects,

City shall have the option at its sole, complete and unrestricted discretion to either: (a) accept the title as it then is with a reduction in the Purchase Price by an amount determined by Optionee; or (b) accept the title as it then is with no reduction in the Purchase Price; or (c) extend the amount of time that Optionor has to cure the defects in title; or (d) terminate this Agreement, thereupon releasing City and Optionor from all further obligations under this Agreement.

10. INTEREST CONVEYED. At closing, Optionor shall execute and deliver to the City a statutory warranty deed in accordance with Section 689.02, Florida Statutes, conveying good, insurable and marketable title to the Property in 100% fee simple free and clear of all mortgages, loans, liens, reservations, restrictions, easements, leases, subleases, tenancies and other encumbrances, except for those that are acceptable encumbrances, in the sole opinion of City, and do not impair the insurability and marketability of the title to the Property or the intended use of the Property. The grantee in Optionor's Warranty Deed shall be the City of Miami, a municipal corporation of the State of Florida, unless the City has assigned this option as provided herein.

11. EXPENSES. Optionor will pay the documentary revenue stamp tax and all other taxes or costs associated with the conveyance, and any other recordable instruments that City deems necessary to assure good, insurable and marketable title to the Property.

12. CLOSING COSTS AND ADJUSTMENTS. At Closing, the following items shall be borne, adjusted, prorated or assumed by or between Optionor and Optionee as follows:

A. Adjustments and Prorations.

- 1) Taxes and Assessments: All real estate taxes and assessments which are or which may become a lien against the Property shall be satisfied of record by Optionor at closing. In the event the City acquires fee simple title to the Property between January 1 and November 1, Optionor shall, in accordance with Section 196.295, Florida Statutes, place in escrow with the county tax collector an amount equal to the current taxes prorated to the date of transfer, based upon the current assessment and millage rates on the Property. In the event the City acquires fee simple title to the Property on or after November 1, Optionor shall pay to the county tax collector an amount equal to the taxes that are determined to be legally due and payable by the county tax collector.
- 2) Certified/Pending Liens: Certified, confirmed and ratified governmental liens and pending other liens as of the Closing Date shall be paid by Optionor.
- 3) Other Taxes, Expenses, Interest, Etc: Taxes (other than real property taxes), assessments, water and sewer charges, waste fee and fire protection charges, if applicable, shall be prorated as of the Closing Date.
- 4) Usual and Customary: Such other items that are usually and customarily pro-rated between purchasers and sellers of property in the area where the Property are located. All pro-rations shall utilize the 365-day method.



B. Closing Costs.

- 1) Each party shall be responsible for its own attorney's fees incurred in connection with the Closing.
- 2) Optionee shall pay all other closing and recording costs incurred in connection with the sale and purchase of the Property described in this Agreement, including, but not limited to:
  - (i) all inspection and environmental testing costs;
  - (ii) all recording charges, filing fees payable in connection with the transfer of the Property hereunder;
- 3) Optionor will pay the documentary stamps, which will be credited as a reduction from the Purchase Price at closing;

C. Other Contract Documents Required:

Optionor acknowledges that the property is being acquired by a governmental agency and that the transaction is subject to certain state and local requirements, which include reporting and disclosure of information.

Optionor agrees to comply with the public disclosure and inspection requirements under Chapter 119, Florida Statutes; disclosure of beneficial interests under Section 286.23, Florida Statutes; certification regarding conflict(s) of interest under Chapter 112, Florida Statutes and Chapter 2, of the City of Miami Code and Section 2-11-1 of the Miami-Dade County Code; certification regarding Public Entity Crimes under Section 287.133, Florida Statutes, and in connection therewith, Optionor agrees to execute and deliver all documents required or requested by Optionee or any or other governmental authority, including, but not limited to:

1. Conflict of Interest and Non-Collusion Affidavit; and
2. Sworn Disclosure of Beneficial Interest if Seller is a partnership, limited partnership, corporation, limited liability company, or trust; and
3. Public Entity Crime Affidavit

Additionally, if property is acquired with federal funds Optionor shall provide Optionee with a receipt of Disclosure and Notices under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended from time to time, and Optionor shall comply with such other certification or reporting requirements as may be required under the Program Regulation or applicable federal and state laws or regulations.

13. CLOSING PLACE AND DATE. The closing (the "Closing Date") shall be on or before one hundred and twenty (120) days after the date the City exercises the option; provided, however, that if a defect exists in the title to the Property, title commitment, survey, environmental site assessment, or any other documents required to be provided or completed and executed by

Optionor, the closing shall occur either on the original closing date, or within sixty (60) days following the extension of the Option Expiration Date due to a Phase II Environmental Site Assessment, or within sixty (60) days after receipt of documentation curing the defects, whichever is later. City shall set the date, time and place of closing. The closing shall occur at a time and place to be set by the City at Suite 945, Miami Riverside Center, 444 SW 2<sup>nd</sup> Ave., Miami, Florida 33130, or at such other office address in Miami-Dade County, Florida as the City may designate.

14. RISK OF LOSS AND CONDITION OF REAL PROPERTY. Optionor assumes all risk of loss or damage to the Property prior to the date of closing and warrants that the Property shall be transferred and conveyed to the City in the same or essentially the same condition as of the date of Optionor's execution of this Agreement, ordinary wear and tear excepted. However, in the event the condition of the Property is altered by an act of God or other natural force beyond the control of Optionor, City may elect, at its sole option and complete, unrestricted discretion, to terminate this Agreement and neither party shall have any further obligations or responsibilities under this Agreement. Optionor represents and warrants that there are no parties other than Optionor in occupancy, use or possession of any part of the Property. Optionor agrees to clean up and remove, at its own cost, all abandoned personal property, refuse, garbage, junk, rubbish, vermin, trash and debris from the Property to the satisfaction of the City five (5) days prior to closing.

15. RIGHT TO ENTER PROPERTY ,POSSESSION AND USE. Optionor agrees that from the date this Agreement is executed by Optionor, Optionee, the City and/or its agents, upon reasonable notice, shall have the right to enter the Property for all lawful purposes in connection with this Agreement. Optionor shall deliver possession and use of the Property to the City at closing.

16. ACCESS. Optionor warrants that there is legal ingress and egress for the Property over public roads or valid, recorded easements that benefit the Property and provide for such access.

17. DEFAULT. If Optionor defaults under this Agreement, City may waive the default and proceed to closing, seek specific performance, or refuse to close and elect to receive the return of any money paid, including the reimbursement of any expenses incurred in involving the sale of the property, each without waiving any action for damages, or any other remedy permitted by law or in equity resulting from Optionor's default. In connection with any dispute arising out of this Agreement, including without limitation litigation and appeals, each party will bear its own attorney's fees.

18. BROKERS. Optionor warrants that no persons, firms, corporations or other entities are entitled to a real estate commission or other fees as a result of this Agreement or subsequent closing, except as accurately disclosed on the disclosure statement in substantially the attached form as set forth in Exhibit "C". Optionor shall indemnify and hold City harmless from any and all such claims, whether disclosed or undisclosed.

19. RECORDING. This Agreement, or notice of it, may be recorded by City in the appropriate county or counties.

20. ASSIGNMENT. This Agreement may be assigned by City, in which event City will provide written notice of assignment to Optionor. In case of such assignment, the City's assignee assumes all of the City's duties hereunder and may fully exercise every right and privilege of the City pursuant to this Agreement. The City will in such instance be discharged from any responsibilities hereunder. Optionor shall not assign this Agreement without the prior written consent of City, which consent the City may grant or withhold in its sole, complete and unrestricted discretion as the City is relying on Optionor's 100% fee simple title to this Property.
21. TIME. Time is of essence with regard to all dates or times set forth in this Agreement.
22. SEVERABILITY. In the event any of the provisions of this Agreement are deemed to be unenforceable, the enforceability of the remaining provisions of this Agreement shall not be affected.
23. SUCCESSORS IN INTEREST. Upon Optionor's execution of this Agreement, Optionor's heirs, legal representatives, successors and assigns will be bound by it. Upon the City's exercise of the option, by and through its City Commission, the City and its successors and assigns will be bound by it. Whenever used, the singular shall include the plural and one gender shall include all genders.
24. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations and understandings of the parties. No supplement, modification or amendment to this Agreement shall be binding unless executed in writing by the parties.
25. WAIVER. Failure of City to insist upon strict performance of any covenant or condition of this Agreement, or to exercise any right herein contained, shall not be construed as a waiver or relinquishment for the future of any such covenant, condition or right; but the same shall remain in full force and effect.
26. WAIVER OF TRIAL BY JURY. The parties hereby knowingly, voluntarily and intentionally waive any right they may have to a trial by jury or to file permissive counterclaims or to claim attorney's fees from the other party in respect to any litigation arising out of, under or in connection with this Agreement, or any course of conduct, course of dealing, statements (whether verbal or written) or actions of any party hereto. This provision is a material inducement for Optionor and City entering into this Agreement.
27. AGREEMENT EFFECTIVE. This Agreement or any modification, amendment or supplement or alteration thereto, shall not be effective or binding upon any of the parties hereto until it has been executed by all of the parties hereto.
28. ADDENDUM. Any addendum attached hereto that is signed by the parties shall be deemed a part of this Agreement and shall be annexed to the Agreement. The Resolution of the City Commission of the Optionee shall, in addition to approving the purchase contemplated under this Agreement, empower the City Manager of the Optionee to modify this Agreement in the event a modification to this Agreement becomes necessary or desirable.

29. NOTICE. Whenever either party desires or is required to give notice unto the other, it must be given by written notice, and either delivered personally or mailed to the appropriate address indicated below, or such other address as is designated in writing by a party to this Agreement. Such notice shall be deemed given on the day on which personally served; or if by certified mail, on the fifth day after being posted or the date of actual receipt, whichever is earlier:

City/Optionee:

City Manager  
City of Miami  
3500 Pan American Drive  
Miami, Florida 33133

Optionor:

79<sup>th</sup> Street, LLC., a Florida  
Limited Liability Company  
291 Bal Bay Drive, #306  
Bal Harbour, Florida 33154-1367

Copies To:

Director, Department of Economic Dev.  
City of Miami  
444 SW 2<sup>nd</sup> Avenue, 3rd Floor  
Miami, Florida 33130

Copies To:

Christopher D. Vasallo, Esq.  
Trescott, Drucker, Vasallo, PA  
2605 Ponce De Leon Blvd.  
Coral Gables, Florida 33134

City Attorney

City of Miami  
444 SW 2<sup>nd</sup> Avenue, Suite 945  
Miami, Florida 33130

Roselyn Nexer Freeman

1809 Micanopy Avenue  
Miami, Florida 33133

30. SURVIVAL. The covenants, warranties, representations, indemnities and undertakings of Optionor set forth in this Agreement shall survive the closing, the delivery and recording of the deed and the City's possession of the Property.

31. GOVERNING LAW/VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, regardless of any conflicts of laws or other rules that would require the application of the laws of another jurisdiction. Venue for any action on or arising out of this Agreement shall be in Miami-Dade County Florida. The parties expressly waive the right to bring an action in any other venue that would be available absent this provision and acknowledge that such waiver is a condition of, and material inducement for, the City of Miami entering into this Agreement.

THIS AGREEMENT IS INITIALLY TRANSMITTED TO THE OPTIONOR AS AN INVITATION TO MAKE AN OFFER. IF THIS AGREEMENT IS NOT EXECUTED BY THE OPTIONOR ON OR BEFORE MAY 10, 2005, THIS OFFER WILL BE VOID UNLESS THE CITY, AT ITS SOLE OPTION, ELECTS TO ACCEPT THIS OFFER. THE EXERCISE OF THIS OPTION IS SUBJECT TO: (1) APPROVAL OF THIS AGREEMENT, (2) PURCHASE PRICE, (3) THE CITY AND OPTIONEE APPROVAL OF ALL DOCUMENTS TO BE FURNISHED HEREUNDER BY OPTIONOR, AND (4) APPROVAL BY A FOUR-FIFTHS (4/5THS)

AFFIRMATIVE VOTE OF THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA IS REQUIRED AS A CONDITION PRECEDENT TO THE EXERCISE OF THIS OPTION.

THIS IS TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY PRIOR TO SIGNING.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

WITNESSES:

Optionor:

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

79<sup>th</sup> Street LLC  
a Florida Limited Liability Company

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

By: \_\_\_\_\_  
Sylvia Nexer, President

WITNESSES:

Optionor:

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

By: \_\_\_\_\_  
\_\_\_\_\_, Secretary

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
(As to Optionor)

STATE OF FLORIDA        )  
  )  
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_  
and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_,  
respectively, of 79<sup>th</sup> Street, LLC, a Florida Limited Liability Company  
who first being duly sworn, depose and say that they executed the above instrument for the  
purposes therein expressed.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

- ( ) Personally known
- ( ) Produced as Identification:

\_\_\_\_\_  
(NOTARY PUBLIC)  
SEAL

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Printed, Typed or Stamped Name)  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Optionee:

CITY OF MIAMI, a municipal corporation  
of the State of Florida

By: \_\_\_\_\_  
Joe Arriola, City Manager

\_\_\_\_\_  
Date signed by Optionee

ATTEST:

\_\_\_\_\_  
Priscilla A. Thompson, City Clerk

APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
Jorge L. Fernandez  
City Attorney

APPROVED AS TO INSURANCE  
REQUIREMENTS:

\_\_\_\_\_  
Dania F. Carrillo  
Risk Management Administrator

STATE OF FLORIDA)  
)  
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by Joe Arriola, as City Manager for the City of Miami, a municipal corporation of the  
State of Florida. I personally know him.

(NOTARY PUBLIC)  
SEAL

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
(Printed, Typed or Stamped Name of  
Notary Public)  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Exhibit "A"**

**Address: 958 NE 79<sup>th</sup> Street  
Miami, Fla.**

**Folio: 01-3207-016-3530**

**Legal Description: Lot 8 less N5 Feet of E½ Block 21 of "SHORE CREST", according to the Plat thereof, as recorded in Plat Book 10, at Page 23, of the Public Records of Miami-Dade County, Florida.**

**Address: 960 NE 79<sup>th</sup> Street  
Miami, Fla.**

**Folio: 01-3207-016-3520**

**Legal Description: Lot 7 less N5 Feet of Block 21 of "SHORE CREST", according to the Plat thereof, as recorded in Plat Book 10, at Page 23, of the Public Records of Miami-Dade County, Florida.**

Exhibit "B"  
Entity Optionor's Affidavit  
with All Necessary Items Attached

STATE OF FLORIDA     )

COUNTY OF MIAMI-DADE) SS:

BEFORE ME, the undersigned authority, this \_\_\_\_ day of \_\_\_\_\_, 2005, personally appeared Sylvia Nexer, who upon being first duly sworn, deposes and says:

1. My name is Sylvia Nexer, and I am the duly authorized representative as President of 79th Street LLC, a Florida Limited Liability Company, whose address is 291 Bal Bay Drive, Suite 306, Miami, Florida 33154-1367 (hereinafter "Optionor") in connection with that certain Option to Purchase Real Property, dated \_\_\_\_\_, 2005 (the "Option Agreement") by and between Optionor and the City of Miami, a municipal corporation organized and existing under the State of Florida (hereinafter "City" or "Optionee") related to an exclusive, irrevocable option held by the City to purchase Optionor's property (as described in the Option Agreement, hereinafter the "Property").

2. I have personal knowledge of the matters contained herein.

3. I am above the age of 18 and I am competent to attest to these matters.

4. I have read the foregoing Option Agreement, am familiar with the Property, and know the contents of the Option Agreement and the duties, obligations, responsibilities, and requirements of Optionor under the Option Agreement. The contents, duties, obligations, responsibilities, and requirements are true and correct of my own knowledge.



5. As required by the foregoing Option Agreement and on behalf of Optionor, I hereby certify, represent, and warrant to Optionee that there are no parties in use and/or possession of the Property, other than Optionor, and that there are no existing oral or written leases, subleases, licenses, other options to purchase, rights of first refusal, agreements, or contracts for sale, use, or possession of or other interest covering all or any part of the Property (except as listed below, copies of which are attached hereto):

**NONE.**

FURTHER SAYETH THE AFFIANT NAUGHT.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Signature: \_\_\_\_\_

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

Notary Public State Of Florida

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_ Did Take An Oath

\_\_\_\_\_ Did Not Take An Oath

\_\_\_\_\_ Personally Known

\_\_\_\_\_ Produced I.D., Type of I.D. Produced: \_\_\_\_\_

Exhibit "C"

Broker Registration and Disclosure Form

NONE.

**My Home**  
Miami-Dade County, Florida



**miamidade.gov**

**Property Information Map**



Aerial Photography - AirPhoto USA 2004

0 — 114 ft

This map was created on 6/8/2005 4:51:42 PM for reference purposes only.

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**Close**

**Summary Details:**

Folio No.:	01-3207-016-3520
Property:	960 NE 79 ST
Mailing Address:	79TH ST LLC 291 BAL BAY DR #206 BAL HARBOR FL 33154-

**Property Information:**

Primary Zone:	6100 RESTRICTED COMMERCIAL (21)
CLUC:	0032 LIGHT MANUFACTURING
Beds/Baths:	0/0
Floors:	1
Living Units:	0
Adj Sq Footage:	1,957
Lot Size:	7,050 SQ FT
Year Built:	1982
Legal Description:	SHORE CREST PB 10-23 LOT 7 LESS N5FT BLK 21 LOT SIZE 50.000 X 141 OR 10684-1249 0380 2 COC 21945-1073 11 2003 4

**Sale Information:**

Sale O/R:	106841249
Sale Date:	3/1980
Sale Amount:	\$120,000

**Assessment Information:**

Year:	2004	2003
Land Value:	\$141,000	\$66,975
Building Value:	\$44,522	\$42,776
Market Value:	\$185,522	\$109,751
Assessed Value:	\$185,522	\$109,751
Total Exemptions:	\$0	\$0
Taxable Value:	\$185,522	\$109,751

**My Home**

**miamidade.gov**

ACTIVE TOOL: SELECT



M

**Show Me:**

Property Information

**Search By:**

Select Item

Text only

Color Aerial Photography - 2004

Digital Orthophotography - 2003

**Summary Details:**

Folio No.:	01-3207-016-3530
Property:	958 NE 79 ST
Mailing Address:	79TH ST LLC 291 BAL BAY DR BAL HARBOR FL 33154-

**Property Information:**

Primary Zone:	6100 RESTRICTED COMMERCIAL (C1)
CLUC:	0049 MIXED USE-GOVERNMENTAL
Beds/Baths:	2/3
Floors:	1
Living Units:	0
Adj Sq Footage:	2,159
Lot Size:	6,825 SQ FT
Year Built:	1946
Legal Description:	SHORE CREST PB 10-23 LOT 8 LESS N5FT OF E1/2 BLK 21 LOT SIZE 6850 SQ FT OR 10684-1249 0380 2 COC 21945-1075 11 2003 4

**Sale Information:**

Sale O/R:	106841249
Sale Date:	3/1980
Sale Amount:	\$120,000

**Assessment Information:**

Year:	2004	2003
Land Value:	\$136,500	\$64,838
Building Value:	\$70,652	\$68,393
Market Value:	\$207,152	\$133,231
Assessed Value:	\$207,152	\$133,231
Total Exemptions:	\$0	\$0
Taxable Value:	\$207,152	\$133,231



Aerial Photography - AirPhoto USA 2004

0 — 114 ft

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DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM



1. DATE: 6/28/05 DISTRICT: 2

NAME OF PROJECT: DOWNTOWN STREETS INFRASTRUCTURE -PHASE I

INITIATING DEPARTMENT/DIVISION: Capital Improvements

INITIATING CONTACT PERSON/CONTACT NUMBER: Roger Hatton (305) 416-1261

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: CIP/PROJECT NUMBER: 341210

ADDITIONAL PROJECT NUMBER: B-39902 (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,

TOTAL DOLLAR AMOUNT: \$4,363,000 (10 Million allocated, estimated balance \$477,000)

SOURCE OF FUNDS: Downtown Infrastructure Improvements

ACCOUNT CODE(S): CIP # 341210

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input:

DESCRIPTION OF PROJECT: The project consists of the milling and resurfacing of the existing road, replacement of broken sidewalk and broken curbing, the addition of ADA compliant pedestrian ramps, drainage inlet retrofitting for pollution control and addition of landscaping.

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 6/22/05

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 6/28/05

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS: C.I.P will provide list of streets (see attached). Sidewalks will be made of concrete; crosswalks will be stamped colored asphalt. We're rescinding previously approved Downtown Infrastructure Street Phase I item totaling \$2,587,932 presented on 3/22/05.

APPROVAL: [Signature] DATE: 6/28/05

BOND OVERSIGHT BOARD



# PROJECT ANALYSIS FORM

Department of Capital Improvements  
City of Miami

Date Prepared:	1/31/2005
Revised Date:	6/16/2005
Revised Date:	
Revised Date:	

<b>PROJECT NAME: DOWNTOWN INFRASTRUCTURE STREETS PHASE I</b>		
<b>ADDRESS / LOCATION:</b> Downtown Area	<b>PROJECT No.:</b>	B-39902
<b>NET OFFICE:</b> Downtown	<b>DISTRICT:</b>	D2
<b>CLIENT DEPT.:</b>	<b>EST. PROJECT COST:</b>	\$4,363,000
<b>CLIENT CONTACT:</b>	<b>TEL.:</b>	<b>ALLOCATED FUNDS:</b> \$4,423,000
<b>PROJECT MANAGER:</b> Alvaro Alonso	<b>TEL.:</b> (305) 416 - 1024	<b>PROCUREMENT:</b> Informal Bid
<b>CONSTR. MANAGER:</b> Lionel Zapata	<b>TEL.:</b> (305) 416 - 1788	<b>PROJECT TEAM:</b> Streets
<b>INSPECTOR / CEO:</b> Metric Engineering	<b>TEL.:</b>	
<b>EST. DESIGN START:</b> 2/1/2005	<b>EST. BID ADV.:</b>	<b>EST. CONSTRUCTION START:</b> 7/25/2005
<b>EST. DESIGN END:</b> 4/30/2005	<b>EST. AWARD DATE:</b>	<b>EST. CONSTRUCTION END:</b> 11/15/2005

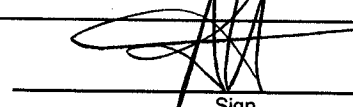
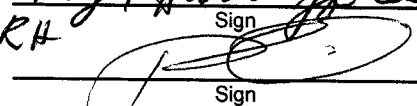
<b>PROJECT COST ESTIMATE</b>	<b>PRODUCTION PHASE</b>		Percentage
	A. Design Svcs. - Outside Consultant	Prime Consultant: <u>Metric Engineering</u>	
	1 Basic Fees:		2.5% \$84,491
	2 Additional Services:		0.0% \$0
			<b>SUB-TOTAL: \$84,491</b>
	B. Design Svcs. - CIP		
	1 In-house Basic Design Fee:		0.0% \$0
	2 In-house Additional Design Services:		0.0% \$0
			<b>SUB-TOTAL: \$0</b>
	C. Production Management Services		
	1 Prod. Mgmt. of Outside Consultant by CIP:		0.0% \$0
	2 Prod. Mgmt. of Outside Consultant by Industry Partner:		2.0% \$67,593
			<b>SUB-TOTAL: \$67,593</b>
	D. Miscellaneous Services		
	1 Survey:	Vendor:	\$15,000
	2 Re-plat:	Vendor:	
	3 Geotechnical Testing:	Vendor:	
	4 Utility Locations (Soft Digs):	Vendor:	\$15,000
	5 Asbestos Survey:	Vendor:	
	6 Energy / HVAC Calculations:	Vendor:	
	7 Phase I Environmental:	Vendor:	
	8 Phase II Environmental:	Vendor:	
	9 Structural Testing:	Vendor:	
	10 Archeological Survey:	Vendor:	
	11 Other:	Vendor:	
		<b>SUB-TOTAL: \$30,000</b>	
E. Special Fees / Assessments:			
1 DERM (Plans review, environmental permits, etc.):	Fee Waiver <input type="checkbox"/>		
2 Miami-Dade County Water and Sewer Department (Plan review)			
3 Florida Department of Environmental Protection (Permits):			
4 FDOT (Plans review, inspections, etc.):			
5 South Florida Water Management District (Permits):			
6 U.S. Army Corps of Engineers (Plans review, permits):			
7 HRS (Plans review, inspections, etc.):			
8 Other:			
		<b>SUB-TOTAL: \$0</b>	
		<b>PRODUCTION PHASE TOTAL: \$182,083</b>	
<b>CONSTRUCTION PHASE</b>			
F. Construction:	JOC Contractor: _____		
1 Construction Estimate:		\$3,379,631	
2 Contingency Allowance:		7.7% \$260,545	
3 Data & Telecommunication Systems (IT Dept.):			
4 Fixtures, Furniture and Equipment:			
5 WASA System Betterment:			
6 FPL Contribution-in-Aid-of Construction:			
7 Other:			
		<b>SUB-TOTAL: \$3,640,175</b>	

PROJECT COST ESTIMATE	G City and other Gov't Agencies Permit Fees		
	1	City of Miami Permits: Bldg. Dept. <input type="checkbox"/> Public Works <input type="checkbox"/>	
	2	Miami-Dade County Impact Fees:	
	3	Miami-Dade County Archeological Monitoring:	
	4	Other:	
			SUB-TOTAL: \$0
			CONSTRUCTION PHASE TOTAL: \$3,640,175
	<b>CONSTRUCTION ADMINISTRATION</b>		
	H	Construction Inspection Services - CIP:	0.0% \$0
	I	Construction Mgmt. - Industry Partner:	2.0% \$67,593
	J	Construction Engineering Observer (CEO) - Industry Partner	10.0% \$337,963
	K	JOC Administration	0.0% \$0
			CONSTRUCTION ADMINISTRATION TOTAL: \$405,556
	<b>ADMINISTRATIVE EXPENSES</b>		
	L	CIP Dept. (Mgmt./Budget/Procurement/Comm.):	3.0% \$101,389
M	Industry Partner Program Mgmt. Support:	1.0% \$33,796	
		ADMINISTRATIVE EXPENSES TOTAL: \$135,185	
<b>LAND ACQUISITION EXPENSES</b>			
N	Land Cost:		
O	Transaction Costs:	0.0% \$0	
		LAND ACQUISITION TOTAL: \$0	
		<b>GRAND TOTAL - ESTIMATED PROJECT COST: \$4,363,000</b>	

PROJECT SCOPE	The project consists of the milling and resurfacing of the existing road, replacement of broken sidewalk and broken curbing, the addition of ADA compliant pedestrian ramps, drainage inlet retrofitting for pollution control and addition of landscaping
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NOTES	
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FUND SOURCES	Fund: 2002 Homeland Defense Series 1	CIP # 341210	Fiscal Year Available	Amount: <sup>4,363,000</sup> <del>4,423,000</del>
	Fund:	CIP #		Amount:
	Fund:	CIP #		Amount:
	Fund:	CIP #		Amount:
	Fund:	CIP #		Amount:
	Fund:	CIP #		Amount: <sup>4,363,000</sup>
				TOTAL ALLOCATED AMOUNT: \$4,423,000

VALIDATION	Project Manager: <u>Alvaro Alonso</u>	Sign: 	Date: <u>6/29/05</u>
	Sr. Project Manager: <u>Cesar Gonzalez</u>	Sign: <u>Roger Hatten for Cesar</u>	Date: <u>6/29/05</u>
	Reviewed by: <u>Pilar Saenz</u> CIP Budget Administrator	Sign: 	Date: <u>6-21-05</u>
	Accepted by: <u>Mary Conway</u> Director of the Client Department	Sign: <u>Mary Conway</u>	Date: <u>6/21/05</u>

Item Number	Description	Project Total	Unit	Unit Price	Proposed Amount
002C	Florida Power & Light	0	AL	\$5,000.00	\$ -
005	Commercial Material for Driveway	780	CY	\$35.00	\$ 27,300.00
006	Off-Duty Law Enforcement	2,000	MH	\$40.00	\$ 80,000.00
007	Work Zone Signs	25,000	ED	\$1.20	\$ 30,000.00
008	Business Signs	200	EA	\$90.00	\$ 18,000.00
010	Concrete Barrier Wall-Temp	1,700	LF	\$25.00	\$ 42,500.00
012	Barricade-Temp	61,000	ED	\$0.45	\$ 27,450.00
013	Advance Warning Arrow Panels	2,250	ED	\$29.00	\$ 65,250.00
014	High Intensity Flashing Lights	11,000	ED	\$1.50	\$ 16,500.00
015	Sign Variable Message-Temp	360	ED	\$65.00	\$ 23,400.00
022	Baled Hay or Straw / Rock Bags	500	EA	\$7.00	\$ 3,500.00
023	Floating Turbidity Barrier	500	LF	\$10.00	\$ 5,000.00
026	Clearing and Grubbing	14	Acre	\$2,300.00	\$ 32,200.00
027	Removal of Existing Pavement	1,797	SY	\$6.10	\$ 10,961.70
028	Remove Concrete (up to 6" thick)	7,054	SY	\$9.50	\$ 67,013.00
029	Remove Concrete Curb & Gutter	9,090	LF	\$5.90	\$ 53,631.00
030	Remove Replace Decorative Pavers	342	SF	\$5.95	\$ 2,034.90
032	Regular Excavation	306	CY	\$13.95	\$ 4,268.70
032	Regular Excavation - For Curb Pad	253	CY	\$13.95	\$ 3,530.20
032	Regular Excavation - For Road Repair	729	CY	\$13.95	\$ 10,174.20
036	Final Dressing	500	SY	\$1.00	\$ 500.00
037	Fill Flowable	100	CY	\$210.00	\$ 21,000.00
040	Stabilization Type "B"	2,188	SY	\$2.60	\$ 5,688.80
040a	8.5" ABC-3 Asphalt Base	2,188	SY	\$32.70	\$ 71,547.60
041	Top Soil	200	SY	\$2.10	\$ 420.00
048	Bituminous Material (Tack Coat)	4,514	GAL	\$2.25	\$ 10,156.14
049	Milling Existing Asphalt Pavemnt	56,423	SY	\$3.00	\$ 169,269.00
052	Type S Asphaltic Concrete - Over 500 Tons	3,124	TN	\$70.00	\$ 218,687.00
056	Type S-III Asphaltic Concrete 1"	1,332	SY	\$4.00	\$ 5,328.00
059	Miscellaneous Asphalt Pavement - For MOT	150	TN	\$115.00	\$ 17,250.00
059	Miscellaneous Asphalt Pavement - For Curb Pad	456	TN	\$115.00	\$ 52,388.89
062	Class I Concrete (Miscellaneous)	10	CY	\$800.00	\$ 8,000.00
065	Adjust Conflict Structures(0'-3')	1	EA	\$2,800.00	\$ 2,800.00
081	Adjust Manholes (0'-2')	1	EA	\$300.00	\$ 300.00
082	Adjust Manholes (2'-4')	0	EA	\$475.00	\$ -
083	Adjust Valve Boxes (2'-4')	2	EA	\$160.00	\$ 320.00
138	Concrete Curb and Gutter (Type"F")	8,200	LF	\$30.00	\$ 246,000.00
146	Concrete Sidewalk (4" Thick)	3,922	SY	\$26.00	\$ 101,972.00
147	Concrete Sidewalk (6" Thick)	82	SY	\$33.00	\$ 2,706.00
154	End Anchorage Assembly Melt	10	EA	\$1,358.00	\$ 13,580.00
164	Sod (Argentine Floratam)	500	SY	\$3.90	\$ 1,950.00
178	Tree Removal (Bucket Truck w/3 Man Crew)	27	EA	\$350.00	\$ 9,450.00
180	Additional Laborer (Inc all pay/fringe benefits) - Project MOT Services Including Flag Men, Survey, Cleanup Equipment as Required.	5,520	HR	\$34.00	\$ 187,680.00
180	Additional Laborer (Inc all pay/fringe benefits) - Porta John	280	HR	\$34.00	\$ 9,520.00
242	Loop Assembly (Type F) (Furnish and Install)	10	AS	\$1,000.00	\$ 10,000.00



Item Number	Description	Project Total	Unit	Unit Price	Proposed Amount
264	Sign (Single Post) (Less than 12 S.F.)	10	AS	\$225.00	\$ 2,250.00
269	Relocate Existing Sign (Single Post)	10	AS	\$140.00	\$ 1,400.00
272	Sign Panels (Furnish and Install) (15 or Less S.F.)	10	EA	\$290.00	\$ 2,900.00
279	Marker (Object)(Post Mount)(Type I)	88	EA	\$120.00	\$ 10,560.00
281	Pavement Marker (Class B) (Reflective) (Furnish and Install)	875	EA	\$3.75	\$ 3,281.25
	Messages, Painted	5	EA	\$50.00	\$ 250.00
284	Directional Arrows, Painted	70	EA	\$35.00	\$ 2,450.00
286	Solid Traffic Stripe, Painted (4")	644	LF	\$0.50	\$ 322.00
287	Solid Traffic Stripe, Painted (6")	39,877	LF	\$0.80	\$ 31,901.60
288	Solid Traffic Stripe, Painted (18")	4,531	LF	\$2.00	\$ 9,062.00
289	Solid Traffic Stripe, Painted (24")	1,590	LF	\$3.00	\$ 4,770.00
290	Solid Traffic Stripe, Painted (24")	1,192	LF	\$3.00	\$ 3,576.00
292	Messages (Pavement) (Thermoplastic)	5	EA	\$125.00	\$ 625.00
293	Arrows (Directional) (Thermoplastic)	70	EA	\$43.00	\$ 3,010.00
296	Traffic Stripe (Solid) (6") (Thermoplastic)	39,877	LF	\$0.90	\$ 35,889.30
298	Traffic Stripe (Solid) (12") (Thermoplastic)	4,531	LF	\$1.80	\$ 8,155.80
299	Traffic Stripe (Solid) (18") (Thermoplastic)	1,590	LF	\$2.50	\$ 3,975.00
300	Traffic Stripe (Solid) (24") (Thermoplastic)	1,192	LF	\$2.90	\$ 3,456.80
	Pass Thru - Signalization Relocates				\$ 100,000.00
<b>ADDITIONAL ITEMS</b>					
	Remove RxR Tracks	2	EA	\$7,990.00	\$ 15,980.00
	Sidewalk Curb Ramp w/ Stamp	1,807	SY	\$437.50	\$ 790,562.50
	Stamped Asphalt Crosswalk	2,743	SY	\$123.75	\$ 339,446.25
	Reset Existing Water Meter Boxes	5	EA	\$1,250.00	\$ 6,250.00
	Reset Existing Utility Boxes	7	EA	\$1,250.00	\$ 8,750.00
	Relocate Existing Pull Boxes	2	EA	\$1,250.00	\$ 2,500.00
	Reset Existing Pull Boxes	8	EA	\$1,250.00	\$ 10,000.00
	Remove Existing Sign Base	5	EA	\$1,250.00	\$ 6,250.00
	Relocate Existing Parking Meter	60	EA	\$550.00	\$ 33,000.00
	Reset Existing Utility Hand Hole	1	EA	\$1,250.00	\$ 1,250.00
	Install Inlet Modification	62	EA	\$1,590.00	\$ 98,580.00
	Landscaping				\$ 150,000.00
<b>TOTAL</b>					<b>\$ 3,379,630.63</b>

This is only a "Budget Quote" based on what should be expected. The actual cost will be based on field measurements and as agreed to by the owner and Weekley Asphalt Paving, Inc.

# Rescinded

- Model City Beautification Project.

TOTAL DOLLAR AMOUNT: <u>\$447,975</u>
SOURCE OF FUNDS: <u>District 5-Quality of Life Improvements</u>
DESCRIPTION OF PROJECT: <u>Project Scope consists of milling and resurfacing the existing roads, replace existing broken sidewalk, curb and gutter and medians curb, new paint striping and new handicap ramps at street intersections, landscaping. Location No. N.W. 59 St, 58<sup>th</sup> Terrace and 58 Street between NW 17 Avenue and 12 Avenue.</u>

HD/NIB MOTION 05-23

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE MODEL CITY BEAUTIFICATION PROJECT.

MOVED: L. CABRERA  
SECONDED: A. SUMNER  
ABSENT: R. Aedo, R. Cayard, L. De Rosa, R. Flanders, D. Marko.  
Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Downtown Infrastructure Street Phase I.

TOTAL DOLLAR AMOUNT: <u>\$2,587,932</u>
SOURCE OF FUNDS: <u>Downtown Infrastructure Improvements</u>
DESCRIPTION OF PROJECT: <u>Project Scope consists of milling and resurfacing the existing roads, replace existing broken sidewalk, curb and gutter and medians curb, new paint striping and new handicap ramps at street intersections by the following boundary area: South by Miami River on the North by 5 Street, on the East by Biscayne Blvd and on the West By I-95 Expressway.</u>

HD/NIB MOTION 05-24

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE DOWNTOWN INFRASTRUCTURE STREET PHASE I.

MOVED: M. CRUZ  
SECONDED: A. SUMNER  
ABSENT: R. Aedo, R. Cayard, L. De Rosa, R. Flanders, D. Marko.  
Note for the Record: Motion passed by unanimous vote of all Board Members present.

DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM



1. DATE: 3/22/05 DISTRICT: 2
NAME OF PROJECT: DOWNTOWN INFRASTRUCTURE STREET PHASE I PROJECT
INITIATING DEPARTMENT/DIVISION:
INITIATING CONTACT PERSON/CONTACT NUMBER: Cesar Gonzalez (305) 416-1219
C.I.P. DEPARTMENT CONTACT: Capital Improvements
RESOLUTION NUMBER: CIP/PROJECT NUMBER: 341210
ADDITIONAL PROJECT NUMBER: (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? YES NO If yes,
TOTAL DOLLAR AMOUNT: \$2,587,932
SOURCE OF FUNDS: Downtown Infrastructure Improvements
ACCOUNT CODE(S): CIP #341210

If grant funded, is there a City match requirement? YES NO
AMOUNT: EXPIRATION DATE:
Are matching funds Budgeted? YES NO Account Code(s):
Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:
Individuals / Departments who provided input:

DESCRIPTION OF PROJECT: Project Scope consists of milling and resurfacing the existing roads, replace existing broken sidewalk, curb and gutter and medians curb, new paint striping and new handicap ramps at street intersections by the following boundary area: South by Miami River on the North by 5 Street, on the East by Biscayne Blvd and on the West By I-95 Expressway.

ADA Compliant? YES NO N/A

Approved by Audit Committee? YES NO N/A DATE APPROVED: 3/15/05
Approved by Bond Oversight Board? YES NO N/A DATE APPROVED: 3/22/05
Approved by Commission? YES NO N/A DATE APPROVED:
Community Mtg/Dist. Commissioner Approval? YES NO N/A DATES:
Revisions to Original Scope? YES NO (If YES see Item 5 below)
Time Approval 6 months 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN
Has a conceptual cost estimate been developed based upon the initial established scope? YES NO If yes,
DESIGN COST:
CONSTRUCTION COST:
Is conceptual estimate within project budget? YES NO
If not, have additional funds been identified? YES NO
Source(s) of additional funds:
Approved by Commission? YES NO N/A DATE APPROVED:
Approved by Bond Oversight Board? YES NO N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE
Individuals / Departments who provided input:
Justifications for change:
Description of change:

Fiscal Impact YES NO HOW MUCH?
Have additional funds been identified? YES NO
Source(s) of additional funds:
Time impact
Approved by Commission? YES NO N/A DATE APPROVED:
Approved by Bond Oversight Board? YES NO N/A DATE APPROVED:

6. COMMENTS:

APPROVAL: [Signature] DATE: 3/22/05
BOND OVERSIGHT BOARD



**PROJECT ANALYSIS FORM**  
 Department of Capital Improvements  
 City of Miami

Date Prepared:	1/31/2005
Revised Date:	
Revised Date:	
Revised Date:	

<b>PROJECT NAME: DOWNTOWN INFRASTRUCTURE STREET PHASE I</b>		
<b>ADDRESS / LOCATION:</b> Downtown Area	<b>PROJECT No.:</b> B-39902	
<b>NET OFFICE:</b>	<b>DISTRICT:</b> D2	
<b>CLIENT DEPT:</b> NET	<b>EST. PROJECT COST:</b> \$2,600,000	
<b>CLIENT CONTACT:</b>	<b>TEL.:</b>	<b>ALLOCATED FUNDS:</b>
<b>PROJECT MANAGER:</b> Cesar Gonzalez	<b>TEL.:</b> (305) 416-1219	<b>PROCUREMENT:</b>
<b>CONSTR. MANAGER:</b>	<b>TEL.:</b>	<b>PROJECT TEAM:</b> Transportation
<b>INSPECTOR / CEO:</b>	<b>TEL.:</b>	
<b>T. DESIGN START:</b>	<b>EST. BID ADV.:</b>	<b>EST. CONSTRUCTION START:</b>
<b>EST. DESIGN END:</b>	<b>EST. AWARD DATE:</b>	<b>EST. CONSTRUCTION END:</b>

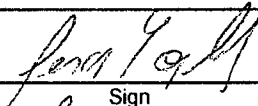
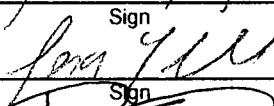
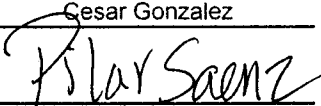



<b>PROJECT COST ESTIMATE</b>	<b>PRODUCTION PHASE</b>		Percentage	
	A. Design Svcs. - Outside Consultant Prime Consultant: <u>Metri Engineering, INC.</u>			
	1	Basic Fees:		\$66,932
	2	Additional Services:		\$0
	<b>SUB-TOTAL:</b>			<b>\$66,932</b>
	B. Design Svcs. - CIP			
	1	In-house Basic Design Fee:	0.0%	\$0
	2	In-house Additional Design Services:	0.0%	\$0
	<b>SUB-TOTAL:</b>			<b>\$0</b>
	C Production Management Services			
	1	Prod. Mgmt. of Outside Consultant by CIP:		\$0
	2	Prod. Mgmt. of Outside Consultant by Industry Partner:		\$0
	<b>SUB-TOTAL:</b>			<b>\$0</b>
	D Miscellaneous Services			
	1	Survey:	Vendor:	
	2	Re-plat:	Vendor:	
	3	Geotechnical Testing:	Vendor:	
	4	Utility Locations (Soft Digs):	Vendor:	
	5	Traffic Data Collection	Vendor:	
	6	Energy / HVAC Calculations:	Vendor:	
	7	Phase I Environmental:	Vendor:	
	8	Phase II Environmental:	Vendor:	
	9	Structural Testing:	Vendor:	
	10	Archeological Survey:	Vendor:	
	11	Other: Allowance	Vendor:	
<b>SUB-TOTAL:</b>			<b>\$0</b>	
E Special Fees / Assessments:				
1	DERM (Plans review, environmental permits, etc.):	Fee Waiver <input type="checkbox"/>		
2	Miami-Dade County Water and Sewer Department (Plan review)			
3	Florida Department of Environmental Protection (Permits):			
4	FDOT (Plans review, inspections, etc.):			
5	South Florida Water Management District (Permits):			
6	U.S. Army Corps of Engineers (Plans review, permits):			
7	HRS (Plans review, inspections, etc.):			
8	Other:			
<b>SUB-TOTAL:</b>			<b>\$0</b>	
<b>PRODUCTION PHASE TOTAL:</b>			<b>\$66,932</b>	
<b>CONSTRUCTION PHASE</b>				
F Construction:		JOC Contractor: _____		
1	Construction Estimate:		\$2,200,000	
2	Contingency Allowance:	10.0%	\$200,000	
3	Data & Telecommunication Systems (IT Dept.):			
4	Fixtures, Furniture and Equipment:			
5	WASA System Betterment:			
6	FPL Contribution-in-Aid-of Construction:			
7	Other:			
<b>SUB-TOTAL:</b>			<b>\$2,400,000</b>	

PROJECT COST ESTIMATE	G City and other Gov't Agencies Permit Fees			
	1	City of Miami Permits:	Bldg. Dept. <input type="checkbox"/> Public Works <input type="checkbox"/>	
	2	Miami-Dade County Impact Fees:		
	3	Miami-Dade County Archeological Monitoring:		
	4	Other:		
	SUB-TOTAL:			\$0
	CONSTRUCTION PHASE TOTAL:			\$2,400,000
	<b>CONSTRUCTION ADMINISTRATION</b>			
	H	Construction Inspection Services - CIP:	2.0%	\$44,000
	I	Construction Mgmt. - Industry Partner:	3.0%	
	J	Construction Engineering Observer (CEO) - Industry Partner	2.0%	
	K	JOC Administration	4.0%	
	CONSTRUCTION ADMINISTRATION TOTAL:			\$44,000
	<b>ADMINISTRATIVE EXPENSES</b>			
	L	CIP Dept. (Mgmt./Budget/Procurement/Comm.):	3.0%	\$66,000
M	Industry Partner Program Mgmt. Support:	0.5%	\$11,000	
ADMINISTRATIVE EXPENSES TOTAL:			\$77,000	
<b>LAND ACQUISITION EXPENSES</b>				
N	Land Cost:			
O	Transaction Costs:	0.0%	\$0	
LAND ACQUISITION TOTAL:			\$0	
<b>GRAND TOTAL - ESTIMATED PROJECT COST:</b>			<b>\$2,587,932</b>	

PROJECT SCOPE	This project consists of milling and resurfacing the existing roads, replace existing broken sidewalk, curb and gutter and medians curb, new paint striping and new handicap ramps at street intersections by the following boundary area: South by Miami river on the North by 5th Street, on the East by Biscayne Boulevard and on the West by I-95 Expressway.
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NOTES	*Balance to complete Total Estim. Proj. Cost. to be transferred from Project # B-30177 "Downtown Infrastructure Streets - phase 2". The PAF from B-30177 will need to be modified and submitted for approval.
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FUND SOURCES	385200-1 <i>2002 Homeland Defense / Neighborhood Improv.</i>	CIP # 341210	Fiscal Year Available	Amount: \$2,478,000
		CIP #		Amount: *(See Note above)
		CIP #		Amount:
		CIP #		Amount:
		CIP #		Amount:
		CIP #		Amount:
	TOTAL ALLOCATED AMOUNT:			

VALIDATION	Project Manager: Cesar Gonzalez		Date: 1/31/2005
	Sr. Project Manager: Cesar Gonzalez		Date: 1/31/2005
	Reviewed by:  CIP Budget Administrator		Date: 1-31-05
	Accepted by:  Director of the Client Department		Date: 1/31/05

Copies To: CLIENT DEPARTMENT, ALL CIP SECTION CHIEFS, CIP SENIOR ACCOUNTANT, HDR PROGRAM MANAGER

DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM



1. DATE: 6/28/05 DISTRICT: 4
NAME OF PROJECT: SW 16 TERRACE ROAD RECONSTRUCTION PROJECT-PHASE II
INITIATING DEPARTMENT/DIVISION: Capital Improvements
INITIATING CONTACT PERSON/CONTACT NUMBER: Roger Hatton (305) 416-1261
C.I.P. DEPARTMENT CONTACT:
RESOLUTION NUMBER: CIP/PROJECT NUMBER: 311714
ADDITIONAL PROJECT NUMBER: B-40698
(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,
TOTAL DOLLAR AMOUNT: \$1,138,134 (5 Million allocated, estimated balance \$1,126,211)
SOURCE OF FUNDS: \$1,061,500 HDNIB-D4 Neighborhood Quality of Life Improvements and \$76,634 Highway Bonds-Interest
ACCOUNT CODE(S): CIP # 311714 & CIP # 341206

If grant funded, is there a City match requirement? [ ] YES [ ] NO
AMOUNT: EXPIRATION DATE:
Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):
Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input:

DESCRIPTION OF PROJECT: The project consists of drainage improvements, roadway reconstruction and new curb and gutter. New sidewalk and/or sidewalk reconstruction along SW 16 Terrace between SW 29 Avenue and SW 32 Avenue. The project covers approximately 2030 linear feet (LF).

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 6/22/05
Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 6/28/05
Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)
Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:
CONSTRUCTION COST:
Is conceptual estimate within project budget? [ ] YES [ ] NO
If not, have additional funds been identified? [ ] YES [ ] NO
Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?
Have additional funds been identified? [ ] YES [ ] NO
Source(s) of additional funds:

Time impact
Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS:

APPROVAL: [Signature] DATE: 6/28/05
BOND OVERSIGHT BOARD



**PROJECT ANALYSIS FORM**  
 Department of Capital Improvements  
 City of Miami

Date Prepared:	10/6/2004
Revised Date:	6/15/2005
Revised Date:	
Revised Date:	

<b>PROJECT NAME: SW 16 TERRACE ROAD RECONSTRUCTION PROJECT, PHASE II</b>		
ADDRESS / LOCATION: SW 16 Terrace frm SW 29 Ave to SW 32 Ave	PROJECT No.:	B-40698
NET OFFICE: West Little Havana	DISTRICT:	D4
CLIENT DEPT:	EST. PROJECT COST:	\$1,572,055
CLIENT CONTACT:	TEL.:	ALLOCATED FUNDS: \$1,138,134
PROJECT MANAGER: Edgar Espinoza	TEL.: (305) 416-1072	PROCUREMENT: JOC
CONSTR. MANAGER: Ed Herald	TEL.: (305) 416-1290	PROJECT TEAM: Streets
INSPECTOR / CEO: TBD	TEL.:	
EST. DESIGN START: 3/7/2005	EST. BID ADV.: 6/15/2005	EST. CONSTRUCTION START: 7/15/2005
EST. DESIGN END: 6/10/2005	EST. AWARD DATE: 7/1/2005	EST. CONSTRUCTION END: 2/1/2006

<b>PROJECT COST ESTIMATE</b>	<b>PRODUCTION PHASE</b>		Percentage
	A. Design Svcs. - Outside Consultant	Prime Consultant: _____	
	1 Basic Fees:		7.0% \$76,634
	2 Additional Services:		0.0% \$0
			<b>SUB-TOTAL: \$76,634</b>
	B. Design Svcs. - CIP		
	1 In-house Basic Design Fee:		0.0% \$0
	2 In-house Additional Design Services:		0.0% \$0
			<b>SUB-TOTAL: \$0</b>
	C. Production Management Services		
	1 Prod. Mgmt. of Outside Consultant by CIP:		0.0% \$0
	2 Prod. Mgmt. of Outside Consultant by Industry Partner:		4.0% \$43,822
			<b>SUB-TOTAL: \$43,822</b>
	D. Miscellaneous Services		
	1 Survey:	Vendor: _____	
	2 Re-plat:	Vendor: _____	
	3 Geotechnical Testing:	Vendor: _____	
	4 Utility Locations (Soft Digs):	Vendor: _____	
	5 Asbestos Survey:	Vendor: _____	
	6 Energy / HVAC Calculations:	Vendor: 6.99505087	
	7 Phase I Environmental:	Vendor: _____	
	8 Phase II Environmental:	Vendor: _____	
	9 Structural Testing:	Vendor: _____	
	10 Archeological Survey:	Vendor: _____	
	11 Other:	Vendor: _____	
		<b>SUB-TOTAL: \$0</b>	
E. Special Fees / Assessments:			
1 DERM (Plans review, environmental permits, etc.):	Fee Waiver <input checked="" type="checkbox"/>		
2 Miami-Dade County Water and Sewer Department (Plan review)			
3 Florida Department of Environmental Protection (Permits):			
4 FDOT (Plans review, inspections, etc.):			
5 South Florida Water Management District (Permits):			
6 U.S. Army Corps of Engineers (Plans review, permits):			
7 HRS (Plans review, inspections, etc.):			
8 Other:			
		<b>SUB-TOTAL: \$0</b>	
<b>PRODUCTION PHASE TOTAL:</b>		<b>\$120,456</b>	
<b>CONSTRUCTION PHASE</b>			
F. Construction:	JOC Contractor: _____		
1 Construction Estimate:		\$1,095,546	
2 Contingency Allowance:		15.0% \$164,332	
3 Data & Telecommunication Systems (IT Dept.):			
4 Fixtures, Furniture and Equipment:			
5 WASA System Betterment:			
6 FPL Contribution-in-Aid-of Construction:			
7 Other:			
		<b>SUB-TOTAL: \$1,259,878</b>	

PROJECT COST ESTIMATE	G City and other Gov't Agencies Permit Fees		
	1	City of Miami Permits: Bldg. Dept. <input type="checkbox"/> Public Works <input type="checkbox"/>	
	2	Miami-Dade County Impact Fees:	
	3	Miami-Dade County Archeological Monitoring:	
	4	Other:	
			SUB-TOTAL: \$0
			<b>CONSTRUCTION PHASE TOTAL: \$1,259,878</b>
	<b>CONSTRUCTION ADMINISTRATION</b>		
	H	Construction Inspection Services - CIP:	0.0% \$0
	I	Construction Mgmt. - Industry Partner:	0.0% \$0
	J	Construction Engineering Observer (CEO) - Industry Partner	12.0% \$131,466
	K	JOC Administration	1.5% \$16,433
			<b>CONSTRUCTION ADMINISTRATION TOTAL: \$147,899</b>
	<b>ADMINISTRATIVE EXPENSES</b>		
	L	CIP Dept. (Mgmt./Budget/Procurement/Comm.):	3.0% \$32,866
M	Industry Partner Program Mgmt. Support:	1.0% \$10,955	
		<b>ADMINISTRATIVE EXPENSES TOTAL: \$43,822</b>	
<b>LAND ACQUISITION EXPENSES</b>			
N	Land Cost:		
O	Transaction Costs:	0.0% \$0	
		<b>LAND ACQUISITION TOTAL: \$0</b>	
		<b>GRAND TOTAL - ESTIMATED PROJECT COST: \$1,572,055</b>	


PROJECT SCOPE	<p>This project consists of drainage improvements, roadway reconstruction &amp; new curb &amp; gutter, new sidewalk and/or sidewalk reconstruction along SW 16 Terrace, between SW 29 Ave and SW 32 Ave. The project covers approximately 2030 Linear Feet.</p>
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NOTES	
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FUND SOURCES		Fiscal Year Available		
	Fund:	1987 Highway Bonds	CIP # 341206	Amount: \$76,634
	Fund:	Homeland Defense Funds, Series 1	CIP # 311714	Amount: \$1,061,500
	Fund:		CIP #	Amount:
	Fund:		CIP #	Amount:
	Fund:		CIP #	Amount:
	Fund:		CIP #	Amount:
			<b>TOTAL ALLOCATED AMOUNT: \$1,138,134</b>	

VALIDATION	Project Manager:	<u>EDUARDO ESPINOZA</u>	<u><i>Eduardo Espinoza</i></u>	Date: <u>6-16-05</u>
	Sr. Project Manager:	<u>ROGER HAYDEN</u>	<u><i>Roger Hayden</i></u>	Date: <u>6/16/05</u>
	Reviewed by:	_____	_____	Date: _____
	Accepted by:	_____	_____	Date: _____



June 14, 2005	<b>Proposal Review - CSI</b> Job Order Construction Services	
Loc # 075.B40698.00	SW 16 Terrace form 29th Ave to 32 Ave.	

Re: Contractor: MB-Alpine Construction Corporation  
Review: SW 16TH TERRACE B-40698 BASE - 06/14/2005

Sect.	Item	Mod.	UOM	Description	Line Total		
<b>Section 01</b>							
01204	1001		EA	Miscellaneous Reimbursable Fees	2,826.94		
				Quantity	Unit Price	Factor	Total
				26.42 x	107.00 x	1.0000 =	2,826.94
				Installation OCP INS			
01352	4021		HR	Off-Duty Law Enforcement Officer	3,425.71		
				Quantity	Unit Price	Factor	Total
				96.00 x	33.35 x	1.0700 =	3,425.71
				Installation			
01352	4031		HR	Flagman For Traffic Control	5,611.94		
				Quantity	Unit Price	Factor	Total
				320.00 x	16.39 x	1.0700 =	5,611.94
				Installation			
01510	2016		EA	30 CY Dumpster (10 Ton Capacity) "Construction Debris" Note: Price Includes Service To Deliver And Pick-up Of Dumpster, Hauling Of Debris, Rental Of Dumpster And Disposal Fee.	4,522.36		
				Quantity	Unit Price	Factor	Total
				10.00 x	422.65 x	1.0700 =	4,522.36
				Installation			
				FOR DEBRIS FROM DEMOLITION, EXCAVATION, EXCESS MATERIALS, EXCESS CONCRETE, ETC.			
01541	3813		MO	Loader-Backhoe, 1/2 - 5/8 CY, 65 HP With Full-time Operator	7,230.35		
				Quantity	Unit Price	Factor	Total
				1.00 x	6,757.34 x	1.0700 =	7,230.35
				Installation			
				1 ea. backhoe/loader for 3 mo each; FOR UNLOADING MATERIALS, MOVING PIPE, MOVING BARRICADES, LIFTING & SETTING TYPE D INLETS, MOVING FORMS, LIFTING RIMS, & COVERS WHILE ADJUSTING MANHOLES, HOLDING PIPES IN PLACE FOR BACKFILLING BY OTHER MACHINES.			
01541	5142		WK	Tractor, Truck, 4x2, 30 Ton With Full Time Truck Driver	26,820.51		
				Quantity	Unit Price	Factor	Total
				10.00 x	2,506.59 x	1.0700 =	26,820.51
				Installation			
				FOR LOADING & HAULING IN NEW MATERIALS			
01541	5719		MO	Cranes Hydraulic, 20 Ton Lift, With Full-time Operator	12,532.31		
				Quantity	Unit Price	Factor	Total
				1.00 x	11,712.44 x	1.0700 =	12,532.31
				Installation			
01541	5912		EA	Move On/Off Cost, Truck Mounted Crane, 20 To 30 Ton	366.89		
				Quantity	Unit Price	Factor	Total
				1.00 x	342.89 x	1.0700 =	366.89
				Installation			
01541	5912	5931	PCT	For > 30 To 60 Mile Radius, Add	91.72		
				Quantity	Unit Price	Factor	Total
				1.00 x	85.72 x	1.0700 =	91.72
				Installation			
01541	8015		MO	6' x 8' Trench Box, Including Spreaders Up To 48"	10,272.00		
				Quantity	Unit Price	Factor	Total
				16.00 x	600.00 x	1.0700 =	10,272.00
				Installation			
				4 MONTHS X 4 EACH			
01541	8027		MO	8' x 10' Trench Box, Including Spreaders Up To 48"	3,509.60		
				Quantity	Unit Price	Factor	Total
				4.00 x	820.00 x	1.0700 =	3,509.60
				Installation			
				2 MONTHS X 2 EACH			
01550	6001		CLF	Safety Tape For Area Isolation	228.45		
				Quantity	Unit Price	Factor	Total
				50.00 x	4.27 x	1.0700 =	228.45
				Installation			
01550	6002		CLF	Danger Tape	210.42		
				Quantity	Unit Price	Factor	Total
				45.00 x	4.37 x	1.0700 =	210.42
				Installation			

*JORDAN*  
*7-29-06 12:00*

Sect.	Item	Mod.	UOM	Description	Line Total
01560	7118		MO	Flashing Light Only	462.24
				Quantity	Total
				180.00 x	462.24
				Unit Price 2.40 x	
				Factor 1.0700 =	
01560	7121		MO	Type B Flasher (High Intensity)	13,289.40
				Quantity	Total
				180.00 x	13,289.40
				Unit Price 69.00 x	
				Factor 1.0700 =	
				50 "B" Lights for 6 months for construction ahead signs	
01560	7130		MO	Type II Traffic Control Barricade, 2' Wide x 3' High, 2 Reflectorized Rails Each Side	8,474.40
				Quantity	Total
				180.00 x	8,474.40
				Unit Price 44.00 x	
				Factor 1.0700 =	
01560	7146		MO	No-Parking Barricade	770.40
				Quantity	Total
				180.00 x	770.40
				Unit Price 4.00 x	
				Factor 1.0700 =	
01560	7318		MO	Arrowboard, Trailer Mounted	5,136.00
				Quantity	Total
				8.00 x	5,136.00
				Unit Price 600.00 x	
				Factor 1.0700 =	
01560	7321		MO	Portable Message Board	17,120.00
				Quantity	Total
				8.00 x	17,120.00
				Unit Price 2,000.00 x	
				Factor 1.0700 =	
01560	7327		MO	High Level Warning Sign	3,081.60
				Quantity	Total
				180.00 x	3,081.60
				Unit Price 16.00 x	
				Factor 1.0700 =	
01560	7330		MO	Temporary Traffic Sign (Up To 3'x3')	6,933.60
				Quantity	Total
				180.00 x	6,933.60
				Unit Price 36.00 x	
				Factor 1.0700 =	
01580	1001		EA	Construction Project Identification Sign, Painted Letters (Approx. 4' x 8' With Logos, Project Name, Address, Owners Name, Contractor Names, A/E or Design Firm Names, etc.)	189.58
				Quantity	Total
				1.00 x	189.58
				Unit Price 177.18 x	
				Factor 1.0700 =	
<b>Subtotal for 01</b>					<b>133,106.42</b>

### Section 02

02102	1101		ACR	Clear And Grub Light Trees To 6" (15 cm) Diameter, Cut And Chip, Include Grub And Removal Of Stump	2,669.80
				Quantity	Total
				1.00 x	2,669.80
				Unit Price 2,495.14 x	
				Factor 1.0700 =	
02102	1201		CY	Machine Load Spoils	49,752.25
				Quantity	Total
				12,533.00 x	49,752.25
				Unit Price 3.71 x	
				Factor 1.0700 =	
02102	1201		CY	Machine Load Spoils	53,785.47
				Quantity	Total
				13,549.00 x	53,785.47
				Unit Price 3.71 x	
				Factor 1.0700 =	
02102	1415		EA	Stump Removal, >36" To 48" (>91 cm To 121 cm) Diameter, Includes Loading	1,040.49
				Quantity	Total
				6.00 x	1,040.49
				Unit Price 162.07 x	
				Factor 1.0700 =	
02102	1435		EA	Tree Removal, >36" To 48" (>91 cm To 121 cm) D.B.H. (Diameter At Breast Height), Includes Cutting Up Tree, Chipping And Loading.	4,672.16
				Quantity	Total
				6.00 x	4,672.16
				Unit Price 727.75 x	
				Factor 1.0700 =	
02112	6004		LF	Saw Cut Concrete Slab Or Paving Up To 4" (10 cm) Depth	4,066.00
				Quantity	Total
				4,000.00 x	4,066.00
				Unit Price 0.95 x	
				Factor 1.0700 =	
02119	1209		TON	Landfill Dump Fee (All Materials Except Hazardous And Tires)	50,098.60
				Quantity	Total
				712.00 x	50,098.60
				Unit Price 65.76 x	
				Factor 1.0700 =	
				FOR DISPOSAL OF MILLED ASPHALT 333 X 20% SWELL FACTOR	
02119	2001		CYM	Hauling Up To 15 Miles On Paved Roads	12,582.75
				Quantity	Total
				55,998.00 x	12,582.75
				Unit Price 0.21 x	
				Factor 1.0700 =	
				FOR 15" NEW PIPE FILL MATERIALS	

Sect.	Item	Mod.	UOM	Description					Line Total
02119	2001	2011	PCT	For Each CYM > 15 Miles, Add					4,793.43
				Installation	Quantity	Unit Price	Factor	Total	
					55,998.00	0.08	x 1.0700 =	4,793.43	
02119	2001		CYM	Hauling Up To 15 Miles On Paved Roads					17,637.60
				Installation	Quantity	Unit Price	Factor	Total	
					78,494.00	0.21	x 1.0700 =	17,637.60	
02119	2001	2011	PCT	For Each CYM > 15 Miles, Add					6,719.09
				Installation	Quantity	Unit Price	Factor	Total	
					78,494.00	0.08	x 1.0700 =	6,719.09	
02119	2001		CYM	Hauling Up To 15 Miles On Paved Roads					2,289.47
				Installation	Quantity	Unit Price	Factor	Total	
					10,189.00	0.21	x 1.0700 =	2,289.47	
02119	2001	2011	PCT	For Each CYM > 15 Miles, Add					872.18
				Installation	Quantity	Unit Price	Factor	Total	
					10,189.00	0.08	x 1.0700 =	872.18	
02119	2001		CYM	Hauling Up To 15 Miles On Paved Roads					1,398.08
				Installation	Quantity	Unit Price	Factor	Total	
					6,222.00	0.21	x 1.0700 =	1,398.08	
				FOR 24" NEW PIPE FILL MATERIALS					
02119	2001	2011	PCT	For Each CYM > 15 Miles, Add					532.60
				Installation	Quantity	Unit Price	Factor	Total	
					6,222.00	0.08	x 1.0700 =	532.60	
02119	2001		CYM	Hauling Up To 15 Miles On Paved Roads					18,557.97
				Installation	Quantity	Unit Price	Factor	Total	
					82,590.00	0.21	x 1.0700 =	18,557.97	
02119	2001	2011	PCT	For Each CYM > 15 Miles, Add					7,069.70
				Installation	Quantity	Unit Price	Factor	Total	
					82,590.00	0.08	x 1.0700 =	7,069.70	
02201	1003		EA	Backhoe, Dozer, Loader Or Excavator (Or Similar Sized Equipment) > 250 HP Equipment Delivery Fee, Delivery On Truck With Trailer, Set-up and Return					447.71
				Installation	Quantity	Unit Price	Factor	Total	
					1.00	418.42	x 1.0700 =	447.71	
02205	1003		CY	Bulk Excavation by Dozer in Loose Rock					47,647.31
				Installation	Quantity	Unit Price	Factor	Total	
					11,418.00	3.90	x 1.0700 =	47,647.31	
02205	2001		CY	Spreading, Shaping, and Rough Grading Imported or Stockpiled Material for Bulk Excavation by Machine					23,945.83
				Installation	Quantity	Unit Price	Factor	Total	
					11,418.00	1.96	x 1.0700 =	23,945.83	
02205	3001		CY	Cutting, Shaping and Rough Grading Existing Elevations For Bulk Excavation by Machine					26,633.63
				Installation	Quantity	Unit Price	Factor	Total	
					11,418.00	2.18	x 1.0700 =	26,633.63	
02205	5001		SY	Finish Grading for Bulk Excavation by Machine					330.27
				Installation	Quantity	Unit Price	Factor	Total	
					1,403.00	0.22	x 1.0700 =	330.27	
02205	5001		SY	Finish Grading for Bulk Excavation by Machine					1,739.84
				Installation	Quantity	Unit Price	Factor	Total	
					7,391.00	0.22	x 1.0700 =	1,739.84	
02212	5011		LF	Finish Grade For Curb					933.72
				Installation	Quantity	Unit Price	Factor	Total	
					2,424.00	0.36	x 1.0700 =	933.72	
				6" STRAIGHT CURB					
02212	5011		LF	Finish Grade For Curb					359.01
				Installation	Quantity	Unit Price	Factor	Total	
					932.00	0.36	x 1.0700 =	359.01	
				CURB & GUTTER TYPE F					
02213	4009		TON	#8 Stone Aggregate Fill (3/8" x 1/8")					2,372.49
				Installation	Quantity	Unit Price	Factor	Total	
					104.00	21.32	x 1.0700 =	2,372.49	
02213	4009	4292	PCT	For Quantities > 10 To 25 (> 8 To 19 M3), Add					237.03
				Installation	Quantity	Unit Price	Factor	Total	
					104.00	2.13	x 1.0700 =	237.03	

Sect.	Item	Mod.	UOM	Description	Line Total
02213	4013		TON	#57 Stone Aggregate Fill (#4 To 1")	15,713.40
				Quantity	Unit Price
				933.00 x	15.74 x
				Factor	1.0700 =
				Installation	Total
				933.00 x	15,713.40
				716 X 20% COMPACTION FACTOR	
02213	4013	4292	PCT	For Quantities > 10 To 25 (> 8 To 19 M3), Add	1,567.35
				Quantity	Unit Price
				933.00 x	1.57 x
				Factor	1.0700 =
				Installation	Total
				933.00 x	1,567.35
02215	4001		CY	Compaction of Backfill or Subbase for Trenches by Vibratory Plate, Air Tamper, etc.	18,325.89
				Quantity	Unit Price
				11,418.00 x	1.50 x
				Factor	1.0700 =
				Installation	Total
				11,418.00 x	18,325.89
02215	4002		CY	Compaction of Backfill or Subbase for Trenches by Hand	26,097.56
				Quantity	Unit Price
				3,111.00 x	7.84 x
				Factor	1.0700 =
				Installation	Total
				3,111.00 x	26,097.56
02223	1011		GAL	Compaction Water With Water Truck	2,568.00
				Quantity	Unit Price
				30,000.00 x	0.08 x
				Factor	1.0700 =
				Installation	Total
				30,000.00 x	2,568.00
02242	1211		SY	Filter Weave Woven Geotextile Fabric (FW401)	18,530.15
				Quantity	Unit Price
				10,370.00 x	1.67 x
				Factor	1.0700 =
				Installation	Total
				10,370.00 x	18,530.15
02459	2106		LF	15" (375mm) Corrugated Single Wall HDPE Pipe, Coupled	1,819.17
				Quantity	Unit Price
				253.00 x	6.72 x
				Factor	1.0700 =
				Installation	Total
				253.00 x	1,819.17
02520	1542		EA	4' inside Dimension Precast Catch Basin, 6' Deep	3,198.77
				Quantity	Unit Price
				6.00 x	498.25 x
				Factor	1.0700 =
				Installation	Total
				6.00 x	3,198.77
02520	3118		EA	25"x 35" Cast Iron Catch Basin Frame & Cover	1,082.09
				Quantity	Unit Price
				2.00 x	505.65 x
				Factor	1.0700 =
				Installation	Total
				2.00 x	1,082.09
02520	5754		EA	Cutting Charges	5,136.00
				Quantity	Unit Price
				24.00 x	200.00 x
				Factor	1.0700 =
				Installation	Total
				24.00 x	5,136.00
02522	5833		LF	24" Aluminum Corrugated Steel Pipe, Plain, 14 Gauge, Ultra Flo	17,181.08
				Quantity	Unit Price
				438.00 x	36.66 x
				Factor	1.0700 =
				Installation	Total
				438.00 x	17,181.08
02522	5833		LF	24" Aluminum Corrugated Steel Pipe, Plain, 14 Gauge, Ultra Flo	40,677.57
				Quantity	Unit Price
				1,037.00 x	36.66 x
				Factor	1.0700 =
				Installation	Total
				1,037.00 x	40,677.57
02522	8505		EA	15" Diameter Corrugated Metal Pipe Bands	490.17
				Quantity	Unit Price
				30.00 x	15.27 x
				Factor	1.0700 =
				Installation	Total
				30.00 x	490.17
02555	7111		EA	#2 Valve Box And Cover, 14 1/4" High, Round Roadway Grade Note: CMB - W19. 14 1/4"H x (8 3/4" O.D. bottom, 15 1/4" O.D. top)	3,783.95
				Quantity	Unit Price
				20.00 x	176.82 x
				Factor	1.0700 =
				Installation	Total
				20.00 x	3,783.95
02561	6216		EA	15" Pipe To Manhole Connector, Rubber, Flexible	134.21
				Quantity	Unit Price
				1.00 x	125.43 x
				Factor	1.0700 =
				Installation	Total
				1.00 x	134.21
02570	1101		EA	Riser With 1" To 2" Rise, Adjustable Or Solid	2,719.30
				Quantity	Unit Price
				20.00 x	127.07 x
				Factor	1.0700 =
				Installation	Total
				20.00 x	2,719.30
				4 water valve adjust	
02570	1101		EA	Riser With 1" To 2" Rise, Adjustable Or Solid	2,719.30
				Quantity	Unit Price
				20.00 x	127.07 x
				Factor	1.0700 =
				Installation	Total
				20.00 x	2,719.30
				8 manhole adjust	
02570	1309		EA	Manhole Riser With 12" Rise, Solid	1,525.86
				Quantity	Unit Price
				4.00 x	356.51 x
				Factor	1.0700 =
				Installation	Total
				4.00 x	1,525.86
02612	1411		SY	1" Thick Surface Course, Includes Placement, Rolling, Finishing And Sweeping	7,619.63
				Quantity	Unit Price
				1,951.00 x	3.65 x
				Factor	1.0700 =
				Installation	Total
				1,951.00 x	7,619.63

Sect.	Item	Mod.	UOM	Description					Line Total	
02612	1411	1350	PCT	For Type 3 Asphalt, Add					208.76	
				Quantity	Unit Price	Factor	Total			
				1,951.00 x	0.10 x	1.0700 =	208.76			
02612	1411	1462	PCT	For Quantities > 1000 To 2000, Add					835.03	
				Quantity	Unit Price	Factor	Total			
				1,951.00 x	0.40 x	1.0700 =	835.03			
02612	1412		SY	1-1/2" Thick Surface Course, Includes Placement, Rolling, Finishing And Sweeping					42,626.11	
				Quantity	Unit Price	Factor	Total			
				7,391.00 x	5.39 x	1.0700 =	42,626.11			
				1-1/2" THROUGHOUT TO ACCOMODATE NEW TURF BLOCK						
02612	1412	1350	PCT	For Type 3 Asphalt, Add					956.26	
				Quantity	Unit Price	Factor	Total			
				5,958.00 x	0.15 x	1.0700 =	956.26			
02612	1431		CSF	Surface Prime Coat, .28 Gal/SY (1.25 L/m2)					331.06	
				Quantity	Unit Price	Factor	Total			
				53.62 x	5.77 x	1.0700 =	331.06			
02612	1431		CSF	Surface Prime Coat, .28 Gal/SY (1.25 L/m2)					108.41	
				Quantity	Unit Price	Factor	Total			
				17.56 x	5.77 x	1.0700 =	108.41			
02613	1021		SY	Cold Planning And Clearing, 1" To 3" Asphalt Pavement, To 10000 SY					11,347.61	
				Quantity	Unit Price	Factor	Total			
				5,958.00 x	1.78 x	1.0700 =	11,347.61			
02613	1021		SY	Cold Planning And Clearing, 1" To 3" Asphalt Pavement, To 10000 SY					3,715.87	
				Quantity	Unit Price	Factor	Total			
				1,951.00 x	1.78 x	1.0700 =	3,715.87			
02613	4011		EA	Add For Mobilization And Demobilization For Reclamation, Pulverizing And Blending Crew					3,424.00	
				Quantity	Unit Price	Factor	Total			
				2.00 x	1,600.00 x	1.0700 =	3,424.00			
02616	2021		SY	Remove 2" Asphalt And 6" Base, Install 6" Base And 2" Wearing Course					141,164.40	
				Quantity	Unit Price	Factor	Total			
				7,391.00 x	17.85 x	1.0700 =	41,164.40			
02616	2021	2011	PCT	For Quantities > 1000 To 5000, Deduct					0.00	
				Quantity	Unit Price	Factor	Total			
				0.00 x	-2.30 x	1.0700 =	0.00			
02616	2021		SY	Remove 2" Asphalt And 6" Base, Install 6" Base And 2" Wearing Course					37,263.12	
				Quantity	Unit Price	Factor	Total			
				1,951.00 x	17.85 x	1.0700 =	37,263.12			
02616	2021	2011	PCT	For Quantities > 1000 To 5000, Deduct					0.00	
				Quantity	Unit Price	Factor	Total			
				0.00 x	-2.30 x	1.0700 =	0.00			
02618	1701		EA	Raised Pavement Marker, One-Way Reflective					248.78	
				Quantity	Unit Price	Factor	Total			
				50.00 x	4.65 x	1.0700 =	248.78			
02618	2162		LF	Thermoplastic Pavement Marking, 6" Stripe (15 cm) Wide, By Hand For Repairs					1,013.93	
				Quantity	Unit Price	Factor	Total			
				920.00 x	1.03 x	1.0700 =	1,013.93			
02618	2164		LF	Thermoplastic Pavement Marking, 12" Stripe (31 cm) Wide, By Hand For Repairs					212.95	
				Quantity	Unit Price	Factor	Total			
				107.00 x	1.86 x	1.0700 =	212.95			
02618	2165		LF	Thermoplastic Pavement Marking, 24" Stripe (61 cm) Wide, By Hand For Repairs					299.01	
				Quantity	Unit Price	Factor	Total			
				81.00 x	3.45 x	1.0700 =	299.01			
02620	1105		LF	6" X 18" Cast In Place Concrete Curb					9,881.66	
				Quantity	Unit Price	Factor	Total			
				832.00 x	11.10 x	1.0700 =	9,881.66			
02620	1105	1193	PCT	For Removal, Hauling To 15 Miles & Disposal, Add					4,308.76	
				Quantity	Unit Price	Factor	Total			
				832.00 x	4.84 x	1.0700 =	4,308.76			
02620	1106		LF	6" X 18" Cast In Place Concrete Curb - Radius					1,326.80	
				Quantity	Unit Price	Factor	Total			
				100.00 x	12.40 x	1.0700 =	1,326.80			

Sect.	Item	Mod.	UOM	Description					Line Total
02620	1106	1152	PCT	For Quantities > 50 To 100, Add					125.19
				Quantity	Unit Price	Factor	Total		
				Installation 100.00 x	1.17 x	1.0700 =	125.19		
02620	1106	1193	PCT	For Removal, Hauling To 15 Miles & Disposal, Add					589.57
				Quantity	Unit Price	Factor	Total		
				Installation 100.00 x	5.51 x	1.0700 =	589.57		
02620	3001		LF	2' Wide Valley Gutter					49,085.39
				Quantity	Unit Price	Factor	Total		
				Installation 3,785.00 x	12.12 x	1.0700 =	49,085.39		
02630	2019		SF	2" Sand Bedding					2,126.30
				Quantity	Unit Price	Factor	Total		
				Installation 8,640.00 x	0.23 x	1.0700 =	2,126.30		
02630	2021		SF	4" Sand Bedding					2,958.34
				Quantity	Unit Price	Factor	Total		
				Installation 8,640.00 x	0.32 x	1.0700 =	2,958.34		
02630	3101		SF	4" (10 cm) Cast In Place Concrete Sidewalk With Fiber Mesh, No Base					34,474.96
				Quantity	Unit Price	Factor	Total		
				Installation 13,481.00 x	2.39 x	1.0700 =	34,474.96		
				138SY X 9 = 1242 SF					
02630	3101	5215	PCT	For Removal, Hauling To 15 Miles & Disposal, Add					18,319.33
				Quantity	Unit Price	Factor	Total		
				Installation 13,481.00 x	1.27 x	1.0700 =	18,319.33		
02630	3103		SF	6" (15 cm) Cast In Place Concrete Sidewalk With Fiber Mesh, No Base					32,518.58
				Quantity	Unit Price	Factor	Total		
				Installation 9,648.00 x	3.15 x	1.0700 =	32,518.58		
				66SY X 9 = 594 SF					
02630	3103	5215	PCT	For Removal, Hauling To 15 Miles & Disposal, Add					16,001.21
				Quantity	Unit Price	Factor	Total		
				Installation 9,648.00 x	1.55 x	1.0700 =	16,001.21		
02710	4002		LF	Removal And Reinstallation Of Ornamental Fence 6' To 12' Height					3,471.08
				Quantity	Unit Price	Factor	Total		
				Installation 200.00 x	16.22 x	1.0700 =	3,471.08		
02711	1201		CF	Jackhammer Fence Post Hole, Rock					812.13
				Quantity	Unit Price	Factor	Total		
				Installation 50.00 x	15.18 x	1.0700 =	812.13		
02711	1202		CF	Rock Drill Fence Post Hole, Rock					411.42
				Quantity	Unit Price	Factor	Total		
				Installation 50.00 x	7.69 x	1.0700 =	411.42		
02721	8402		EA	Box Beam Median Barrier To Concrete Barrier End Connection					202.20
				Quantity	Unit Price	Factor	Total		
				Installation 1.00 x	188.97 x	1.0700 =	202.20		
02722	1631		EA	Signage Fasteners, Including 2 Bolts, 2 Nuts And 4 Washers					27.41
				Quantity	Unit Price	Factor	Total		
				Installation 7.00 x	3.66 x	1.0700 =	27.41		
02722	3003		EA	Remove And Relocate Signs, 21 SF To 40 SF					3,753.76
				Quantity	Unit Price	Factor	Total		
				Installation 7.00 x	501.17 x	1.0700 =	3,753.76		
02722	3005		EA	Remove And Relocate Street Sign On Post					219.16
				Quantity	Unit Price	Factor	Total		
				Installation 7.00 x	29.26 x	1.0700 =	219.16		
02805	1006		EA	Move Trees On Site, 72" Ball					9,918.10
				Quantity	Unit Price	Factor	Total		
				Installation 17.00 x	545.25 x	1.0700 =	9,918.10		
02810	1051		CY	Mix Planting Soil, Including Loam, Manure And Peat By Hand					533.33
				Quantity	Unit Price	Factor	Total		
				Installation 17.00 x	29.32 x	1.0700 =	533.33		
02810	2064		SF	Mulch, Grade "B" Cypress Note: Mulch installed 1" deep.					1,450.92
				Quantity	Unit Price	Factor	Total		
				Installation 1,200.00 x	1.13 x	1.0700 =	1,450.92		
02810	3202		CY	Spread Topsoil By Hand From Stockpile					231.56
				Quantity	Unit Price	Factor	Total		
				Installation 17.00 x	12.73 x	1.0700 =	231.56		

Sect.	Item	Mod.	UOM	Description				Line Total
02810	3301		CY	Furnish And Place Imported Topsoil, 2" Deep				433.65
				Quantity	Unit Price	Factor	Total	
				17.00 x	23.84 x	1.0700 =	433.65	
02820	3701		MSF	1" Deep, St. Augustine Floratam Sod, Under 1,000 SF On Level Ground				2,055.11
				Quantity	Unit Price	Factor	Total	
				6.10 x	314.76 x	1.0700 =	2,055.11	
02820	9003		MSF	Rake Topsoil, By Hand (Raking)				87.00
				Quantity	Unit Price	Factor	Total	
				6.10 x	13.33 x	1.0700 =	87.00	
02831	1125		EA	12 Feet, Balled And Burlapped, Tree Planting				3,547.78
				Quantity	Unit Price	Factor	Total	
				17.00 x	195.04 x	1.0700 =	3,547.78	
02831	1212		EA	Container, 2 Gallon, Shrub Planting				535.00
				Quantity	Unit Price	Factor	Total	
				50.00 x	10.00 x	1.0700 =	535.00	
				planting 12" spider lily				
02831	2124		EA	Tree Guying 8" And Up Caliper, 8" Anchors				4,906.39
				Quantity	Unit Price	Factor	Total	
				51.00 x	89.91 x	1.0700 =	4,906.39	
				TREE PROTECTION				
02831	2204		EA	Tree Wrap, > 4" To 6" Caliper Applied Ground Level To First Branches Of Tree				146.07
				Quantity	Unit Price	Factor	Total	
				17.00 x	8.03 x	1.0700 =	146.07	
				TREE PROTECTION				
02840	1901		MSF	Watering Sod/Grass, Per Inch Of Water				70.58
				Quantity	Unit Price	Factor	Total	
				6.10 x	10.81 x	1.0700 =	70.58	
02840	1908		EA	Watering Trees, > 18" Diameter By Hand				63.12
				Quantity	Unit Price	Factor	Total	
				17.00 x	3.47 x	1.0700 =	63.12	

**Subtotal for 02** 962,421.09

**Section 03**

03360	6101		SF	Concrete Grooving For Handicapped Ramps				18.87
				Quantity	Unit Price	Factor	Total	
				12.00 x	1.47 x	1.0700 =	18.87	

**Subtotal for 03** 18.87

**Contractor Proposal Review Total** 1,095,546.38

This work order proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.

# **PROJECTS UPDATES**

## **MEETING OF JUNE 28, 2005**

### **HOMELAND DEFENSE / NEIGHBORHOOD IMPROVEMENTS BOND OVERSIGHT BOARD**

**Please note dates on enclosed material.**

**Reference attached Minutes from previous meetings  
for discussions / motions on the following projects.**

- 
- 1. Cuban Memorial Linear Park & Calle Ocho from Domino Park to Memorial Blvd.**
  - 2. Model City Revitalization Trust Replacement of Home Investment Partnership Funds.**
  - 3. Little Haiti Park- Appraisal Services**
  - 4. Miami River Greenways Regulatory Guidelines-Professional Consulting Services**
  - 5. New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village.**
  - 6. Black Police Precinct & Museum Restoration**
  - 7. Gibson Park Improvements-Phase I**
  - 8. Bay of Pigs-Playground Equipment**
  - 9. Jose Marti Park-New Water Playground**
  - 10. Williams Park- Irrigation**
  - 11. Coral Gate Park – Irrigation**
  - 12. Southside Park- Site Furnishing**
  - 13. Elizabeth Virrick Park Community Center and Gymnasium Repairs**





DEPARTMENT OF CAPITAL IMPROVEMENTS
PROJECT OVERVIEW FORM

UPDATE

1. DATE: 5/12/03

NAME OF PROJECT: Cuban Memorial Linear Park & Calle Ocho from Domino Park to Memorial Blvd.

INITIATING DEPARTMENT/DIVISION: Planning & Zoning / CIP

INITIATING CONTACT PERSON/CONTACT NUMBER: Enrique Nunez / 305.416.1419

C.I.P. DEPARTMENT CONTACT: Sandra Vega / 305.416.1243

RESOLUTION NUMBER: R-03-084 CIP/PROJECT NUMBER: 311713 & 341127

ADDITIONAL PROJECT NUMBER:

(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,

TOTAL DOLLAR AMOUNT: \$3.2 Million

SOURCE OF FUNDS: 1) District 3 Neighborhood Quality of Life = \$ 2 Million

2) Calle Ocho Improvements = \$1.2 Million

ACCOUNT CODE(S): CIP # 1) 311713 2) 341127

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget Public Works

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Sandra Vega / Enrique Nunez

DESCRIPTION OF PROJECT: Falcon & Bueno, Conceptual Plan, improved drainage

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 5/12/03

Approved by Bond Oversight Board? [X] YES [ ] NO [ ] N/A DATE APPROVED: 5/27/03

Approved by Commission? [X] YES [ ] NO [ ] N/A DATE APPROVED: 1/23/03

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [X] 6 months [ ] 12 months Date for next Oversight Board Update: 11/0

ADA Compliant? [X] YES [ ] NO [ ] N/A

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS: Public Works will maintain the median. The budget impact Public Works is responsible for relating to maintenance needs to be decided. CIP will cost out installation of underground sleeves for future lighting and irrigation purposes. Benches should not accommodate transient persons. Plants that need little water are preferred.

APPROVAL: [Signature] BOND OVERSIGHT BOARD

DATE: June 19, 2003

- **Schematic Design and Scope of Work presentation for Memorial Linear Park Project.**

Presentation by Enrique Nunez -- City of Miami Department of Planning and Zoning, along with Anthony Lopez of the firm of Falcon & Bueno, consultants to the project. This project is located in Commissioner Sanchez' district. Commissioner Sanchez appeared at the meeting and made an appeal to the Board to support this project. The Audit Committee recommended approval of this project, subject to identification of budgeted line items for maintenance and security of this project. The scope of work for this project will include the installation of empty conduits/sleeves for future electrical wiring and irrigation.

HD/NIB MOTION 03-46

A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD AUDIT COMMITTEE OF THE MEMORIAL LINEAR PARK PROJECT; FURTHER, THAT THE SCOPE OF WORK FOR THIS PROJECT WILL INCLUDE THE INSTALLATION OF EMPTY CONDUITS/SLEEVES FOR FUTURE ELECTRICAL WIRING AND IRRIGATION; FURTHER RECOMMENDING THE IDENTIFICATION OF BUDGETED LINE ITEMS FOR MAINTENANCE AND SECURITY OF THE PROJECT.

MOVED: M. REYES  
SECONDED: M. CRUZ  
ABSENT: S. ARMBRISTER; L. CABRERA;  
S. CASERES; J. GRIMES;  
J. REYES; L. de ROSA

Note for the Record: Motion passed by unanimous vote of all Board Members present.

## 7. Memorial Linear Park Project.

Sandra Vega of the CIP staff provided update re this project. Survey work is still pending. Rescheduling was done on this project based on the 40 days the surveyor took to check all elevations. Permitting by various State agencies is still pending.

## 8. Jose Marti Park – New Recreation Building.

Ed Blanco provided update re this project which is progressing according to schedule.

### III. CHAIRPERSON'S OPEN AGENDA:

N/A

### IV. ADDITIONAL ITEMS:

No additional items.

*There being no further business to come before the Board, the meeting was adjourned at 7:45 p.m.*

company of 15 dancers in Miami. Season premiere planned for Fall of 2005 at the Gusman Center of the Performing Arts.

### **3. Memorial Linear Park Project.**

Total dollar amount: \$3.2 million  
Source of funds: District 3 Neighborhood Quality of Life (\$2 million) and Calle Ocho Improvements (\$1.2 million)  
Report by: Sandra Vega  
Date approved by Audit Subcommittee: 5/12/03  
Scope of project: Consultant is Falcon & Bueno, Beautification project with improved drainage system.

Sandra Vega, from the CIP Department, reported that consultant is reviewing documents. Price of concrete has increased; so projected cost of the development needs to be revisited. Scope of work will include:

- Underground sleeves for irrigation,
- Repair of broken curbs and sidewalks along 8<sup>th</sup> to 13<sup>th</sup> Streets;
- Curbs on median along 13<sup>th</sup> to 19<sup>th</sup> Streets;
- Curbs and gutters on both sides of the street along 19<sup>th</sup> to 22<sup>nd</sup>

Design has been modified from original plan to accommodate traffic. Among the concerns are:

- The proposed widening of the median eliminates parking in front of residences
- Traffic flow and the ability of emergency vehicles to maneuver.

Technical review of the functionality of the project will delay the project for 2-3 months. Board member D. Marko requested Ms. Vega to inform Commissioner Sanchez of a realistic time frame for the construction of this project.

### **4. Steel Picket Fence at Triangle Park.**

This project was completed. There are after pictures posted on the Bond Oversight Board website.

### **III. CHAIRPERSON'S OPEN AGENDA:**

### **IV. ADDITIONAL ITEMS:**

There being no further business, the meeting adjourned at 7:58 p.m.

**6. New Playground at Jose Marti Park.**

Ed Blanco, Parks Department, reported this project is 75% complete, pending rubber surface.

**7. New Tennis Court Wind Screens at Hadley Park.**

Ed Blanco, Parks Department, reported needs to be re-bided and requests for proposals will be issued next month. Board Member Reshefsky requested that contractor who failed to deliver this project should not be selected in any future contracts.

**8. New Playground Equipment at Triangle Park.**

Ed Blanco, Parks Department, reported this will start in December.

**9. New Playground Equipment at Williams Park.**

Ed Blanco, Parks Department, reported this project is about 90% complete, pending rubber surface; should be completed in about one week or so.

Board Member Marko expressed concern that the City does not have the resources in the budget to maintain the capital expenditures that we are incurring; further suggesting a line item to account for a measurable, quantifiable, marginal increase in the intensity and need of park resources to accommodate the new capital improvements.

**10. Bryan Park – Professional Services Agreement for Interior and Exterior Improvements.**

Andre Bryan, Capital Improvements Department, reported that this project was bifurcated into (a) improvements and (b) right-of-way.

**11. Bryan Park Interior Improvements Construction Contract Award.**

Andre Bryan, Capital Improvements Department, reported that this project is almost completed.

**12. Shenandoah Park – Professional Services Agreement.**

Andre Bryan, Capital Improvements Department, reported architect has been engaged for design services, within budget.

**13. Memorial Boulevard Schematic Design and Scope of Work.**

Sandra Vega, project manager, reported that design is complete and negotiations are in progress for its construction.

**14. Virginia Key Beach Park Improvements, Renovations and Repairs – Phase I.**

Alberto Corrales reported that phase I is complete, that includes the concession, carousel, the bath house, pavilion, access roads. The next phase will be sanitary sewers and parking lot. Hopefully the park can be open to the public in approximately 12 months.



DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM

**UPL**

1. DATE: 3/21/03

NAME OF PROJECT: Replacement of HOME Investment

INITIATING DEPARTMENT/DIVISION: Model City Trust

INITIATING CONTACT PERSON/CONTACT NUMBER: Marva Wiley 305.416.1033

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: R-03-479 CIP/PROJECT NUMBER: 341126

ADDITIONAL PROJECT NUMBER: \_\_\_\_\_  
(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,

TOTAL DOLLAR AMOUNT: 1.8 Million

SOURCE OF FUNDS: \$400,000 Available in 1st Series ACCOUNT CODE(S): 341126

Homeland Defense Model City Infrastructure Improvements CIP # 331419

If grant funded, is there a City match requirement?  YES  NO

AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_

Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: \_\_\_\_\_

DESCRIPTION OF PROJECT: \_\_\_\_\_

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 3/21/03

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 3/25/03

Approved by Commission?  YES  NO  N/A DATE APPROVED: 5/8/03

Revisions to Original Scope?  YES  NO (If YES see Item 5 below)

Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes, DESIGN COST: \_\_\_\_\_

CONSTRUCTION COST: \_\_\_\_\_

Is conceptual estimate within project budget?  YES  NO

If not, have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_

Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_

Have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: 1.8 Million HOME funds being refunded with Bond Money, purchasing land is part of infrastructure improvements. HD/NI bond monies were already spent. \$1,815,133.00 Approved at 5/8/03 Com meet.

APPROVAL: Robert O. F... [Signature]  
BOND OVERSIGHT BOARD

DATE: 5-8-2003



DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM

1. DATE: 3/23/04 DISTRICT: 5  
NAME OF PROJECT: REPLACEMENT OF HOME INVESTMENT  
INITIATING DEPARTMENT/DIVISION: Model City Trust  
INITIATING CONTACT PERSON/CONTACT NUMBER: Marva Wiley 305.635.2301, ext. 375  
C.I.P. DEPARTMENT CONTACT: \_\_\_\_\_  
RESOLUTION NUMBER: R-04-027 CIP/PROJECT NUMBER: 341126  
ADDITIONAL PROJECT NUMBER: \_\_\_\_\_

(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
TOTAL DOLLAR AMOUNT: \$ 1.8 Million (\$4 Million allocated, estimated current balance is \$385,000)  
SOURCE OF FUNDS: HDNI Bond - Model City Infrastructure Improvements  
ACCOUNT CODE(S): CIP # 341126

If grant funded, is there a City match requirement?  YES  NO

AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_

Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Marva Wiley / Model City Trust

DESCRIPTION OF PROJECT: Requesting an additional \$1.8 Million to increase the potential for the development of a mixed income community on the project area. Additional HOME Investment Partnership Funds are available for infrastructure in exchange for infrastructure designated dollars from Homeland Defense/Neighborhood Improvements bond funds being spent for land acquisition. The Board previously approved \$1.8 Million for this project in March 2003.

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 3/15/04

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 3/23/04

Approved by Commission?  YES  NO  N/A DATE APPROVED: 4/22/04

Revisions to Original Scope?  YES  NO (If YES see Item 5 below)

Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes, DESIGN COST: \_\_\_\_\_

CONSTRUCTION COST: \_\_\_\_\_

Is conceptual estimate within project budget?  YES  NO

If not, have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_

Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_

Have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: Each property gets appraised. Costs do not exceed 15% above average without super majority. All the appraisals are over a year old; the Trust has closed on 14 properties.

APPROVAL: [Signature]  
BOND OVERSIGHT BOARD

DATE: 3/25/04

Enclosures: Back-Up Materials  YES  NO



Model City  
**REVITALIZATION TRUST**

To: Honorable Mayor and  
Members of the City Commission  
From: Marva L. Wiley on behalf of the Model City Trust  
Subject: Replacement of HOME Investment Partnership Funds  
Date: March 17, 2003

**RECOMMENDATION:**

It is respectfully requested that the City Commission approve the attached resolution authorizing the use of the \$3 Million FY 2003 allocation of Homeland Defense/Neighborhood Improvement Bond designated for Model City Infrastructure as replacement funds for \$1.8 Million in HOME Investment Partnership Funds used for property acquisitions in FY 2002 and additional acquisitions anticipated in FY 2003.

**BACKGROUND:**

As you know, the Model City Homeownership Zone Pilot Project is in its acquisition phase. During fiscal year 2002, approximately \$1.8 million of HOME Investment Partnership Funds that had been appropriated for the Model City Homeownership Zone ("Zone") Pilot Project were utilized for the acquisition of properties in the Zone.

In a letter dated February 14, 2003, the Department of Community Department advised the Model City Trust that the Department had disallowed the costs incurred in Fiscal Year 2002 because of its finding that the Trust's expenses did not conform with the Department of Housing and Urban Development's ("HUD") Regulation. Specifically, the HUD regulations require that the project have a reasonable expectation of commencement within twelve (12) months of the participating jurisdiction (the City in this instance) setting up the expense in the federal information and disbursement system (i.e. IDIS).

The \$1.8 Million in acquisitions occurred between February and June of 2002, yet construction on the project has not occurred in one year of the February+ acquisitions and is not expected to occur within one year of the June 2002 acquisitions. As you will recall, the Model City Trust's acquisition effort has been delayed in part due to the amount of time required for processing the environmental clearance and a variety of changes in administration. Further,



construction may not occur until Spring 2004 with the projected release of a Request for Proposals for the Phase I Development anticipated in Summer 2003.

In order to resolve these issues and minimize additional delays in the acquisition phase that have already produced discontent among contracted property owners, the Trust proposes that the funds designated for the Model City Infrastructure Improvements in FY 2003 be reprogrammed to replace the HOME Funds utilized in FY 2002 for acquisitions. You should note that one of the eligible uses of HOME Funds is infrastructure; thus, the HOME Funds released with the replacement of Homeland Defense/Neighborhood Improvement Bond proceeds may be available for the infrastructure uses anticipated for the Homeland Defense/Neighborhood Improvement Bond proceeds. The Trust believes that this proposal will have no net impact on the program or the Model City Trust's overall program funding.

/MLW

R-03-479

J-  
3/13/03

A RESOLUTION TO AUTHORIZE THE MODEL CITY TRUST TO REPLACE \$1,815,133.15 HOME PROGRAM FUNDS USED ON BEHALF OF THE MODEL CITY HOMEOWNERSHIP ZONE PILOT PROJECT IN FY 2002 WITH FUNDS DESIGNATED FOR MODEL CITY INFRASTRUCTURE IMPROVEMENTS IN THE FY 2003 ALLOCATION OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND PROCEEDS.

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WHEREAS, the Model City Homeownership Zone Pilot Project is in its acquisition phase; and

WHEREAS, the City utilized approximately \$1.8 million of HOME Program Funds that had been appropriated for the Model City Homeownership Zone ("Zone") Pilot Project for the acquisition of properties in the Zone; and

WHEREAS, HUD regulations require that the project have a reasonable expectation of commencement within twelve (12) months of the participating jurisdiction (the City in this instance) setting up the expense in the federal information and disbursement system (i.e. IDIS); and

WHEREAS, construction on the project has not commenced within 12 months of closing on the properties when the expense was set up in IDIS; and

WHEREAS, the Model City Trust received written correspondence from the Department of Community Development to advise that the Department had disallowed the costs incurred in Fiscal Year 2002 because of its finding that the Trust's expenses did not conform with the Department of Housing and Urban Development's ("HUD") Regulation; and

WHEREAS, the Model City Trust's acquisition effort has been delayed substantially, in part, because of the considerable period of time required for processing the environmental clearance and a variety of changes in administration; and

WHEREAS, construction may not occur until Spring 2004 with the projected release of a Request for Proposals for the Phase I Development anticipated in Summer 2003; and

WHEREAS, the Trust proposes that the funds designated for the Model City Infrastructure Improvements in FY 2003 be reprogrammed to replace the HOME Program Funds utilized in FY 2002 for acquisitions in order to resolve issues related to the eligibility of HOME Program Funds and minimize additional delays in the acquisition phase; and

WHEREAS, one of the eligible uses of HOME Program Funds is infrastructure; and

WHEREAS, HOME Program Funds would be released and available for the infrastructure uses anticipated for the

Homeland Defense/Neighborhood Improvement Bond proceeds with the replacement of Homeland Defense/Neighborhood Improvement Bond proceeds; and

WHEREAS, The Trust believes that this proposal will have no net impact on the program or the Model City Trust's overall program funding.

NOW, THEREFORE, BE IT RESOLVED THAT the proceeds of the Homeland Defense/Neighborhood Improvement Bond proceeds designated for Model City Infrastructure Improvements in FY 2003 are reprogrammed to replace the HOME Program Funds utilized for property acquisition in FY 2002.

Section 1. The recitals and findings contained in the Preamble to this resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Homeland Defense/Neighborhood Improvement Bond proceeds designated for Model City Infrastructure Improvements in FY 2003 are reprogrammed to replace the HOME Program Funds utilized for property acquisition in FY 2002.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.<sup>1</sup>

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<sup>1</sup> If the Mayor does not sign this resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2003.

\_\_\_\_\_  
MANUEL A. DIAZ  
MAYOR

ATTEST:

\_\_\_\_\_  
PRISCILLA THOMPSON  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
ALEJANDRO VILARELLO  
CITY ATTORNEY



To: Members of the Bond Oversight Board  
From: Marva L. Wiley, Acting President/CEO  
Subject: Request for Additional Homeland Defense/Neighborhood  
Improvement Bond Dollars  
Date: March 15, 2004

It is respectfully requested that you approve an additional \$1.8 Million of Homeland Defense/Neighborhood Improvement Bond dollars which are currently designated for an infrastructure purpose in Model City to be used for land acquisition in the Model City Homeownership Zone Pilot Project. As you will recall, I appeared before you on March 25, 2003, to request the Bond Oversight Board's approval of the use of \$1,815,155.13 of bond dollars that had been earmarked for Model City infrastructure improvements to refund the HOME Investment Partnership Program ("HOME") credit line for the acquisition of twenty-two (22) properties closed between February and May of 2002. That issue related to the concern that the City was in violation of the U.S. Department of Housing and Urban Development's regulations related to landbanking.

The landbanking issue revealed several benefits that could exist with the change in funding source from HOME Investment Partnership Program Funds to Homeland Defense/Neighborhood Improvement. This change in funding source creates the potential for a community that is more diverse in income as the income limitations would not be tied to the development of a particular home and/or unit as would be the case with HOME Investment Partnership dollars used for land acquisition. HOME dollars can be used for infrastructure improvements in the same project area without similar constraints on the amount of subsidy for the ultimate home buyer. Approval of this proposal represents the commitment of the Model City Trust to utilize \$3,615,155.13 for infrastructure improvements from the HOME Investment Partnership Program.

Subsequent to the City Commission approval of the funding swap, it became apparent that the list used to compile the list of 22 properties valued at \$1,815,155.13 erroneously included twelve (12) properties which had never

closed. Thus, an excess of more than \$500,000 exists after the necessary refund of dollars was made to the credit line. Based upon my understanding of the Bond Oversight Board's intent to swap the funds, I began to count the funds available in excess of the amount necessary for refund as dollars available for land acquisition.

I return to you to advise of the actual amount paid and my desire to utilize those excess dollars already allocated for the purpose of current land acquisition in furtherance of the Model City Trust project.

**Perez, Danette**

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**From:** Perez, Danette  
**Sent:** Tuesday, March 16, 2004 5:14 PM  
**To:** Wiley, Marva; DaSilva, Kelli R  
**Subject:** RE: Bond Oversight Board List II.xls

Thanks, Marva. We will add this list to the agenda packages.

Danette

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**From:** Wiley, Marva  
**Sent:** Tuesday, March 16, 2004 5:09 PM  
**To:** DaSilva, Kelli R; Perez, Danette  
**Subject:** Bond Oversight Board List II.xls

Please find attached a list that represents properties currently in the cue for acquisition as requested by the Audit Committee last night. if you have any questions, please feel free to contact me at (305) 635-2301 x375.



Prop. No. (MHZ)	Seller Name	Property Address	Phone No.	2003 Assessment Value	Appr.#1	Appr.#2	Average of two Annraisals	Purchase Price
34	Coley Williams, Jr. & W. Inell	1341 NW 61 Street-occupied	(305) 635- 0394	39,779	85,000	92,500	88,750	115,375
36	Joseph & Barbara Wiggins	1371 NW 61st Street	(954) 438- 9942	115,793	105,000	115,000	110,000	158,000
59	Pablo Miranda	6040 NW 12 Avenue- Occupied Multi- Family	(954) 296- 8652	264,225	400,000	365,000	382,500	439,875
84	Norman Gilbert	1440 NW 61st Street		9,601	9,400	7,200	8,300	9,545
188	Estate of Willie Smith	1233 NW 59 Street Single Family-vacant	(954) 735- 2483	33,698	55,000	60,500	57,750	60,500
106	Bob & Yvonne Hunter - By Properties, Inc.	1520 NW 61 Street	(305) 932- 4115	283,695	370,000	385,000	377,500	434,125
142	Sandra & Daniel Virgil	1418 NW 60 Street-Duplex- vacant	(305) 835- 7761	18,836	43,500	46,000	44,750	46,000
214	James S. Nivens	5859 NW 13 Av Vacant lot	(803) 329- 1003	5,867	7,200	10,000	8,600	9,890
282	Willette F. Brown	1691 NW 58th Terrace	(305) 625- 9633	8,001	4,250	4,500	4,375	5,031
285	Marable Enterprise c/o Clinton Marable	5807 NW 17th Ave Vacant Lot	(305) 633- 5649	7,492	8,600	8,700	8,650	15,000
370	John Henry Thompson & Estate of William Thompson	5801 NW 13 Ave Vacant lot	(954) 316- 8058	5,867	7,200	10,000	8,600	11,185

1,304,526

**RE.5 04-00310 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF ADDITIONAL FUNDS, IN AN AMOUNT NOT TO EXCEED \$1,800,000, FOR LAND ACQUISITION FOR THE MODEL CITY HOMEOWNERSHIP ZONE PILOT PROJECT FROM FUNDS PREVIOUSLY DESIGNATED FOR MODEL CITY INFRASTRUCTURE IMPROVEMENTS, IN FISCAL YEAR 2003 AND FISCAL YEAR 2004 ALLOCATIONS OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND PROCEEDS, CONDITIONED UPON FAVORABLE DECISION OF THE BOND COUNCIL.

04-00310- cover memo.pdf, 04-00310- budgetary impact analysis.pdf

**R-04-0271**

**MOVED:** Angel González

**SECONDED:** Johnny L. Winton

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Teele

**ABSENT:** Commissioner Regalado

- Model City Revitalization Trust Hadley Park Office Renovations.
- Model City Revitalization Trust Replacement of HOME Investment Partnership Funds.

Presentation by Marva Wiley, Interim Director of the Model City Trust. The Model City Community Revitalization District is requesting funds for ~~rehabilitation of existing homes within the District and for construction of new homes~~ land acquisition within the District. The City will offer second and third mortgages to homeowners to assist with repairing homes and bringing them up to City Code. A third of the monies earmarked for the District will be reserved for subsidized housing. \$74,800 is being requested from the Hadley Park portion of Bond funds to be used to create office space for the Trust.

HD/NIB MOTION 03-23

A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD AUDIT COMMITTEE OF \$1.8 MILLION OF BOND FUNDS TO BE ALLOCATED FOR THE REPLACEMENT OF FUNDS TO THE HOME INVESTMENT PARTNERSHIP PROGRAM, SAID FUNDS HAVING BEEN USED FOR ACQUISITION PURPOSES IN FISCAL YEAR 2002.

MOVED: M. DUNN  
SECONDED: M. REYES  
ABSENT: S. ARMBRISTER; R. CAYARD; M. LOYAL;  
D. MARKO

Note for the Record: Motion passed by unanimous vote of all Board Members present.

A MOTION BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD RECOMMENDING NON-SUPPORT OF THE CHANGE IN SCOPE OF WORK OF THE MODEL CITY REVITALIZATION TRUST HADLEY PARK OFFICE PROJECT; SAID CHANGE REPRESENTING AN APPROXIMATE \$10,000 INCREASE IN THE COST OF THE PROJECT; FURTHER EXPRESSING THAT NON-SUPPORT OF THE CHANGE IN SCOPE OF WORK AND RELATED \$10,000 INCREASE IN COST IS BASED UPON PROCEDURAL GROUNDS; OTHERWISE, SAID CHANGE AND RELATED INCREASE APPEAR TO BE APPROPRIATE.

MOVED: D. MARKO  
SECONDED: G. RESHEFSKY  
ABSENT: S. ARMBRISTER;  
L. CABRERA;  
S. CACERES;  
J. REYES; M. REYES

Note for the record: Motion passed by unanimous vote of all Board Members present.

**6. Model City Revitalization Trust Replacement of HOME Investment Partnership Funds.**

The City Commission authorized the purchase of 46 parcels in July 2003 from other capital improvement dollars. Homeland Defense funds were used for acquiring 22 properties. Nine additional properties were purchased with federal funds. The Board will be provided an update in March 2004.

The next phase includes building infrastructures to develop the Model City area.

- Quiet Title Action for Little Haiti Park Parcels 18, 60 & 61.

Total dollar amount: \$10,500  
 Source of funds: HD/NIB-Little Haiti Park  
 Acquisition  
 Report by: Madeline Valdes-Dept. of Economic  
 Development  
 Date approved by Audit Subcommittee: March 15, 2004

Description of Project: A quiet title action needs to be filed in order to obtain a title insurance policy for these properties for the development of Little Haiti Park.

**HD/NIB MOTION 04-30**

**A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND (HD/NIB) OVERSIGHT BOARD AUDIT SUBCOMMITTEE OF THE QUIET TITLE ACTION FOR PROPERTY LOCATED AT 6150 NE 4<sup>TH</sup> AVENUE, 299 N.E. 59<sup>TH</sup> TERRACE AND 303 NE 59<sup>TH</sup> TERRACE (PARCELS 18, 60 AND 61); FURTHER RECOMMENDING THAT \$10,500 BE ALLOCATED TO THIS PROJECT.**

**MOVED: W. HARVEY  
 SECONDED: L. de ROSA  
 ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
 R. FLANDERS**

**Note for the Record: Motion passed by unanimous vote of all Board Members present.**

- Model City Trust – Additional \$1.8 million for Replacement of HOME Investment Partnership Funds.

Total dollar amount: \$1.8 million  
 Source of funds: HD/NIB-Model City Infrastructure  
 Improvements  
 Report by: Marva Wiley, Acting President,  
 Model City Community  
 Revitalization District Trust  
 Date approved by Audit Subcommittee: March 15, 2004

Description of Project: Request is for an additional \$1.8 million to increase the potential for the development of a mixed income community on the project area. Additional HOME Investment Partnership Funds are available for infrastructure in exchange for infrastructure designated dollars from HD/NIB funds being spent for land acquisition. The Board previously approved

\$1.8 million for this project in March 2003. The Trust has closed on 14 properties.

**HD/NIB MOTION 04-31**

**A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND (HD/NIB) OVERSIGHT BOARD AUDIT SUBCOMMITTEE OF THE MODEL CITY TRUST (THE TRUST) REPLACEMENT OF HOME INVESTMENT FUNDS PROJECT; FURTHER RECOMMENDING THAT \$1.8 MILLION OF HD/NIB-MODEL CITY INFRASTRUCTURE IMPROVEMENTS FUNDS BE ALLOCATED TO THIS PROJECT, SUBJECT TO THE LEGAL OPINION OF BOND COUNSEL; FURTHER RECOMMENDING THAT THE TRUST PREPARE A LISTING REFLECTING EACH PIECE OF PROPERTY ACQUIRED WITH HD/NIB DOLLARS AND PRESENT SUCH LISTING AT THE APRIL 27, 2004 MEETING OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD.**

**MOVED: L. de ROSA**  
**SECONDED: J. REYES**  
**ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;**  
**R. FLANDERS**

**Note for the Record: Motion passed by unanimous vote of all Board Members present.**

UPDATES:

**1. Model City Trust original \$1,800,000 for Replacement of HOME Investment Partnership Funds.**

Report by Marva Wiley, Acting President of the Model City Community Revitalization District Trust. A finalized list as to what needs to be refunded is being prepared. Initially, the supporting documentation for the \$1.8 million that was requested reflected a list of properties thought to have been acquired between February and May of 2002. The number that the City is requesting be refunded is now \$2.4 million, reflecting several properties. There is a need to increase the amount to capture the full impact of the full list of acquisitions up to the present. Present total amount is \$3.6 million. \$2.4 million of that amount represents refunding of HOME funds or addressing prior acquisitions and additional payments charged for acquisitions through HOME funds and approximately \$1.2 million represents current acquisitions. Bond counsel will provide a written opinion as to whether or not the manner in which the exchange/replacement/transfer of funds is being suggested is legal.

**2. Model City Trust's Office Renovation at Hadley Park.**

Report by Marva Wiley, Acting President, Model City Community Revitalization District Trust. Ms. Wiley presented the Board with pictures of office renovations of the existing meeting room. The Trust moved into the office in January 2004.

**3. Dinner Key Mooring & Anchorage Field Project.**

Report by Alexandra Argudin - Conferences, Conventions and Public Facilities Dept. The permit applications for the construction of the Mooring Facility was submitted to the Federal, State and County regulatory agencies January 12, 2004. The Marina Manager and Ms. Argudin met with the permitting representatives of these agencies on February 25, 2004 at Dinner Key to discuss the project, provide a tour of the anchorage and respond to some of the initial questions the agencies had re the project. A formal response to those questions from the City's consultant to the agencies is being prepared and will be submitted by April 11, 2004. The balance of the permitting process includes responding to questions and requests for additional information from the agencies, and it is hoped that the permitting process will be completed by the latter part of this year. To date, the City has expended \$49,125 in engineering and consulting expenses related to the preparation

HD/NIB MOTION 04-71

A MOTION TO APPROVE THE AUDIT SUBCOMMITTEE'S RECOMMENDATION TO FUND THE BELAFONTE TACOLCY PARK – IRRIGATION PROJECT.

MOVED: L DE ROSA

SECONDED: M. CRUZ

ABSENT: K. Apfel, L. Cabrera, R. Cayard, D. Marko, R. Vangates

Note for the Record: Motion passed by unanimous vote of all Board Members present.

**UPDATES:**

**1. Model City Trust – Replacement of HOME Investment Partnership Funds.**

Marva Wiley informed the board that Model City funds had been swapped from infrastructure improvements in the bond for a purpose of land acquisition. Auditor General's review of this transaction was referred to the bond counsel opinion, who opined the transactions were in compliance with bond's public purpose requirements.

**2. Dinner Key Marina Fuel Dock.**

Alejandra Argudin informed the board this project has been delayed for modification to the plans. Pending are approvals from two agencies. Once those approvals are obtained, the plans will be submitted to the Zoning Department for another dry run process. CIP will bid the construction phase after that. Expect to open April 2005.

**3. Neo Lofts Greenway Segment.**

Jorge Cano informed the board agreement with developer is being revisited, with intent to release them from obligation of construction in order to marry this segment with the Jose Marti Park segment. The scope of work is to be expanded and done together as one project.

**4. Environmental and Title Services for Little Haiti Park Parcel's 18, 60 & 61.**

Dirk Duval informed the board that this project is in the permitting process, the title went through and proceeding with cleanup of the tanks, should be completed in six months.

**5. Appraisal Services for Little Haiti Park Parcel 92.**

Dirk Duval stated that appraisals were authorized to be done with due date of August 6<sup>th</sup>.

**6. Land Acquisition for Little Haiti Park Parcel 79.**

**7. Land Acquisition for Little Haiti Park Parcel 91.**

Dirk Duval stated that Parcels 79 and 91 were closed on June 14, 2004 and are in the process of demolishing structures and securing the properties.

**8. Steel Picket Fence at Eaton Park.**

Ed Blanco stated that this project was completed a while ago.

**9. New Pool Heaters at Hadley Park.**

Ed Blanco stated that project has been bid out, have a purchase order and contractor is working on this right now.



HD/NIB MOTION 05-12

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE ELIZABETH VIRRICK PARK COMMUNITY CENTER AND GYMNASIUM REPAIRS PROJECT.

MOVED: M. REYES  
SECONDED: W. HARVEY  
ABSENT: L. Cabrera, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- 1501 SW 9 Street – Parking Lot Construction. – Revision to Original Scope.

ADDITIONAL FUNDS REQUESTED: \$71,621

SOURCE OF FUNDS: H.D.N.I. Bonds – Calle Ocho Improvements

DESCRIPTION OF PROJECT: Scope includes the furnishing of labor, materials and equipment to build a new parking lot to include the following features: site work, drainage, fencing, landscaping, irrigation and electrical.

HD/NIB MOTION 05-13

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION FOR ADDITIONAL FUNDING FOR THE CONSTRUCTION OF A PARKING LOT PROPOSED AT 1501 S.W. 9 STREET (BEHIND TOWER THEATER).

MOVED: G. RESHEFSKY  
SECONDED: M. REYES  
ABSENT: L. Cabrera, J. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

**UPDATES:**

**1. FEC Corridor Initiatives.**

Carmen Sanchez, Planning Department, reported that the regulating plan and economic development component and transportation piece are still pending. This function is now absorbed by the Miami 21 project. Another status report will be given after discussion with the Commissioner of area.

**2. Model City Trust – Replacement of HOME Investment Partnership Funds.**

Marva Wiley, President of Model City Community Revitalization District Trust, reported that a total of \$3,615,000 has been approved by the HD/NIB board for retrospective and current acquisition. There is a balance of \$1,020,000 remaining currently. Following is a list of projects proposed to be funded with the balance of funds:

- Trust has been successful in receiving other grants, some of them to remediate brownfields (contaminated lands). Some of the HD/NIB funds are to be used as matching funds for remediation of contaminated lands.
- A second priority for the Trust is addressing the digital divide by implementing a hot zone to create the opportunity for residents of the area to have access to the internet.
- Lastly, infrastructure improvements will be addressed.

Ms. Wiley further stated that no one has moved into houses yet. The first priority of the Trust was to acquire all properties prior to beginning construction. The reason for this is once you construct houses, the value of area properties increases. Master plan was approved in 2004. There are 86 properties currently in the inventory; of that 26 are slated for single family homes. There are 16 houses ready for implementation. The past six months have been processing necessary permits.

### **3. Dinner Key Mooring Anchorage Field Project.**

Steven Bogner, Marinas Manager, Department of Public Facilities, reported that: (1) the engineering and permitting consultant is in regular contact; (2) preparing to remove 11 derelict and sunken vessels from project area within the next 45 days and identifying additional vessels to be removed; (3) submitting applications for Florida Inland Navigation District for grant monies.

### **4. Dinner Key Marina Fuel Dock.**

Steven Bogner, Marinas Manager, Department of Public Facilities, reported that permit approvals for fuel dock have been secured; construction phase of project has been put out to bid and responses are due March 22, 2005. The next step is the evaluation of proposals by the CIP Dept. and the approval of the contract by the City Commission.

### **5. Baywalk Improvements at One Miami Site.**

Kevin Brown, CIP Dept., reported this walkway along the Miami River is expected to be completed by September or October 2005. Project includes art pieces and water fountain.

### **6. Neo Lofts Greenway Segment.**

Kevin Brown, CIP Dept., reported that a pre-construction meeting took place on February 3<sup>rd</sup>. Notice to proceed with contract was issued on February 13<sup>th</sup>. Currently, contractor is acquiring necessary permits. Expecting construction to begin next week. Gary Reshefsky requested before and after photographs. Robert Flanders requested photographs be posted on the board website.

Partnerships for a  
**NEW MIAMI**

To: Honorable Mayor and Members of the City Commission  
From: N. Patrick Range, *N. Patrick Range* Chairman, Norman C. Powell, *Norman C. Powell* Vice-Chair  
Model City Trust, Model City Trust  
Subject: Timeline of Activities Related to Homeland Defense funding  
Date: June 8, 2005

It has come to our attention at the City Commission meeting of May 26, 2005, certain comments were made to allege that the Model City Trust deliberately and calculatedly misled the Bond Oversight Board regarding the use of Homeland Defense bond proceeds. The designated bond proceeds were earmarked for Model City Infrastructure Improvements and the Model City Trust approached the Bond Oversight Board about utilizing these funds to resolve the issue related to land banking. We are deeply disappointed that the Model City Trust remains the focus of relentless malicious attacks.

These attacks, with constant barrages of misinformation, seem calculated to create a jaded impression and undermine the efforts and progress of the Model City Trust. Truth seems constantly sacrificed at the altar of politics. No matter how much the Model City Trust tries to advance the truth, our cause is lost in the mire of deliberate misinformation played on a scale we can not seem to match.

Consequently, we find ourselves spending more time defending against the lies, to the exclusion of meeting what are mutual objectives, which is to create a livable and sustainable environment in the Model City area. Here we are once again defending - with the truth. Fortunately, there is an extensive paper trail and several independent sources that detail the circumstances surrounding the Model City Trust presentation to the Bond Oversight Board:

1. Linda Haskins made the recommendation at her last meeting as a member of the Board of Directors (February 2003) for Homeland Defense Model City Infrastructure Improvement bond proceeds be used to resolve the issue related to land banking identified by the Department of Community Development in February 15, 2003. (Minutes of Board of Directors Meeting of February 10, 2003 - TAB 1)

2. Marva Wiley made a presentation on behalf of the Model City Trust at the Audit Committee meeting of the Bond Oversight Board to request the \$1,815,133.33 identified in the letter from Community Development of February 15, 2003. The Bond Oversight Board approved the allocation. (Bond Oversight Board Minutes of March 2003/Statements from Audit Committee Members - TAB 2)
3. The Bond Oversight Board approved the "swap"; the City Commission allocated the funds on May 8, 2003, (Resolution No. 03-479 - TAB 3).
4. The Department of Community Development noted that approximately \$600,000 in land acquisition expenses had not been captured in the letter of February 15, 2003 that was sent to the Trust to identify the land banking issue. Model City Trust staff noted that several transactions in the attachment to the letter of February 15, 2003, were erroneous because ten (10) of the properties on the list had not closed. (Letter from Model City Trust of June 2003). Community Development provided no documentation of land acquisition expenses to support the actual transactions that were said to have created the land banking issue.
5. On October 23, 2003, the City Commission approved a joint project for the implementation of Floral Park infrastructure improvements that allocated \$2 Million from a source to be identified by the City Manager (Resolution No. 03-1113 - TAB 4).
6. The Bond Oversight Board approved an additional \$1.8 Million to address the additional acquisitions that were later identified by Community Development and to address "current" acquisitions. At that time, Homeland Defense Vice-Chair Manolo Reyes (Commissioner Gonzalez' appointment) asked whether this transaction was legal. Board Counsel/Assistant City Attorney Rafael Diaz explained that the Board could not authorize any illegal activity as a matter of law; thus, any illegal authorization of the Board would be void.
7. On April 22, 2004, the City Commission approved the additional \$1.8 Million (Resolution 04-0271 - TAB 5).
8. Auditor General conducted an audit on the transactions related to the Homeland Defense/Neighborhood Improvement Bond and

released findings on April 2, 2004, which suggested bond counsel review the transaction. Barbara Rodriguez co-signed a memorandum with Marva Wiley to reflect that the "swap" would be honored by both Community Development and the Model City Trust. (Audit No. 04-014 - TAB 6)

9. In a meeting with Commission Johnny L. Winton, Marva Wiley, and several City staffers, Barbara Rodriguez made the recommendation that the reimbursement to HUD not be made pending the monitoring report from U.S. HUD.
10. Bond Counsel (Squire, Sanders, Dempsey) released its opinion on July 2, 2004, that noted transactions were only qualified to the extent that the properties would be used for a public purpose AND the transaction (acquisition) occurred after November 10, 2001. Only \$1.49 Million of the acquisitions met this two part test. (see Bond Counsel Opinion - TAB 7).
11. Model City Trust staff identified transactions that met Bond Counsel's two part test to enable the reimbursement to HUD for \$1,815,133.33 on September 9, 2004, and distributed bond counsel opinion when Community Development expressed a new urgency in satisfying the reimbursement.
12. The additional \$1.8 million was directed toward land acquisition and acquisition related expenses that met Bond Counsel's two part test.
13. On September 24, 2004, Finance made the wire transfer to reimburse \$1,815,133.33 to the U.S. Department of Housing and Urban Development (HUD). (see City's financial record - TAB 8)
14. At a Bond Oversight Board meeting of March 2005, Marva Wiley provided an update on the reimbursement to HUD and the anticipated uses of the balance since no major additional acquisitions were projected.
15. At the City Commission meeting of May 26, 2005, the City Commission was asked to program \$1.5 Million of the \$2 Million allocated but unfunded from the October 2003 Resolution from Community Development Block Grant (CDBG) funds for the Floral Park Infrastructure Improvements.

If you have any questions regarding any of the documents or statements of facts listed above, please feel free to contact Marva Wiley at (305) 635-2301 x375.

- c. Jorge L. Fernandez, City Attorney  
Priscilla Thompson, City Clerk  
Victor Igwe, Auditor General

TAB 1

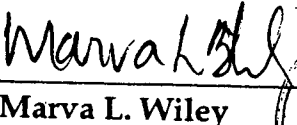
**CERTIFICATION OF MINUTES**

I hereby certify that the minutes of the Model City Trust Board Meeting held on February 10, 2003, attached hereto are the official minutes and have been duly approved by the Board of Directors of the Model City Trust at its regularly scheduled meeting on April 14, 2003.

Vincent Mitchell moved the minutes for approval.

Hector Brito seconded.

The motion passed unanimously among those present.

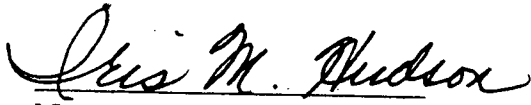
  
\_\_\_\_\_  
Marva L. Wiley  
Interim Director

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

Subscribed and sworn to before me by **MARVA L. WILEY**, the Interim Director, as the official recordkeeper of the Model City Trust, who is personally known to me, on the 15<sup>th</sup> day of April, 2003.

My commission expires:



  
\_\_\_\_\_  
Notary Public, State of Florida





**MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST  
BOARD OF DIRECTORS MEETING  
(REVISED)  
CHARLES HADLEY PARK  
CARRIE P. MEEK SENIOR CITIZENS AND CULTURAL CENTER  
1350 NW 50th STREET  
MIAMI, FLORIDA 33147  
MONDAY, FEBRUARY 10, 2003 AT 5:30 PM**

**AGENDA**

- I. Welcome and Introductions**
- II. Action Items:**
  - A. Approval of Minutes of January 13, 2003 Meeting**
  - B. Partnership with Martin Luther King Economic Development Corporation (*Supplemental Item*)**
- III. Discussion Items:**
  - A. Trust Board of Directors' Workshops Summary**
  - B. Urban Land Institute Model City Panel Draft Report**
  - C. Homeownership Zone Community Planning Workshops Calendar**
  - D. Trust Board of Directors' Projected Workshops**
- IV. Other Business**
- V. Public Comment**
- VI. Adjournment**

MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST  
BOARD OF DIRECTORS MEETING

Monday, February 10, 2003 at 5:30 PM  
Charles Hadley Park  
Carrie P. Meek Senior Citizens and Cultural Center  
1350 NW 50<sup>th</sup> Street Miami, Florida 33147

Chair Shalley Jones called the meeting to order at 5:40 p.m. Board Members Patrick Range, Lucia Dougherty and Linda Haskins and Acting President/CEO Gwendolyn C. Warren were in attendance. Board member Hector Brito joined the meeting at 5:47 p.m. Others in attendance included: Maria J. Chiaro, Assistant City Attorney; Karen Cooper, Model City NET Administrator; and Barbara Gomez-Rodriguez, Acting Director of the Department of Community Development. Due to health considerations, Board member Willie Pearle Porter has resigned from the Board.

Chair Jones welcomed and thanked the Board members for attending the meeting and welcomed guests from the community. She extended the Board's congratulations to Board member Linda Haskins on being named Chief Financial Officer of the City of Miami. She asked Board member Haskins to explain her role and responsibilities in the Administration. Board member Haskins began her comments by noting that the Mayor's reorganization concept is to operate the City more along the lines of a private sector enterprise and make it more responsive to residents. The new City Manager, now called the Chief Executive Officer or Chief Administrator, has been appointed and he has made some immediate changes. Assistant city manager positions have been eliminated to create new positions as follows: Chief Financial Officer; Chief Information Officer; Chief of Neighborhood Services; and, Chief of Strategic Planning, Budgeting and Performance. In her new position, Board member Haskins oversees the City's departments of Finance, Purchasing, Community Development, Risk Management, and more. Chair Jones asked if the work of the Trust would fall under her purview and Board member Haskins responded that it would.

Action Items:

Approval of Trust Board of Directors Meeting Minutes - January 13, 2003. Vice-Chair Patrick Range made a motion to approve the minutes and Board member Hector Brito seconded the motion. Chair Jones indicated that she had an amendment. At the beginning of the Public Comment, she had informed the guests that they could contact the Trust directly at Hadley Park. She said that the Acting President/CEO noted that staff could be contacted at Hadley Park, (305)

634-5791, Extension 331 for Tiesha Taylor and (305) 634-5791, Extension 332 for Jeffrey Whitaker and she could be contacted at the City's Administration building on SW 2<sup>nd</sup> Avenue, (305) 416-1033. The telephone numbers were given at the meeting but had not been listed in the minutes. Her amendment would add the numbers. Vice-Chair Range moved the approval of the minutes, with the amendment. Board member Brito seconded the motion and the minutes were approved as amended.

Partnership with Martin Luther King Economic Development Corporation. Acting President/CEO Gwendolyn Warren noted that at the last meeting the Board had asked her to meet with Billy Hardemon, Chairperson of the Martin Luther King Economic Development Corporation (MLK-EDC), relative to his announcement at the January meeting regarding the national effort to redevelop Martin Luther King Boulevards in major cities nationwide and the local effort in particular. After meeting with Mr. Hardemon, Acting President/CEO Warren believes that the vision of the MLK Reclaim the Dream Committee is consistent and complementary to the Model City Trust's efforts. The Boulevard (NW 62<sup>nd</sup> Street) is a major artery for travel throughout the City, particularly in the Community Revitalization District, in part because it is a major exit from I-95. Acting President/CEO Warren indicated that, with the Board's approval, the Trust would direct Dover, Kohl, the master planners for the Homeownership Zone, to develop a plan to reclaim the Boulevard for its full expanse in the Model City Community Revitalization District. She noted that the Dream Committee is additionally seeking the support of Miami-Dade County and the City of Miami to incorporate the full length of Martin Luther King Boulevard (from Biscayne Boulevard to Hialeah). Mr. Hardemon spoke and urged the support of the Trust. Board member Haskins applauded working with the County and noted that the Trust would expect to have input in all deliberations to ensure a consistent look for the full length of the Boulevard. Mr. Hardemon announced that on April 4, 2003, the 30<sup>th</sup> Anniversary of Dr. King's assassination, there will be a number of events and he asked the Trust to co-sponsor that activity. With a formal motion being unnecessary, the Board gave its approval of the partnership and directed the Acting President/CEO to continue the discussions with Mr. Hardemon and to keep the Board informed of the progress.

Discussion Items:

Trust Board of Directors' Workshops Summary: Acting President/CEO Warren referred the Board members to the summary paper in the meeting materials covering the workshops of December 13, 2002, and December 16, 2002, related to the governance structure and the financial analysis respectively. She noted that at the December 13<sup>th</sup> workshop the Board reviewed the committee structure that had been created by the Chair, several months prior to the workshop, and spoke in detail about each committee.

- *Homeownership Committee*: Chaired by Chair Shalley Jones, this committee is proposed to address issues related to credit repair, down payment assistance, financial management, problem-solving and job/career development programs with the primary focus being the low and moderate income residents who are currently residing in the community.
- *Business and Economic Development Committee*: Chaired by Vice Chair Patrick Range, this committee is proposed to focus on job creation, diversifying the tax base, retention and expansion of current businesses and the retention of current Model City residents.
- *Residential and Commercial Development Committee*: Chaired by Board member Hector Brito, this committee is proposed to complement the efforts of the *Business and Economic Development Committee* and to focus on recruiting the retail and commercial establishments that will serve the needs of current and future residents.
- *Governance and Legislation Committee*: Chaired by Board member Lucia Dougherty, this committee has responsibility for fact-finding and recommendations related to the Model City Trust's governance structure and the development and advocacy of the Model City Trust's state and federal initiatives.
- *Finance Committee*: Chaired by Board member Linda Haskins, this committee is charged with reviewing and making recommendations regarding the Model City Trust's budget and strategies related to funding the various charges of the Model City Trust.

At the workshop, the Board noted that the committee structure needs some additional definition and protocols and the Board discussed the usefulness of the workshop format. While the legislation creating the Trust calls for a minimum of one meeting per quarter, the Board initially met twice in its first month and has met once a month since. In December, the Board held its first set of workshops and, subsequently, the decision was made to hold monthly meetings two of the three months of the quarter and to hold workshops the third month. The next scheduled workshops will be in March 2003. The Board also addressed its priorities in meeting the goals and objectives the Board approved in its Annual Plan. Significant among those priorities, not in a specific order, included the following: the development of a small business assistance center; development of a transparent relationship with the City; assurance of a positive, fluid information exchange with City officials; identification of strategic partnerships/linkages to help the Board realize its redevelopment goals; and development of a homeownership one stop center to include training and down payment assistance. The Board's discussions also included the core values the Board believed to be most important in its interaction as a Board. Those identified values are openness, honesty, cooperative spirit and integrity.

Acting President/CEO Warren reported that the team of experts interviewed at the December 16, 2002, finance workshop were asked to submit a proposal based on the statement of work approved by the Board at the Board meeting of November 12, 2002. That proposal was received by staff just the workday prior to the February Board meeting and will be reviewed and discussed at the March workshops.

Acting President/CEO Warren reported that staff had developed a draft of proposed by-laws, based on the legislation creating the Trust and by referring to existing by-laws for other semi-autonomous agencies of the City: i.e. Bayfront Park Management Trust; Miami Sports Exhibition Authority; and Miami's Community Redevelopment Agency. She recommended that the draft be reviewed by Board member Dougherty and the Governance and Legislative Committee before it goes to the City's Law Department and subsequently returned for Board review and action.

Chair Jones noted that at the previous meeting there was public discussion about the make up of the Board and she asked how many Board members are authorized in the legislation that created the Trust. Acting President/CEO Warren responded that the legislation calls for a total of seven (7) members: six (6) to be appointed by the City Manager, from business related sources and confirmed by the City Commission and one (1) public advocate member to be appointed by the District Commissioner. She said that currently there are five (5) members with one business member to be appointed and the public advocate position is open. The Chair noted that it has been suggested that a community-based person, other than a public advocate, be appointed to the Board. Acting President/CEO Warren said that any change in the legislation could only be achieved through the City Commission.

Urban Land Institute Model City Panel Draft Report. Acting President/CEO Warren noted that the next item on the agenda, the Urban Land Institute (ULI) Model City Panel Draft Report was germane to their current discussion. The City Commission engaged ULI to complete a panel assessment of the project prior to the formal swearing in of the Board. Staff received the final draft, which included a two-pronged recommendation, relative to the governance structure and the Homeownership Zone Project. The Panel states, unequivocally, that a community partnership is a key to the success of the project. The Panel recommends that the Trust become a 501(c)(3) organization and that it put in place both a Community Housing Development Organization (CHDO) and a Community Economic Development Organization (CEDO). Designation as a CHDO would provide a variety of advantages, particularly greater flexibility in the use of federal funding. Acting President/CEO Warren noted that it was also

critical that the Trust have in place a program of housing subsidy to assist those Section 8 housing residents who helped to generate the urgency the Commission felt to create the Trust. These residents were relocated out of the community, with a commitment of the Commission to assist in their return to the community as homeowners. She pointed out that the ULI was particularly silent on the membership of the Board issue. The Panel's analysis centered around a broadened focus such that the Trust would include all Districts Citywide and that the individual Districts would be represented by the Public Advocate position, which would be a paid position.

Board member Dougherty suggested that the Board could pass a resolution recommending that the City Manager consider eligible individuals from a community based organization in appointing the sixth member of the Board. Board member Brito asked if the Trust had the authority to apply for the 501(c)(3) designation and the CHDO and CEDO. Board member Dougherty said she was unsure and felt it was an issue that needed to become before her committee. Board member Haskins noted that the CHDO designation would be very useful; noting that federal funding had been used to acquire land and now there is a problem. Under the federal rules the construction has to begin in one year and some of the acquisition was done last February. Board member Haskins suggested that proceeds from the Homeland Defense/Neighborhood Improvement Bond might be available to swap with the HUD funds to comply with the law, and then the HUD funding would be earmarked for infrastructure improvements.

Vice-Chair Range returned to the issue of the sixth Board member and asked if Board member Dougherty's suggested resolution was meant to change the legislation. Board member Dougherty responded that the resolution would only be a recommendation to the City Manager. Acting President/CEO Warren pointed out the legislation states that the qualifications require the individual candidate to have expertise in a field key to the redevelopment activity. She further noted that it couldn't be a community-based organization but only an individual. With that understanding, Board member Dougherty moved that the Board recommend through resolution that the City Manager consider an individual involved in a community based organization, with the requisite qualifications defined in the ordinance, in making the appointment of the sixth Board member. Vice-Chair Range seconded the motion. There was no further discussion and the motion was passed.

Board member Dougherty asked if anyone other than herself had been appointed to her committee. There was general discussion about those issues being resolved at the workshops scheduled for March.

Homeownership Zone Community Planning Workshops Calendar  
Trust Board of Directors' Projected Workshops

Acting President/CEO Warren is planning to finalize the Community Planning Workshops with Dover Kohl and Associates and the Department of Planning and Zoning. She will be contacting each of the Board members' staffs to clear available dates and will finalize the dates for the Board workshops at the same time.

Other Business.

Board member Haskins stated that the review of the Interlocal Agreement, which had been under the purview of Bob Nachlinger, former Assistant City Manager for Finance and Administration, would now be negotiated by the City Manager/Chief Executive Officer. In her current position as Chief Financial Officer it would fall under her purview, but it would be a conflict of interest as a result of her being on the Board of the Trust.

Chair Jones reminded Board member Haskins that she had indicated that the City's new Department of Special Events would be a possible funding source for the cultural activity at Hadley Park that the Trust wanted to support in exchange for office space at Hadley. She asked the status of that possibility. Board member Haskins referred to Acting President/CEO Warren who presented a recommendation to the Board. The Board had budgeted \$40,000 for a build out to create office space in the old administration building at the Park. The lowest response to the bid was almost \$75,000. The District 5 Commissioner has proposed the use of Homeland Defense/Neighborhood Improvement Bond funds designated for District 5 park improvements to fund the renovation. In exchange, the Trust would redirect the budgeted \$40,000 from General Funds in the Trust's budget to the proposed cultural activities in the Carrie P. Meek Senior Citizens and Cultural Center. Acting President/CEO Warren explained that this would be a one time commitment of funds from the Trust and by next year the activity could possibly be eligible for funding under the Department of Special Events. There was general discussion about the benefits of the proposal allowing the Trust to complete the build out without budgeting additional funds and being able to also support the cultural activity at the Center. Acting President/CEO Warren pointed out the critical need for space, especially in light of the multitude of changes happening at the MRC. Vice-Chair Range moved to accept the proposal. Board member Haskins seconded the motion and the motion was passed.

Board member Brito asked if the proposed March workshops could be scheduled at Hadley Park to encourage community participation. There was general discussion about a miscommunication in announcing the December workshops that contributed to a lack of community attendance. Acting President/CEO

Warren said that the standard City process of notification of public meetings had been utilized and it had not been as effective as the Trust's method of Board meeting notification. Staff will utilize the same notification procedure that is used for the Board meetings. Board member Brito asked if developing a web site for the Trust had been considered. Acting President/CEO Warren responded that the development of a web site is included within the scope of work of Adkins & Associates.

### Public Comment

Chair Jones invited Public Comment and also invited the guests to partake of the refreshments. She asked that each one limit their presentation to two minutes.

Leroy Jones, Executive Director of Neighbors and Neighbors Association (NANA), expressed his thanks for staff having copies of the minutes available at this meeting. He distributed a letter that was basically a letter of demands created by the newly created Liberty City Coalition of community-based organizations. He said he had not yet had a response from the Acting President/CEO and therefore was presenting his letter to the full Board. He indicated that it was the Coalition's desire to be named for a community-based organization Board seat with their members serving on the Board in rotation. Chair Jones said that what he was requesting extended beyond the Board's authority but it could possibly be incorporated in the recommendation to the City Manager. Mr. Jones expressed his worry that the City Manager may not be sensitive to the neighborhood and might appoint someone that the Coalition could not support. Chair Jones said that the recommendations from the Manager would be published and they could make their feelings known at that time. Mr. Jones continued saying that he would like a copy of the ULI Report since he was one of the individuals the Panel had interviewed. He said that NANA had received a notice of the cancellation of the December Board meeting and mistook that as cancellation of the workshops. He was glad that it would be clearer for the March workshops. He said that some of the small business owners had met with him and voiced concerns about the redevelopment activity. He suggested they attend this meeting and ask their questions directly and he noted that many of them were in attendance.

Chair Jones asked that each person give his or her name, the name of their business and the location of the business before stating his/her concern. She suggested that Vice-Chair Range's committee would also be available to meet with them. Vice-Chair Range indicated that he has already met with a number of the businesses.



Ben Robinson, Ben's Automotive Repair, 5600 NW 17<sup>th</sup> Avenue, stated that everyone keeps saying that we will talk, but we never do. He says he is barely making it. He needs some funding.

Chair Jones said that she did not have the answer to his question and similar questions about immediate support. She asked what the Trust could do in the interim and looked for some dialogue about that. She noted that the County needs to be involved as well.

Leroy Jones pointed out that so many buildings had been demolished and the customer base has been reduced. He cited a long time business, Shakers Conch House at 5330 NW 17<sup>th</sup> Avenue, was closing because of that.

Vice-Chair Range indicated that there was no definite answer. He indicated that he, too, had talked with the Shakers owner and the reduction in the customer base was not the only reason for the closing. Vice-Chair Range further expressed the owner's belief that the closing was just temporary. He noted that the Trust couldn't develop the business corridor and bring in new businesses without the customers to support it. He, too, has seen a decline in his own business. He will discuss possibilities with the Acting President/CEO.

Chair Jones asked if the Department of Economic Development could help. Board member Linda Haskins said short-term solutions are needed but Economic Development does not have any grant authority. There may, however, be some access to some resources. She suggested that it might be helpful to meet with Keith Carswell, the newly appointed Director of the Department and suggested it might be useful to invite him to attend the upcoming Workshop, because a clear focus of Economic Development is commercial revitalization.

Chair Jones agreed that the Board should move in the direction suggested by Board member Haskins and look into any short-term suggestions. She asked the President/CEO to arrange a meeting with Mr. Carswell and that she might want to consider including a community person, such as Mr. Jones, in that meeting.

Mr. Jones questioned the use of \$40,000 for cultural activities when the small business people are so in need. Chair Jones responded that those dollars were not the answer and that what we were discussing was trying to find some possible short-term solutions.

Mr. Donald Ivery, Tasters Choice Seafood Restaurant, 5931 NW 17<sup>th</sup> Avenue, asked when the construction was to begin. Acting President/CEO Gwendolyn Warren replied that it would be approximately one year, in February 2004.

Ms. Diane Carr, Miracles, 7070 NW 15<sup>th</sup> Street, said that she has not been able to find any financial help and that she could not even borrow money. Ms. Regina Miller, of Miller's Variety, 6804 NW 15<sup>th</sup> Avenue, asked about a façade program to improve the looks of the stores. In general discussion about a façade program, Leroy Jones noted that the City did not have any such program. Elaine Black, Director of Tools for Change asked if it wasn't time to have some beautification process. Mr. Jones asked who in the City could lead such a process.

Board member Haskins suggested that the Martin Luther King Reclaim the Dream Committee might be the best central source for such activity. She introduced Michelle Spence, who is working for the mayor's office in special events and suggested assistance could be found in that area.

Billy Hardemon asked if the meeting materials could be made available to the public. Acting President/CEO Warren said that a special binder could be put together for each meeting for interested parties to review before the meeting. Mr. Hardemon further noted that Sears had donated paint, plants, etc. to help in the MLK Project and some of those donations could be used in a beautification process.

Mr. Herschel Haynes, Hadley Park Homeowners Association, made reference to Board member Haskins' earlier remarks about the use of federal funds and the possibility of reprogramming the funds to fit federal requirements. It is his belief that millions of dollars over the years had been earmarked for the neighborhood that had never been used and were returned to Washington, D.C. He noted that now Acting President/CEO Warren had said that construction was still a year away and he asked Board member Haskins why some of those dollars could not be used now.

Board member Haskins replied that the funding guidelines do not permit other uses and the suggested reprogramming of funds was to keep in compliance and still have use of the federal funds.

Mr. Haynes asked why it was helpful to the Board to become a 501(c)(3) organization. Chair Jones responded that no decision had been made to that effect, it is only under discussion and his inquiry could be better answered after the Workshop.

Mr. Roy Hardemon noted that he had been sitting in the back of the hall listening to the proceedings of the meeting and he was impressed to hear that the Trust Board is moving so positively to help the residents of this neighborhood and especially those who had been displaced and wanted to come back. He said he

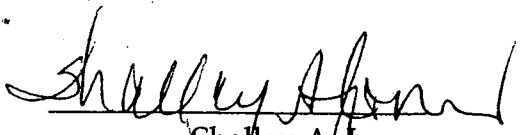
was very proud of the Trust Board. There was an immediate round of applause from Board and guests alike for Mr. Hardemon's support.

Mr. Bernie Dyer noted that a lot of land in the neighborhood was sitting vacant, including commercial property. He suggested using it on an interim basis, such as flea markets, etc. to establish a marketing tool. He noted that Liberty City should be part of a regional marketing program to encourage tourists, especially from the Islands to come into Liberty City to shop.

Vice-Chair Range thanked Mr. Dyer for a very good suggestion and asked Mr. Dyer to serve on the *Business and Economic Development Committee* with him.

Gussie Hitchmon, Happy Buck, 1089 NW 54<sup>th</sup> Street, said she had heard that over \$200M was being spent on the Model City Project. She asked how much of that was earmarked for small businesses. Chair Jones responded that it would not be possible to make an estimate at this point. Speaking on behalf of the Trust Board, Chair Jones stressed the importance that the retention and expansion of existing small businesses has on the overall success of the redevelopment strategy in the Model City neighborhood. That, along with other issues, is being discussed in a continuing dialogue and she will bring reports back to the community on a timely basis.

Chair Jones thanked the Board and the visitors for their attendance and finding there was no further business, adjourned the meeting at 7:37 p.m.

  
Shalley A. Jones  
Chairperson



Partnerships for a

**NEW MIAMI**

**MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST  
BOARD OF DIRECTORS MEETING**

**PUBLIC NOTICE OF MEETING**

A meeting of the Board of Directors of the Model City Community Revitalization District Trust will be held:

**Monday, February 10, 2003 at 5:30 p.m.**

Charles Hadley Park  
Carrie P. Meek Senior Citizens and Cultural Center  
1350 NW 50th Street, Miami, Florida 33147

The agenda for the Board of Director meeting will include:

- I. Welcome and Introductions
- II. Action Items:
  - A. Approval of Minutes of January 13, 2003 Meeting
  - B. Partnership with Martin Luther King Economic Development Corporation (*Supplemental Item*)
- III. Discussion Items:
  - A. Trust Board of Directors' Workshops Summary
  - B. Urban Land Institute Model City Panel Draft Report
  - C. Homeownership Zone Community Planning Workshops Calendar
  - D. Trust Board of Directors' Projected Workshops
- IV. Other Business
- V. Public Comment
- VI. Adjournment

Interested individuals are encouraged to attend this public meeting. The meeting site is accessible to the handicapped.

11354

MIAMI HERALD 2/6/03

TAB 2

**HOMELAND DEFENSE/  
NEIGHBORHOOD IMPROVEMENT  
BOND OVERSIGHT BOARD  
MINUTES**

**3-23-04 - 6:00 P.M.  
CITY OF MIAMI  
CITY HALL - CHAMBERS  
3500 Pan American Drive  
MIAMI, FLORIDA 33133**

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The meeting was called to order at 6:15 p.m., with the following members found to be present:

Ringo Cayard  
Walter Harvey  
David E. Marko  
Suzanne Peters  
Gary Reshefsky  
Jami Reyes  
Manolo Reyes (Vice Chairman)  
Luis de Rosa  
Ronda Vangates

ABSENT:

Rolando Aedo  
Luis Cabrera  
Steven Caseres  
Mariano Cruz  
Robert A. Flanders (Chairman)

Notes for the Record:

Board Member Cayard entered the meeting at 6:25 p.m. and exited the meeting at 7:29 p.m.  
Board Member Harvey exited the meeting at 7:24 p.m.  
Board Member Vangates exited the meeting at 7:24 p.m.

I. APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 24, 2004.

HD/NIB MOTION 04-27

A MOTION TO ADOPT THE MINUTES OF THE MEETING OF FEBRUARY 24, 2004.

MOVED: L. de ROSA  
SECONDED: R. VANGATES  
ABSENT: R. AEDO; R. CABRERA; S. CASERES; R. CAYARD;  
M. CRUZ; R. FLANDERS

Note for the Record: Motion passed by unanimous vote of all Board Members present.

Note for the Record: An announcement was made on the record regarding a correction to the January 27, 2004 minutes at Page 15. The last sentence on Page 15 was corrected to reflect: "The lack of progress is 'not' at the City level."

II. OLD BUSINESS:

- ORDINANCE AMENDING CHAPTER 2, ARTICLE XI, DIVISION 14 OF THE CODE OF THE CITY OF MIAMI, FLORIDA.

HD/NIB MOTION 04-32

A MOTION OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD (THE BOARD) RECOMMENDING THAT IF ANY PARTICULAR ITEM IS BROUGHT BEFORE THE BOARD FOR CONSIDERATION AND SUCH ITEM HAS A VALUE OF LESS THAN FORTY-FIVE THOUSAND DOLLARS (\$45,000), AND IS NOT APPROVED BY THE BOARD, THEN SUCH ITEM SHOULD BE PLACED ON THE NEXT AVAILABLE REGULAR COMMISSION AGENDA FOR FURTHER CONSIDERATION BY THE CITY COMMISSION; FURTHER RECOMMENDING THAT IF THE CITY MANAGER DECIDES NOT TO ACT ON SUCH ITEM, THEN THE ITEM SHOULD NOT BE PLACED ON A COMMISSION AGENDA FOR FURTHER CONSIDERATION BY THE CITY COMMISSION.

MOVED: D. MARKO  
SECONDED: L. de ROSA  
NAYS: R. CAYARD; S. PETERS; J. REYES; M. REYES;  
ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
R. FLANDERS

Note for the record: Motion passed by a vote of 5/4.

HD/NIB MOTION 04-32.1

A MOTION OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD (THE BOARD) REQUESTING THE CITY ATTORNEY TO PREPARE A DIRECTIVE TO CITY STAFF REFLECTING THE FOLLOWING: IF THERE IS AN OPPOSING VOTE ON ANY PARTICULAR ITEM BROUGHT BEFORE THE BOARD FOR CONSIDERATION, THE CITY COMMISSION SHOULD BE INFORMED OF SAME BY CITY STAFF, IN WRITING, BY WAY OF A LEGISLATIVE MEMORANDUM, AND PRESENTED AS PART OF A LEGISLATIVE PACKET AND PLACED ON A REGULAR COMMISSION AGENDA FOR CONSIDERATION BY THE CITY COMMISSION AS OPPOSED TO BEING PRESENTED AND CONSIDERED BY THE CITY COMMISSION AS A NON-AGENDA ITEM; FURTHER, THAT THE LEGISLATIVE MEMO SHOULD REFLECT THE VOTE OF THE MEMBERS OF THE BOARD REGARDING THE ITEM CONSIDERED.

MOVED: D. MARKO  
SECONDED: L. de ROSA  
ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
R. FLANDERS

Note for the Record: Motion passed by unanimous vote of all Board Members present.

III. NEW BUSINESS:

A. AUDIT COMMITTEE REPORT:

- Increase in Contract for Orange Bowl Stadium Structural Repairs 2003.

Total dollar amount: \$500,000  
Source of funds: HD/NIB-Orange Bowl Ramps & Improvements: Structural Repair  
Report by: Juan Ordonez - CIP Dept.  
Date approved by Audit Subcommittee: March 15, 2004

Scope of project: While conducting structural repairs under the contract, Orange Bowl Stadium Structural Repairs 2003, it was found that 15 of the 40 supports at the north side of the stadium show a different degree of deterioration and are in need of repair. Also, the four ramps that lead from the ground toward the concession concourse at "9-6" elevation present severe damage and deterioration and need to be replaced in a timely manner before the 2004 University of Miami football season begins. The Project is ADA compliant. The Audit Subcommittee recommended that a structural maintenance plan be provided re the project.



HD/NIB MOTION 02-28

A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND (HD/NIB) OVERSIGHT BOARD AUDIT SUBCOMMITTEE OF THE ORANGE BOWL STADIUM 2003 STRUCTURAL REPAIRS PROJECT; FURTHER RECOMMENDING THAT \$500,000 OF HD/NIB-ORANGE BOWL RAMPS AND IMPROVEMENTS-STRUCTURAL REPAIR FUNDS BE ALLOCATED TO THIS PROJECT.

MOVED: L. de ROSA  
SECONDED: R. VANGATES  
ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
R. FLANDERS

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Increase in Contract for Citywide Sidewalk Replacement for Shenandoah & Silver Bluff.

Total dollar amount: \$200,000  
Source of funds: HD/NIB-District 4 Quality of Life  
Report by: Stephanie Grindell-Public Works  
Date approved by Audit Subcommittee: March 15, 2004

Scope of Project: An increase in the contract with M.E.F. Construction, Inc., approved pursuant to Resolution No. 03-248 adopted March 27, 2003 and Resolution No. 03-1068 adopted September 25, 2003 in an amount not to exceed \$200,000 for additional work on the project entitled Citywide Sidewalk Replacement Project. Funds previously came from District 3 Quality of Life (\$200,000) and District 4 Quality of Life (\$100,000). The Project is ADA compliant.

HD/NIB MOTION 04-29

A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD (HD/NIB) AUDIT SUBCOMMITTEE OF THE CITYWIDE SIDEWALK REPLACEMENT PROJECT FOR THE SHENANDOAH AND SILVER BLUFF NEIGHBORHOODS; FURTHER RECOMMENDING THAT \$200,000 OF HD/NIB-DISTRICT 4 QUALITY OF LIFE FUNDS BE ALLOCATED TO THIS PROJECT.

MOVED: J. REYES  
SECONDED: S. PETERS  
ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
R. FLANDERS

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Quiet Title Action for Little Haiti Park Parcels 18, 60 & 61.

Total dollar amount: \$10,500  
 Source of funds: HD/NIB-Little Haiti Park  
 Acquisition  
 Report by: Madeline Valdes-Dept. of Economic  
 Development  
 Date approved by Audit Subcommittee: March 15, 2004

Description of Project: A quiet title action needs to be filed in order to obtain a title insurance policy for these properties for the development of Little Haiti Park.

**HD/NIB MOTION 04-30**

**A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND (HD/NIB) OVERSIGHT BOARD AUDIT SUBCOMMITTEE OF THE QUIET TITLE ACTION FOR PROPERTY LOCATED AT 6150 NE 4<sup>TH</sup> AVENUE, 299 N.E. 59<sup>TH</sup> TERRACE AND 303 NE 59<sup>TH</sup> TERRACE (PARCELS 18, 60 AND 61); FURTHER RECOMMENDING THAT \$10,500 BE ALLOCATED TO THIS PROJECT.**

**MOVED: W. HARVEY  
 SECONDED: L. de ROSA  
 ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
 R. FLANDERS**

**Note for the Record: Motion passed by unanimous vote of all Board Members present.**

- Model City Trust – Additional \$1.8 million for Replacement of HOME Investment Partnership Funds.

Total dollar amount: \$1.8 million  
 Source of funds: HD/NIB-Model City Infrastructure  
 Improvements  
 Report by: Marva Wiley, Acting President,  
 Model City Community  
 Revitalization District Trust  
 Date approved by Audit Subcommittee: March 15, 2004

Description of Project: Request is for an additional \$1.8 million to increase the potential for the development of a mixed income community on the project area. Additional HOME Investment Partnership Funds are available for infrastructure in exchange for infrastructure designated dollars from HD/NIB funds being spent for land acquisition. The Board previously approved

\$1.8 million for this project in March 2003. The Trust has closed on 14 properties.

HD/NIB MOTION 04-31

A MOTION TO ADOPT THE RECOMMENDED APPROVAL BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND (HD/NIB) OVERSIGHT BOARD AUDIT SUBCOMMITTEE OF THE MODEL CITY TRUST (THE TRUST) REPLACEMENT OF HOME INVESTMENT FUNDS PROJECT; FURTHER RECOMMENDING THAT \$1.8 MILLION OF HD/NIB-MODEL CITY INFRASTRUCTURE IMPROVEMENTS FUNDS BE ALLOCATED TO THIS PROJECT, SUBJECT TO THE LEGAL OPINION OF BOND COUNSEL; FURTHER RECOMMENDING THAT THE TRUST PREPARE A LISTING REFLECTING EACH PIECE OF PROPERTY ACQUIRED WITH HD/NIB DOLLARS AND PRESENT SUCH LISTING AT THE APRIL 27, 2004 MEETING OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD.

MOVED: L. de ROSA  
SECONDED: J. REYES  
ABSENT: R. AEDO; L. CABRERA; S. CASERES; M. CRUZ;  
R. FLANDERS

Note for the Record: Motion passed by unanimous vote of all Board Members present.

## UPDATES:

### 1. Model City Trust original \$1,800,000 for Replacement of HOME Investment Partnership Funds.

Report by Marva Wiley, Acting President of the Model City Community Revitalization District Trust. A finalized list as to what needs to be refunded is being prepared. Initially, the supporting documentation for the \$1.8 million that was requested reflected a list of properties thought to have been acquired between February and May of 2002. The number that the City is requesting be refunded is now \$2.4 million, reflecting several properties. There is a need to increase the amount to capture the full impact of the full list of acquisitions up to the present. Present total amount is \$3.6 million. \$2.4 million of that amount represents refunding of HOME funds or addressing prior acquisitions and additional payments charged for acquisitions through HOME funds and approximately \$1.2 million represents current acquisitions. Bond counsel will provide a written opinion as to whether or not the manner in which the exchange/replacement/transfer of funds is being suggested is legal.

### 2. Model City Trust's Office Renovation at Hadley Park.

Report by Marva Wiley, Acting President, Model City Community Revitalization District Trust. Ms. Wiley presented the Board with pictures of office renovations of the existing meeting room. The Trust moved into the office in January 2004.

### 3. Dinner Key Mooring & Anchorage Field Project.

Report by Alexandra Argudin - Conferences, Conventions and Public Facilities Dept. The permit applications for the construction of the Mooring Facility was submitted to the Federal, State and County regulatory agencies January 12, 2004. The Marina Manager and Ms. Argudin met with the permitting representatives of these agencies on February 25, 2004 at Dinner Key to discuss the project, provide a tour of the anchorage and respond to some of the initial questions the agencies had re the project. A formal response to those questions from the City's consultant to the agencies is being prepared and will be submitted by April 11, 2004. The balance of the permitting process includes responding to questions and requests for additional information from the agencies, and it is hoped that the permitting process will be completed by the latter part of this year. To date, the City has expended \$49,125 in engineering and consulting expenses related to the preparation

and submittal of agency permit applications, and \$7,288 in permit application fees. Approximately \$15,000 will be expended in the removal of derelict vessels and other debris from the Dinner Key Anchorage area. These costs are all associated with Phase I of the project. Phase II will entail the actual construction of the mooring field and upland facilities. All permits should be in place by the end of the year.

#### 4. Virginia Key Beach Park Improvements, Renovations & Repairs – Phase I

Report by Sandra Vega and Alberto Corales - CIP Dept. The project is 70 percent complete. The project is expected to be completed by July 2004. The structures that are presently being repaired are the carousel, the small bathhouse, the concession building, the tunnel, the large bathhouse the dance floor and a number of pavilions. The project is advancing according to schedule and according to budget. Photographs of the work in progress were presented to the Board.

#### 5. Police Homeland Defense Preparedness Initiatives

Report by Major Joseph Longueira - Police Department. A spreadsheet of the status of acquisitions was provided to the Board followed by a Power Point presentation which indicated what acquisitions have been made and what acquisitions are pending.

#### 6. FEC Corridor Initiatives.

Report by Carmen Sanchez - Economic Development Dept.; Enrique Nunez - Planning and Zoning Dept; Jorge Cano, CIP Dept. A handout of the work in progress was provided to the Board. The Department of Economic Development issued a Request for Qualifications (RFQ) to find adequate consultants to provide a transportation/financing/marketing plan. At present, one response was received re the financing component of the plan and only a couple of responses were received re the marketing and transportation components of the plan. The Purchasing Department suggested that the RFQ be re-released as individual components rather than as a group in hopes of getting a better pool from which to choose an adequate consultant to carry out the services and Economic Development is in the process of following up on this suggestion. The Department of Transportation has brought in a pool of industry consultants to review the scope of infrastructure element needs for that area and once all studies are done, a plan will be developed re infrastructure needs for the area. The FEC Regulating Plan

addresses a number of urban design and zoning issues that are inadequately addressed in the existing Code, and the final draft of that plan is presently under review.

#### 7. Gusman Hall Historic Renovations.

Power Point presentation by Richard Heisenbottle, architect for the project. \$500,000 of bond funds were appropriated to this project and were used for stage draperies, items relative to rigging, paint, decorative plaster, and audio equipment. The paintwork is approximately 75 percent completed. It is expected that all the paintwork will be completed by June 2004. In virtually every phase of the project, significant amounts of money have been allocated toward ADA improvements.

#### 8. Preservation Development Initiative Grant.

Report by Sarah Eaton, Preservation Officer. \$57,500 were allocated as matching funds for the Preservation Development Initiative Grant which was received from the National Trust for Historic Preservation. The Trust matched the bond funds with \$122,000. An assessment took place during the summer of 2003 and the City has recently received the assessment report.

Director of Preservation Development Initiatives at the National Trust for Historic Preservation in Washington, D.C., Matt Nichols appeared before the Board and presented an update.

The assessment report provided a series of observations and recommendations related to how historic preservation could be used as a development tool, specifically in core neighborhoods such as downtown Miami, Little Havana, Overtown and Edgewater. Primary recommendations will be considered in preparing a transfer of development rights ordinance for the City. Also recommended was a combined neighborhood revitalization program that would have a commercial main street program along Calle Ocho and a residential preservation program in East Little Havana related to the bungalow projects. A heritage tourism program called Miami's Legacy Program is also being developed and will be presented to the Conventions and Visitors Bureau.

The National Trust has a loan fund which could be made available to the City to try to develop revolving funds for targeted neighborhood uses.

9. Grand Avenue – Professional Services for Streetscape Improvements.
10. Brentwood Village – Professional Services for Streetscape Improvements.

CIP Director Jorge Cano reported on the Grand Avenue and Brentwood Village Streetscape Improvements Projects.

Grand Avenue is also a People's Transportation Plan Project of Dade County. The City will receive approximately \$2 million from the County for this project. A joint participation agreement was approved by the County Commission on March 16, 2004. The project went through the Citizens Independent Transportation Trust Subcommittee on March 22, 2004 and will be in front of the full board on March 31, 2004. Bidding process is anticipated to commence at the beginning of April 2004 and construction to start around August/September 2004.

The scope of the Brentwood Village Project is being revisited. The main reason is that the Risk Management Department provided feedback concerning issues relating to parking and ADA compliance.

**11. Little Haiti Park Land Acquisition Parcels 55,56,57,58 & 93.**

Report by Madeline Valdes - Dept. of Economic Development. The City currently owns Parcels 55, 56, 57 and 58. Regarding Parcels 93 and 94 (Keystone Trailer Park), the owner is in the processing of clearing the sites and removing the tenants. There is a one-year statutory period in which the owner has to complete this effort, so closing is not expected until sometime in January 2005.

**12. Land Acquisition for Future Fire Station at 749 NE 79 Street.**

Report by Madeline Valdes - Dept. of Economic Development. Closing has not occurred on this site. An issue exists with respect to a previous contract that is being contemplated in court. The property owner had a previous contract for sale. He advised the City that the contract had expired. However, the purchaser re that contract for sale placed an injunction against the site until the issue is determined by a court of law. Once a determination is made, the City can proceed with closing.

13. Lemon City Park Grant.
14. Parks Master Plan.
15. Athalie Range Park – Court Improvements.
16. African Square Park – Court Improvements.
17. Henry Reeves Park – Court Improvements.
18. Henry Reeves Park – Playground Equipment.
19. Shenandoah Park – Court Improvements.
20. Southside Park – Court Improvements.
21. Riverside Park – Court Improvements.
22. Henderson Park - Court Improvements
23. Belafonte Tacolcy Park – Court Improvements.
24. Triangle Park – Court Improvements.
25. Sewell Park – Steel Picket Fence Project.
26. J. Pablo Duarte Park – Site Furnishings.
27. J. Pablo Duarte Park – Walkways.
28. Westend Park – Playground & Site Furnishings.
29. African Square Park – Playground Equipment.
30. Eaton Park – Project rescinded per community's request.
31. Hadley Park – Score Board.
32. Gibson Park Youth Center Hurricane Shutters.

Ed Blanco - Parks & Recreation Dept. - reported on Items 13 through 32.

Five projects were completed, including African Square Park Court Improvements, Southside Park Court Improvements, Riverside Park Court Improvements, Triangle Park Court Improvements and Hadley Park Score Board.

Eight projects are works in progress, including Athalie Range Park Court Improvements, Henry Reeves Park Court Improvements, Henry Reeves Park Playground Equipment, Henderson Park Court Improvements, Juan Pablo Duarte Park Site Furnishings, Juan Pablo Duarte Park Walkways, Westend Park Playground & Site Furnishings and African Square Park Playground Equipment.

Two projects were rescheduled -- Belafonte Tacolcy Park Court Improvements and Sewell Park Steel Picket Fence Project.

Two late-starting projects -- Lemon City Park Grant and Gibson Park Youth Center Hurricane Shutters.

Three cancelled projects -- Eaton Park Playground Equipment (Project rescinded per community's request), Shenandoah Park Court Improvements and the Parks Master Plan.



**IV. CHAIRPERSON'S OPEN AGENDA:**

No open agenda.

**V. ADDITIONAL ITEMS:**

No additional items.

*There being no further business to come before the Board, the meeting was adjourned at 8:12 p.m.*

Board Member Reshefsky: OK, next item. By the way, Ed, thank you for your diligence coming to the Board on all things, big or small so far, so thank you. The next item is the Model City Trust, and we have two items before us on that issue, and because we never really had an orientation about Model City Trust, and there's a number of dollars in the bond offering for them, I wanted Marva Wiley, who's a very talented person from the City, now from Model City to just give us a brief overview of the Model City Home Ownership Trust Zone. I'm sure I didn't say it correctly, and then we'll talk about the two items that she brought before the Board.

Marva Wiley (Acting CEO, Model City Trust): Thank you, Gary. The name has been through a few iterations over various ordinance changes, but it is currently called the Model City Community Revitalization District Trust. The boundaries of the Model City Community Revitalization District basically mirror the Model City NET Office from State Road 112 on the southern border, north to the northern City limits, west to the western City limits and I-95 is the eastern border. Within the Model City Community Revitalization District, the principal pilot project is a home ownership zone, which is depicted here. The Model City Home Ownership Zone is between 12<sup>th</sup> and 17<sup>th</sup> Avenue, 54<sup>th</sup> Street and 62<sup>nd</sup> Street, primarily, but an additional area was added subsequently between 58<sup>th</sup> Street and State Road 112, 17<sup>th</sup> and 19<sup>th</sup> Avenue. I know I went through that quickly. Any questions on that? Just to give you a quick overview. I was given five minutes, so I'm trying to be quick yet comprehensive. Within the northern section, which is the colored area you see here, the Model City Trust is attempting to acquire all of the property to demolish and build new homes. What you see is the result of the master planners who have looked at how best to re-plot, reconstruct the streets so as to create a more inviting environment. You'll see the mini parks that are added throughout the area. This is currently an elementary school, Orchard Villa Elementary School, and to the west of the school is where the playground currently exists. What the plan partially contemplates is moving that playground to be contiguous to the Orchard Villa Elementary School, eliminating the need to cross the street for the kids starting down on that end, but you'll see also several little mini parks throughout the area. Currently, at 15<sup>th</sup> Avenue and 62<sup>nd</sup> Street, there is a park called African Square Park. The plan is to replace that African Square Park with a public building that will house the new Model City NET Office, as well as a community building that would include a technology center and public hearing facility for meetings of this sort and others that might develop and be

necessary in the community, replacing the green space that would be consumed by that -- that African Square Park currently provides that the public building would replace would be this green space behind it, expanding the area, making it more inviting. Some of the renderings we have elsewhere talk about similar water parks with little fountains where the kids can play. Several of the scenes you'll note throughout deal with how to make the Model City community which has, over the last several decades, particularly endured a very negative reputation, based on the density primarily and the concentration of poverty in the area, multi-family buildings that pretty much predominate between 58<sup>th</sup> Street and 62<sup>nd</sup> Street concurrently. The Trust is looking at reducing that density substantially, creating primarily single-family detached homes, some row housing, creating the transition from what would have been Liberty Square Housing Project, which is being transitioned out to the northern end of the Home Ownership Zone and constructing homes that will have the porches that will create an environment where people are more willing to come out and interact, and in capitalizing on the whole new urbanism concept that Dover Kohl has become known for, particularly in the City of Miami with all the master planning efforts that they have been undertaking. General overview. Any questions on that? I'll stop there.

Board Member Grimes: The housing, is that to be somehow subsidized housing, or how does it become affordable for the community you're describing?

Ms. Wiley: A lot of what is anticipated is drawing in middle and upper income residents to improve the tax base and make Larry's life a little easier on making that budget work, but part of the City of Miami's commitment to the Model City area has been ensuring that a third of the houses are available to first Section 8 residents who were relocated out of Miami Limited Properties that were located there about three or four years ago. They have since been demolished. But because of the condition that the City of Miami may be said to have contributed to, those residents of those buildings are given priority consideration on new housing. There is a subsidized portion of it. The funding sources that were somewhat alluded to earlier include homeland defense -- not that much; only three million dollars in the first year. I believe it's six million dollars over the life of the project currently, but a great amount, one point five million dollars a year over a five-year period of home program funds, which are dollars that can be used for infrastructure improvements, acquisition, relocation. With federal money, you have to do relocation where federal money is

going into a project anywhere. We have CDBG (Community Development Block Grant) funds, surtax dollars -- it's a very mixed bag. What I've talked about so far has been primarily the housing, but another significant piece is the Economic Opportunity Zone. A community can't sustain itself with just houses alone, we know, so 54<sup>th</sup> Street and 17<sup>th</sup> Avenue are what we call the Economic Opportunity Zone where we're seeking to recruit additional businesses, retain and expand existing businesses to support the needs that exist in our developing with the influx of new residents. The area has seen about 10,000 residents leave over the course of the past decade or two, so businesses currently existing there are struggling because of that outflow of residents. Also, a major portion, as you might note, from the public building, with the mini parks are the quality of life enhancements. We are looking at how best to improve infrastructure, bringing utilities underground. Fortunately, our preliminary basic design report has given us information that most of the infrastructure is in pretty good condition. We have the water and sewer, which, of course, with the multi-family buildings that were there previously is more than adequate to address the needs of what we anticipate to be in the community in the future. There will be some road construction, and building, and gutters, and swales that we have to look at, but overall, the need is much less than what we anticipated on the front end of this when we were looking down the road.

Board Member Dunn: I have a question. Where is 62<sup>nd</sup> Street?

Ms. Wiley: 62<sup>nd</sup> Street is up here.

Board Member Dunn: And those apartments behind -- between 62<sup>nd</sup>, going south down to like 58<sup>th</sup>, between 12<sup>th</sup> Avenue, going along 17<sup>th</sup> Avenue, does this plan call for those buildings to be removed?

Ms. Wiley: For the most part. There is the two areas --

Board Member Dunn: On the map, where are those buildings?

Ms. Wiley: Most of the buildings -- a lot of Miami, Limited, I believe, is right in here. A lot of the other multi-family dwellings you'll see around here somewhere, anticipated to be row housing in the future. Now, those are all connected, and that's more single-family, but basically, from 60<sup>th</sup> Street to 62<sup>nd</sup> Street is multi-family, those two blocks.

Board Member Dunn: Right, right.

Ms. Wiley: Throughout from 12<sup>th</sup> to 17<sup>th</sup>. M&M 1 and M&M 2, the Urban League properties are not anticipated to be removed. They would remain in the --

Board Member Dunn: I'm just concerned about that section between 62<sup>nd</sup> going south to 58 and between 12<sup>th</sup> and 17<sup>th</sup>, where we have a lot of crime, high density concrete monsters --

Ms. Wiley: That's the target area.

Board Member Dunn: That's the target area?

Ms. Wiley: That is the target area.

Board Member Dunn: What do you want to do with it, right now?

Chairman Flanders: This is the most exciting thing I've ever seen the City of Miami do in terms of urban re-engineering.

Board Member Dunn: So what are you asking us for?

Ms. Wiley: Well, you want to start with the first one or --

Board Member Cruz: I have a question, too.

Ms. Wiley: Yes.

Board Member Cruz: Since when is that -- this Trust worked? Over a year now?

Ms. Wiley: Well, the five year consolidated plan that the City of Miami produced was produced in 1999 when it began to look at how the CDBG -- well, the entitlement funds generally have been used over the prior 20-plus -- 24 years, I believe, and it outlined seven Community Revitalization Districts throughout the City that could benefit, based on the demographics of the area from a new approach to revitalization versus the ways that the City of Miami has spent the money previously, predominantly rehabilitation of the multi-family buildings; basically, perpetuation of the concentrations of poverty. The consolidated plan happened in 1999. The Model City Trust, which was designated the pilot project, in part because of the Section 8 residents who protested the conditions of the multi-family dwellings, was created in 2001. However, the board was not

truly seated in commencing activity until May of 2002, so it's not even a year old yet.

Board Member Cruz: No, right, that's it. You are the CEO?

Ms. Wiley: I am -- something. I'm an interim person, yes.

Board Member Cruz: Mr. Range is still the Chairman of the Board?

Ms. Wiley: He's the Vice Chair, yes.

Board Member Cruz: Chairman, OK. No, because I am always for affordable home ownership, whatever it takes, because the only thing that keeps the neighborhood stable is home ownership. I know that and I agree. I go by the Manor Park neighborhood every day, and it's an old neighborhood, and you see how it is, you know, single-family homes, everything is clean, clean, everything neat, house painted, because of home ownership. You don't see concrete monsters there or big multi-family homes there and that's what they -- what the problem was in there, and I am glad to see what -- what can we do to help that?

Vice Chairman Reyes: What are you asking for? Now, be specific.

Ms. Wiley: Well, let me piggyback on that for a few seconds.

Vice Chairman Reyes: Because I'm sold on the project.

Ms. Wiley: OK. Let me just add one quick thing.

Vice Chairman Reyes: We're all sold. We need that.

Ms. Wiley: Dr. Dunn alluded to -- and Mr. Cruz -- the area within the southern section, both the new area of 17<sup>th</sup> to 19<sup>th</sup>, as well as the southern, 58<sup>th</sup> to 54<sup>th</sup> area is a very stable community. You'll note from the manicured lawns, the -- but there are some issues. Generally, the demographics tell us that the homeowners are now second, third generation, older, not able to maintain the property as well, so that is anticipated to be rehabilitation dollars on the homes, helping people retain their homes as much as possible, and that's the additional money that would be necessary so they can come up to code and deal with all of the hurricane issues and the South Florida Building Code challenges that exist in the world.

Board Member Dunn: So what do you want from us?

Ms. Wiley: OK. One more question.

Board Member Grimes: One more question. I guess I'm coming back to this. What happens to the poverty that's there now? I mean, the people that can barely afford to live in that community in whatever condition it's in now are not going to be the ones, obviously, in these new homes. What happens to all these people?

Ms. Wiley: To a certain extent, they will be. Because the City of Miami is in the position to offer second and third mortgages with federal dollars, there are things that can be done to help facilitate that transition from --

Board Member Grimes: But you described it as middle to higher income.

Ms. Wiley: Well, I did mention a third of it would be reserved for that highly subsidized --

Chairman Flanders: It's a whole spectrum.

Vice Chairman Reyes: It's a whole spectrum.

Ms. Wiley: Right.

Chairman Flanders: And commercial development, as well. In other words, infrastructure.

Ms. Wiley: Let me add one other thing.

Vice Chairman Reyes: And you create jobs.

Board Member Cruz: They have already a new Winn-Dixie Marketplace there.

Board Member Dunn: But it is gentrification to a certain degree.

Vice Chairman Reyes: Yes, it is.

Board Member Dunn: They're trying to get people (UNINTELLIGIBLE) to come back to that --

Chairman Flanders: Right.

Board Member Dunn: That means that some of those folks who are there now won't be able to afford those houses.

Board Member Grimes: I'm just wondering, what is our solution to the poverty, knowing that the City's -- you know, this is the direction that we're --

Ms. Wiley: Well, part of what I think makes this palatable for the masses is that the community has suffered such an outflow of residents already, so a lot of the multi-family dwellings, the concrete monsters that we're buying now are vacant, because nobody's there, and the buildings are suffering, because nobody's there, and people are leaving.

Chairman Flanders: It was a concentration of poverty.

Board Member Dunn: Right.

Vice Chairman Reyes: That's the same thing that happened to --

Chairman Flanders: Which is a killer.

Board Member Grimes: I guess the question is, where's the poverty gone? It's on the street. It's the homeless people all over the place. What is our solution for the poverty-stricken people?

Chairman Flanders: Well, what you're looking at is a checkerboard where -- like in the Upper East Side. It's a neighborhood I know very well. I've lived there for over 20 years. We have -- I mean, it's a checkerboard. It's wonderful. It's 45 percent black. It's 30 percent non-Latin white; the balance, Latino and three percent other. We're still looking for them. I mean, you can have everybody from here to here in terms of income, OK? And it is a neighborhood in transition. We're supporting businesses. Yes, some people are going to be squeezed out, because some of the slum landlords are being forced by Johnny Winton's Revitalization Task Force to bring their properties up, and they're beginning to charge rents. On the other hand, there's a Little Haiti Housing Initiative which puts those people -- so what we're going to end up with is a real patchwork quilt of ritzier properties on the water -- OK? -- and then sort of middle class projects and lower middle class projects, and even projects which would be sustainable to people that would be falling into the Section 8, and actually, that makes a hell of a neighborhood. Why? Because anybody can live



there. And it's not a ghetto. It's not a rich ghetto. It's not a middle class ghetto.

Board Member Grimes: It's a wonderful (UNINTELLIGIBLE). I'm not doubting that. I guess the bigger issue that -- I don't know -- one point may be presented to the Bond Committee, because we have all the money -- is what are some of the solutions that the City is going to put forward to us with dealing with the homeless and providing shelter for the homeless? That hasn't even come to this table and it's a number one priority in the City.

Board Member Cruz: Not in Allapattah. Not in my neighborhood.

Vice Chairman Reyes: It's a good point. It's a good topic, but it's not part of this board.

Board Member Grimes: No, I understand. Right.

Vice Chairman Reyes: But in order -- I mean, just to answer you and, I mean, to add to what she's saying, as people move to that area, there is going to be a critical mass that's going to have a demand. It's going to have a demand for services, and then businesses are going to be established, and then job opportunities will come about, and some of those people that are there in the lower strata, I mean, in the lower income, they will be able to afford some jobs -- I mean to work and gain some money. I think the answer for poverty is jobs.

Board Member Grimes: Mm-hmm, definitely.

Ms. Wiley: This down here is up to State Road 112. There's a Metrorail Station right up in that little pocket, but it goes to State Road 112.

Board Member de Rosa: And that's Commissioner Teele's district, that whole --

Ms. Wiley: Yes.

Board Member de Rosa: And doesn't his district pass 112 into like Wynwood and -- no -- Park -- no. Wynwood --

Ms. Wiley: I believe it does, but I'm not certain.

Board Member Cruz: No, it's there.

Ms. Wiley: The Model City Community Revitalization District was initially defined in the City's consolidated plan. It was revised just last year, in fact, to extend down to State Road 112. Actually --

Board Member de Rosa: I mean, I support this initiative and you will get my vote on this, but I would like for you to bring back the message to the Commissioner to get his part, his responsibility within the community of Wynwood, just right below there, 112.

Ms. Wiley: OK.

Board Member de Rosa: Which is a thriving community. I mean, it's coming back, it's stabilized. There's some good things that happened in the community, but we need the Commissioner he's voiceless in this community. Winton is there, he's active and he's involved, and we hear nothing from Commissioner -- your Commissioner, you know, Teele's Office.

Ms. Wiley: Commissioner Teele's Office is represented --

Board Member de Rosa: All right. But that seems to me -- because that's a real concern for us. You know, he's now way --

Board Member Cruz: I've got one question now. Talking about the consolidated plan, that calls for "X" number houses to be built, and very few have been built, according to this plan. Yeah.

Ms. Wiley: This is true.

Board Member Cruz: Housing. Because I am --

Vice Chairman Reyes: We had that in Coconut Grove, also.

Board Member Reshefsky: Mr. Chairman?

Chairman Flanders: Yeah. Let's --

Board Member Reshefsky: Marva is here, and she has two items before us tonight, and I want to cover them, because we have two others after this, and it's getting late, so the first is regarding to the home investment -- can you briefly --

Ms. Wiley: OK. As I mentioned, the effort, the focus of the effort particularly before the Trust -- the activity before the

Trust formed, and that board was empanelled began with the acquisition of 58<sup>th</sup> Street and 62<sup>nd</sup> Street. Between February and June of 2002, approximately one point eight million dollars was spent on those acquisitions, and those monies -- the funding source was Home Investment Partnership Program Fund. HUD regulations require that a project have a reasonable expectation to commence construction within 12 months from the date the commitment is made. Since we are now 12 months into this and construction has not commenced, the Department of Community Development has asked that the Trust pay the money back. What we are proposing is that we essentially swap the money out. The one point eight million dollars that has been expended for the acquisition would be replaced by bond money. Three million dollars is the commitment for the Trust in this first year, and the one point eight million dollars would then be freed up from the Home Program dollars to do infrastructure, which is what the commitment of that three million dollars was initially for the bond proceeds.

Board Member Dunn: You want to swap the money out.

Ms. Wiley: Right.

Board Member Dunn: And simply use the bond money now to take care of this -- is there a recommendation coming to us from the bond committee?

Board Member Reshefsky: Yeah.

Board Member Dunn: Are you moving it as a committee or --

Board Member Reshefsky: The Audit Committee moved -- approved it, yes.

Board Member Dunn: What I was asking -- what I am asking now is are you moving this as a motion at this point or just as a (INAUDIBLE)?

Unidentified Speaker: You make a recommendation.

Board Member Reshefsky: I don't move them. I just recommend -- I tell you what the Audit Committee --

Board Member Dunn: I'm making a motion. I make a motion --

Vice Chairman Reyes: Let's move on it.

Board Member Dunn: I move that the recommendation from the Audit Committee be approved; that the -- how much is it?

Ms. Wiley: One point eight million.

Board Member Cruz: One point eight million dollars.

Board Member Dunn: One point eight million dollars be allocated for -- help me.

Ms. Wiley: The replacement of funds utilized --

Board Member Dunn: For replacement of funds.

Ms. Wiley: -- for the Home Investment Partnership Program funds.

Board Member Dunn: Hold on. For the Home Investment Partnership Program funds --

Ms. Wiley: -- used for acquisition in fiscal year 2002.

Board Member Dunn: -- be used for acquisition in fiscal year 2002. That's the motion you need?

Ms. Wiley: Yes.

Board Member Dunn: Could you read it back, please?

Eva Kilpatrick (City Clerk's Office): The recommendation of the Audit Committee be approved; that the one point eight million dollars allocated for the replacement of funds for the Home Investment Partnership Program Fund be used for acquisition, fiscal year 2002.

Vice Chairman Reyes: I second that.

Board Member Cabrera: Before we vote, can I --

Vice Chairman Reyes: I second the motion. Well, then, you have to open the floor for --

Chairman Flanders: Yeah, the floor is open.

Board Member Cabrera: I have a question. The CDBG funds (UNINTELLIGIBLE) aren't they -- the purpose of that whole thing

is to use those monies for these type of projects for building all over? Am I wrong?

Ms. Wiley: CDBG within the Trust budget has -- there is a piece that's designated for acquisitions. Home Investment Partnership is more focused around creating home ownership opportunities, and that -- it was the initial funding source that was utilized, but with the additional strings on that money, we've run into an issue that we're trying to correct right now.

Chairman Flanders: What assurance do we have -- you're talking about swapping the funds -- that those funds will, in fact, go exactly where you say that they will?

Ms. Wiley: Well, I can tell you that the Home Program funds are limited in their potential uses. It could be used for acquisition, it can be used for infrastructure, it can be used for relocation. Any one of those purposes would really fit with an infrastructure purpose. If you've got a -- if you're going to do infrastructure, you need to acquire -- I'm basically boxed in on what I can do with the money.

Chairman Flanders: Right. So you're offering this Board total assurance that it will go down the way that you say it will. In other words, by us adopting Dr. Dunn's motion, then, in fact, there's no wiggle room and the money will be spent -- the money that we're swapping out -- where it should be.

Ms. Wiley: Right.

Board Member Cruz: Well, the money has been already used. They have to replace the money. One item is one point eight fifteen, point one three three point fifteen. It's odd numbers. It's more than one point eight. It's just a few more thousand dollars.

Ms. Wiley: Right.

Chairman Flanders: Do we have a second?

Board Member Dunn: My motion doesn't cover all the money you need?

Board Member Cruz: No. You got to go one point eight fifteen.

Ms. Wiley: One million, eight hundred and fifteen --

Board Member Cruz: Point one thirty-three point fifty-nine.

(MULTIPLE PARTIES SPEAKING IN UNISON, UNINTELLIGIBLE)

Board Member Dunn: One million, eight hundred and fifteen thousand, one hundred and thirteen dollars and fifteen cents.

Chairman Flanders: All right. You second?

Vice Chairman Reyes: Yes, I second.

Chairman Flanders: Manolo was the second. Is there any further discussion?

Unidentified Speaker: Where is that money coming from?

Chairman Flanders: It's coming from the three million.

Unidentified Speaker: From the --

Chairman Flanders: Bond funds.

Ms. Wiley: Model City Trust.

(MULTIPLE PARTIES SPEAKING IN UNISON, UNINTELLIGIBLE)

Chairman Flanders: OK. All in favor?

The Board (Collectively): Aye.

Chairman Flanders: Anyone opposed?

Board Member Reshefsky: OK. The second item is since they -- one of the things that they'll be doing here eventually is building buildings, and I didn't ask Marva where their offices would be, but that would be right there. Thank you. They are going to be located -- their offices -- (UNINTELLIGIBLE) -- but they are going to be locating their offices in Hadley Park, so they need seventy-four thousand, eight hundred dollars from the Hadley Park fund, right?

Unidentified Speaker: How much do they have already?

Danette Perez (Board Liaison): From the Hadley --

Board Member Reshefsky: Which gets one point three million dollars in the bond.

Ms. Perez: Right.

Board Member Reshefsky: To create offices there for two years, and they have gone out and got bids for that, and CIP, I understand, is actually handling the construction. This is one of the few times where we've seen so far where CIP is actually doing the construction, so we're --

Board Member Cruz: I thought they going to do the space in the Carrie P. Meek Cultural Senior Center, or they're going to put a new one, a new facility?

Ms. Wiley: Well, if you recall, the old meeting room on the Olympic Pool Complex --

Board Member Cruz: Uh-huh, I see.

Ms. Wiley: The City has pledged that room, which you may recall is in pretty bad shape, so there are a lot of upgrades.

Board Member Cruz: So they're going to fix, OK, OK.

Ms. Wiley: We need to fix up the room, right, so after we're gone, there will be a nice room there.

Vice Chairman Reyes: What was the decision of the --

Board Member Reshefsky: The Board voted to approve this with some caveats. There was -- let me say that we voted to approve it, because they need offices. However, they did not come before our Board before they went and did this, and that raised a lot of flags at the Audit Committee, so we wanted to know why, and in Model City's defense, I think they didn't know the process, and this came up as a pocket item by one of the Commissioners. I think Commissioner Teele brought this up as a pocket item, so we at the Board were, you know, we sort of were upset about it, but we said that we need to approve this. This is an important item. However, we need to send a message somehow through our staff that, you know, if there's bond dollars coming before the Commission, they need to know that it needs to come before our Board first, and so this -- I mentioned to the City Attorney before this meeting that if our ordinance says that, maybe the City Attorney needs to be -- and the Commission needs to be made aware of this as well, so he could advise the Commission if they bring pocket items that don't come

before the Board that they need to do that, so I think you said you'd pass that on to the City Attorney for us.

Unidentified Speaker: Right, correct, sure.

Board Member Reshefsky: And we had thought at the Committee that may be the best quick fix to this, rather than making a big stink about it, is to bring it to the City Attorney's attention. If it happens again, maybe it's something we need to figure out another remedy for.

Board Member Cruz: Oh, it come up -- (UNINTELLIGIBLE) -- you said something there.

Board Member Dunn: What do you need, Marva?

Ms. Wiley: A motion to approve the seventy-four thousand, eight hundred dollars for Hadley Park.

Board Member Cruz: I move it. I move for approval.

Board Member Dunn: I move the approval of seventy-eight thousand --

Ms. Wiley: Seventy-four thousand, eight hundred.

Board Member Dunn -- seventy-four thousand --

Ms. Wiley: -- eight hundred dollars.

Board Member Dunn: -- eight hundred dollars. Seventy-four thousand, eight hundred dollars.

(MULTIPLE PARTIES SPEAKING IN UNISON, UNINTELLIGIBLE)

Chairman Flanders: OK, do we have a second?

Board Member Cruz: I second it, yeah.

Board Member Dunn: Seventy-four thousand, eight hundred, was it not?

Ms. Wiley: Correct.

Board Member Dunn: For -- to use for renovation of the office complex at Hadley Park?



Ms. Wiley: The meeting room in the Miller J. Dawkins Olympic Swimming Pool Complex.

(UNINTELLIGIBLE COMMENT)

Chairman Flanders: OK.

Board Member Dunn: She'll read the motion back at this time.

Ms. Kilpatrick: Motion to approve seventy-four thousand, eight hundred dollars for renovations at Hadley Park for the office meeting room at the Miller J. Dawkins Olympic Swimming Pool Complex.

Board Member Dunn: I think I messed it up (INAUDIBLE).

Chairman Flanders: Did everybody hear the motion?

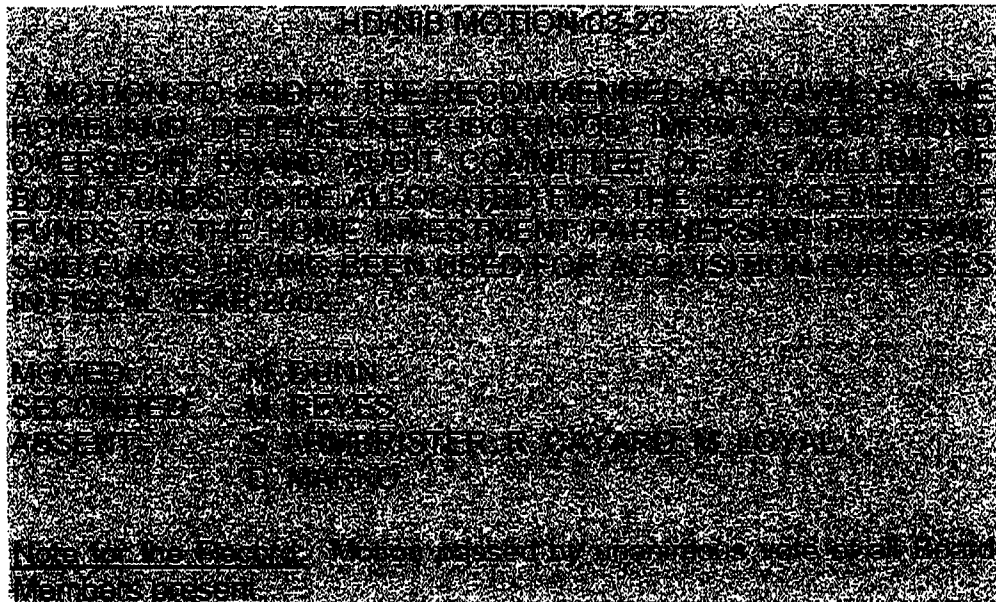
Vice Chairman Reyes: Yes.

Board Member de Rosa: You got a second, right?

Chairman Flanders: Yes. Mariano is the second. Any further discussion? All in favor?

The Board (Collectively) Aye.

Chairman Flanders: Anyone opposed? It's unanimous.





TAB 3

J 03-360  
04/03/03

RESOLUTION NO. 03- 479

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN THE AMOUNT OF \$1,815,133.15, OF FISCAL YEAR 2003 HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BONDS DESIGNATED FOR MODEL CITY HOMEOWNERSHIP ZONE PILOT PROJECTS, SPECIFICALLY, INFRASTRUCTURE IMPROVEMENTS TO REPLACE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS USED FOR PROPERTY ACQUISITIONS IN FISCAL YEAR 2002 AND ANTICIPATED ACQUISITIONS IN FISCAL YEAR 2003.

WHEREAS, the Model City Homeownership Zone Pilot Project is in its acquisition phase; and

WHEREAS, the City of Miami ("City") utilized approximately \$1.8 million of HOME Investment Partnership (HOME) Program Funds that had been appropriated for the Model City Homeownership Zone ("Zone") Pilot Project for the acquisition of properties in the Zone; and

WHEREAS, the Department of Housing and Urban Development ("HUD") regulations require that the project have a reasonable expectation of commencement within twelve (12) months of the participating jurisdiction (the City in this instance) setting

CITY COMMISSION  
MEETING OF  
MAY 08 2003  
Resolution No.  
03- 479

up the expense in the federal Information and Disbursement System, ("IDIS"); and

WHEREAS, construction on the project has not commenced within 12 months of closing on the properties when the expense was set up in IDIS; and

WHEREAS, the Model City Trust ("Trust") received written correspondence from the Department of Community Development advising that the costs incurred in Fiscal Year 2002 was disallowed because of its finding that the Trust's expenses did not conform with HUD's Regulations; and

WHEREAS, the Trust's acquisition effort has been delayed substantially, in part, because of the considerable period of time required for processing the environmental clearance and a variety of changes in administration; and

WHEREAS, construction may not occur until Spring 2004 with the projected release of a Request for Proposals for the Phase I Development anticipated in Summer 2003; and

WHEREAS, the Trust proposes that the funds designated for the Model City Infrastructure Improvements in Fiscal Year 2003 be reprogrammed to replace the HOME Program Funds utilized in Fiscal Year 2002 for acquisitions to resolve issues related to the eligibility of HOME Program Funds and minimize additional delays in the acquisition phase; and

WHEREAS, one of the eligible uses of HOME Program Funds is infrastructure; and

WHEREAS, HOME Program Funds would be released and available for infrastructure uses anticipated for the Homeland Defense/Neighborhood Improvement Bond proceeds with the replacement of Homeland Defense/Neighborhood Improvement Bond proceeds; and

WHEREAS, the Trust believes that this proposal will have no net impact on the program or the Model City Trust's overall program funding; and

WHEREAS, the proceeds of the Homeland Defense/Neighborhood Improvement Bond proceeds designated for Model City Infrastructure Improvements in Fiscal Year 2003 are to be reprogrammed to replace the HOME Program Funds utilized for property acquisition in FY 2002;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The allocation of funds in the amount of \$1,815,133.15 of Fiscal Year 2003 Homeland Defense/Neighborhood Improvement Bonds designated for Model City Homeownership Zone Pilot Projects, specifically, infrastructure improvements to

replace Home Investment Partnership Program (HOME) Funds used for property acquisitions in Fiscal Year 2002 and anticipated acquisitions in Fiscal Year 2003.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.<sup>1/</sup>

PASSED AND ADOPTED this 8th day of May, 2003.

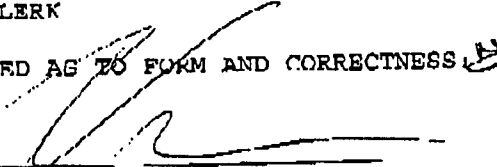
MANUEL A. DIAZ, MAYOR

In accordance with Miami Code Sec. 2-38, since the Mayor did not indicate approval of this legislation by signing in the designated place provided, said legislation now becomes effective with the elapse of ten (10) days from the date of commission action regarding same, without the Mayor exercising a vote.

ATTEST:

Priscilla A. Thompson  
Priscilla A. Thompson, City Clerk

PRISCILLA A. THOMPSON  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS 

ALEJANDRO VILARELLO  
CITY ATTORNEY

W7160:tr:AS:BSS

<sup>1/</sup> If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

TAB 4





# City of Miami

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.ci.miami.fl.us

## Master Report

Resolution R-03-1113

**File ID #:** 03-0149

**Enactment Date:** 10/23/03

**Version:** 2

**Controlling Body:** City Commission

**Status:** Passed

**Title:** A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING A JOINT PROJECT BETWEEN THE CITY OF MIAMI AND THE MODEL CITY TRUST FOR INFRASTRUCTURE IMPROVEMENTS FOR THE FLORAL PARK AREA AND THE MODEL CITY HOMEOWNERSHIP ZONE AREAS; ALLOCATING FUNDS, IN THE AMOUNT OF \$2,000,000, FOR SAID IMPROVEMENTS, FROM A SOURCE TO BE IDENTIFIED BY THE CITY MANAGER.

**Reference:**

**Introduced:** 10/15/03

**Name:** FLORAL PARK

**Requester:** District 5

**Cost:**

**Final Action:** 10/23/03

**Notes:**

**Sections:**

**Indexes:**

**Attachments:**

### Action History

Ver.	Acting Body	Date	Action	Sent To	Due Date	Returned	Result
2	City Commission	10/23/03	ADOPTED				1

A motion was made by Arthur E. Teele, Jr., seconded by Tomas Regalado, that this matter be ADOPTED. Chairman Winton: Do we have any other items?

Vice Chairman Teele: Did my district item get done?

Chairman Winton: I don't think --

Commissioner Regalado: No, you didn't.

Chairman Winton: I don't know. Let's look.

Vice Chairman Teele: Mr. Chairman, I would move D-5.1, authorizing a joint project between the City of Miami and the Model City Trust. So moved.

Commissioner Regalado: Second.

Chairman Winton: Motion, second. Is this a public hearing?

Vice Chairman Teele: No.

Chairman Winton: OK. So we have a motion and a second. No other discussion. All in favor "aye."

The Commission (Collectively): Aye.

Chairman Winton: Like sign opposed. The motion carries. The motion carried by the following vote:

Aye: 3 - Tomas Regalado, Arthur E. Teele, Jr. and Johnny L. Winton

Absent: 2 - Angel González and Joe Sanchez

2	Office of the City Attorney	10/28/03	Review Pending
2	Office of the City Attorney	10/30/03	Reviewed and Approved
2	Office of the Mayor	11/3/03	Signed by the Mayor

---

TAB 5



# City of Miami

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.ci.miami.fl.us

## Master Report

Resolution R-04-0271

**File ID #:** 04-00310

**Enactment Date:** 4/22/04

**Version:** 1

**Controlling Body:** City Commission

**Status:** Passed

**Title:** A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF ADDITIONAL FUNDS, IN AN AMOUNT NOT TO EXCEED \$1,800,000, FOR LAND ACQUISITION FOR THE MODEL CITY HOMEOWNERSHIP ZONE PILOT PROJECT FROM FUNDS PREVIOUSLY DESIGNATED FOR MODEL CITY INFRASTRUCTURE IMPROVEMENTS, IN FISCAL YEAR 2003 AND FISCAL YEAR 2004 ALLOCATIONS OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND PROCEEDS, CONDITIONED UPON FAVORABLE DECISION OF THE BOND COUNCIL.

**Reference:**

**Introduced:** 3/19/04

**Name:** Land Acquisiton for Model City Homeownership Zone

**Requester:** Model City  
Community  
Revitalization District  
Trust

**Cost:**

**Final Action:** 4/22/04

**Notes:**

**Sections:**

**Indexes:**

**Attachments:** 04-00310- cover memo.pdf, 04-00310- budgetary impact analysis.pdf

### Action History

Ver.	Acting Body	Date	Action	Sent To	Due Date	Returned	Result
1	Office of the City Attorney	4/13/04	Reviewed and Approved				
1	City Commission	4/22/04	ADOPTED WITH MODIFICATIONS				1

A motion was made by Angel González, seconded by Johnny L. Winton, that this matter be ADOPTED WITH MODIFICATIONS. Chairman Teele: Last item before the lunch break, RE.5.

Vice Chairman Sanchez: 5 or 4?

Chairman Teele: 4 they withdrew, I thought.

Joe Arriola (City Manager): Yes.

Vice Chairman Sanchez: Withdrew?

Priscilla A. Thompson (City Clerk): It was deferred until the next meeting.

Mr. Arriola: We deferred it to the next meeting.

Vice Chairman Sanchez: OK.

Commissioner Regalado: RE.5.

Commissioner González: Move RE.5.

Chairman Teele: Motion. Is there a second?

Commissioner Winton: Second.

Chairman Teele: Discussion.

Alejandro Vilarello (City Attorney): Mr. Chairman, Mr. Chairman.

Chairman Teele: Yes.

Mr. Vilarello: I'd simply like the resolution to be conditioned on a favorable opinion from bond counsel as to the transfer.

Commissioner González: Move as amended.

Chairman Teele: As amended.

Vice Chairman Sanchez: As amended.

Chairman Teele: Further discussion? All those in favor, say "aye."

The Commission (Collectively): Aye.

Chairman Teele: All opposed? The motion carried by the following vote:

Aye: 4 - Angel González, Johnny L. Winton, Joe Sanchez and Arthur E. Teele, Jr.

Absent: 1 - Tomas Regalado

1	Office of the Mayor	5/3/04	Signed by the Mayor
1	Office of the City Attorney	5/4/04	Reviewed and Approved

---

TAB 6

CITY OF MIAMI  
**OFFICE OF AUDITOR GENERAL**



**AUDIT OF THE HOMELAND SECURITY,  
NEIGHBORHOOD IMPROVEMENTS, CAPITAL  
PROJECTS AND INFRASTRUCTURE  
IMPROVEMENTS BONDS**

**AUDIT NO. 04-014**

Prepared By  
**Office of Auditor General**

Victor I. Igwe, CPA, CIA  
*Auditor General*

**JON GOODMAN, CPA, DEPUTY AUDITOR GENERAL**

# City of Miami

VICTOR I. IGWE, CPA, CIA  
Auditor General



Telephone: (305) 416-2040  
Telecopier: (305) 416-2046  
E-Mail: [iag@ci.miami.fl.us](mailto:iag@ci.miami.fl.us)

March 31, 2004

Honorable Members of the  
City Commission  
City of Miami  
3500 Pan American Dr.  
Coconut Grove, FL 33133-5504

Re: **Audit of the Homeland Security, Neighborhood Improvements, Capital Projects  
and Infrastructure Improvements Bonds**  
Audit No. 04-014

In accordance with the provisions of Section 48 of the City Charter, the Office of Auditor General has performed an audit of the Homeland Security, Neighborhood Improvements, Capital Projects and Infrastructure Improvements Bond Issuance (Bonds). This report is the first of multiple audit reports that we plan on conducting throughout the life of the Bonds.

The audit covered the period of October 1, 2001, through December 31, 2003, and selected transactions prior and subsequent to this period.

Sincerely,

Victor I. Igwe, CPA, CIA  
Auditor General  
Office of Auditor General



C: The Honorable Mayor Manuel A. Diaz  
Joe Arriola, Chief Administrator/City Manager  
Members of the Audit Advisory Committee  
Members of the Bond Oversight Board  
Linda M. Haskins, CPA, Chief Financial Officer/Deputy Chief Administrator  
Alicia Cuervo-Schreiber, Chief Operating Officer  
Larry Spring, Chief of Strategic Planning, Budgeting and Performance  
Peter W. Korinis, Chief Information Officer  
Alejandro Vilarello, City Attorney  
Squire, Sanders and Dempsey, L.L.P., Bond Counsel  
Priscilla A. Thompson, City Clerk  
Donald Riedel, Director, Office of Citistat  
Mary Conway, Director, Transportation/ Capital Improvement Program  
Jorge Cano, Director, Capital Improvement Program  
J. Scott Simpson, CPA, Director, Finance department  
Marva Wiley, Acting President/CEO, Model City Revitalization Trust  
Glenn Marcos, Director, Purchasing department  
Barbara Gomez-Rodriguez, Director, Community Development department  
Stephanie Grindell, Director, Public Works department  
Keith Carswell, Director, Economic Development department  
Ana Gelabert – Sanchez, Director, Planning and Zoning department  
Pete Chircut, Treasurer  
Pilar Saenz, CIP Administrator  
Audit Documentation File

**AUDIT OF HOMELAND SECURITY, NEIGHBORHOOD IMPROVEMENTS,  
CAPITAL PROJECTS AND INFRASTRUCTURE IMPROVEMENTS BONDS  
REPORT NO. 1  
FOR THE PERIOD OF OCTOBER 1, 2001, THROUGH DECEMBER 31, 2003**

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## INTRODUCTION

This is the first report detailing the results of our ongoing audit of the Homeland Security, Neighborhood Improvements, Capital Projects and Infrastructure Improvements Bond Issuance (Bonds). The Bonds were approved by the voters of the City of Miami on November 13, 2001, for the City's issuance of \$255 million in limited ad valorem tax bonds. The Proceeds are authorized as follows:

Public Safety	\$ 31,000,000
Parks and Recreation	127,000,000
Streets and Drainage	54,000,000
Quality of Life	38,000,000
Historic Preservation	5,000,000
Total	<u>\$ 255,000,000</u>

Applicable Florida Statutes, the City Charter, Ordinance No. 12137 (enacted on October 11, 2001), Resolution No. 02-797 (adopted on July 9, 2002), and best practices impose requirements and restrictions on the use of proceeds and expenditure of funds from the Bond Issuance. As of December 31, 2003, approximately \$155 million of the total \$255 million approved had been issued, and \$7,858,426 had been expended.

This audit focused mainly on procurements/expenditures associated with CIP Project 331412 (Little Haiti Park) and CIP Project 331418 (Bicentennial Park). As of December 31, 2003, a total of \$792,011 and \$443,756 had been expended for Little Haiti Park and Bicentennial Park, respectively.

## **SCOPE AND OBJECTIVES**

This audit was performed pursuant to the authority set forth in Section 48, of the City Charter, entitled: "Office of the Independent Auditor General" (OAG), and was conducted in accordance with the OAG's Fiscal Year 2004 Audit Plan. This report is the first of multiple audit reports that we plan on conducting throughout the life of the Bonds. The audit covered the period of October 1, 2001, through December 31, 2003, and selected transactions prior and subsequent to this period. In general, the audit focused on the following objectives:

- Determine whether procurements/expenditures of Bond Proceeds are in compliance with applicable statutes, ordinances, resolutions, and best practices.
- Determine whether Bond proceeds were invested in accordance with applicable bond indentures and the City's Investment Policy.
- Evaluate the City Management's compliance with requirements for the tax exempt status of the Bonds and required arbitrage calculations and payments, if any.
- Ascertain the adequacy of City Management's controls and procedures in ensuring continued compliance with related laws, resolutions, bond indentures, bond covenants, and reporting requirements.

## **METHODOLOGY**

We conducted the audit in accordance with Generally Accepted Government Auditing Standards, issued by the Comptroller General of the United States. The methodology included the following:

- Interviewed and inquired of appropriate City personnel; reviewed and observed applicable statutes, resolutions, ordinances, offering statements, bond covenants, and procedures, in order to gain an understanding of the internal controls; assessed control risk; and planned substantive testing.
- Reviewed minutes of meetings of the City's Bond Oversight Board.
- Interviewed staff of other local governments to ascertain what issues they had encountered regarding issuance of debt.
- Performed substantive testing consistent with the audit objectives.
- Examined, on a test basis, applicable transactions and records.
- Drew conclusions based on the testing and made corresponding recommendations.

## **SUMMARY OF AUDIT FINDINGS**

### **FINANCE AND CAPITAL IMPROVEMENT PROGRAM (CIP) DEPARTMENTS**

#### **COMPLIANCE WITH CERTAIN SECTIONS OF APPLICABLE RESOLUTIONS, LAWS AND REPORTING REQUIREMENTS.**

As part of this audit, we conducted various audit tests, on a sample basis, to determine compliance with certain sections of applicable resolutions, laws and reporting requirements. Our tests disclosed that City management materially complied with the following:

- Management has complied with the continuing disclosure requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.
- As of January 31, 2004, proceeds from said Bond Issuance held in investments were \$152,020,310.77, and, based on our sample testing procedures, the City's total investment portfolio of \$562,097,721.96, was invested in accordance with the Bond Indenture and the City's Investment Policy.
- As part of the due diligence of this Bond Issuance, the City engaged a Bond Counsel, who, in part, opined on August 8, 2002, that "interest on the Series 2002 Bonds is excluded from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended."

**PURCHASING DEPARTMENT, ECONOMIC DEVELOPMENT DEPARTMENT,  
AND CAPITAL IMPROVEMENT PROGRAM (CIP)**

**PROCUREMENT OF PROFESSIONAL SERVICES SUBJECT TO SECTION  
287.055, FLORIDA STATUTES (CONSULTANTS' COMPETITIVE NEGOTIATION  
ACT).**

Chapter 18, Article III, Section 18-87, of the Code, stipulates: "In the Procurement of Professional Services covered by the Consultants' Competitive Negotiation Act, the provisions of Florida Statutes 287.055, as amended, shall govern." Section 287.055, Florida Statutes (Consultants' Competitive Negotiation Act – CCNA), governs the procurement of such services.

The records reviewed indicated that a substantial portion of the \$255 million bond issuance proceeds from the November 13, 2001, Bond Referendum have been approved and earmarked for projects requiring acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services. The sample size for this audit was limited to two projects, namely Little Haiti Park (CIP Project number 331412) and Bicentennial Park (CIP Project number 331418). Our test to determine compliance with the applicable Sections of the City Code and Florida Statutes, disclosed that purchase order number P230007, in the amount of \$159,200, dated October 3, 2002, that was issued for "engineering services" provided by Post, Buckley, Schuh & Jernigan, relative to CIP Project 331412 (Little Haiti Park), was procured via piggybacking on Florida Department of Transportation (FDOT) contract 25072714201. There was no public announcement by the City as required in Section 287.055, (3)(a), Florida Statutes, nor was there any process of discussions with no fewer than three firms, as required in Section 287.055, (4)(a), Florida Statutes.

**MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST (TRUST),  
CAPITAL IMPROVEMENT PROGRAM (CIP), AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**USE OF BOND PROCEEDS IN ACCORDANCE WITH ORDINANCE NO. 12137.**

Ordinance number 12137, enumerates the proposed use of Bond proceeds, and itemizes the use into 5 categories with 28 projects (see Exhibit I on page 17). A total of \$54 million of the \$255 million authorized and approved by voter referendum was designated for “Streets and Drainage”. A total of \$6 million was specifically earmarked for “Streets and Drainage” in the Model City revitalization project.

On May 8, 2003, the City Commission passed and adopted Resolution number 03-479, which was sponsored by the Model City Community Revitalization District Trust (Trust). The supporting memorandum requested the Commission to approve the use of \$1,815,133.15 of the \$6 million Bond proceeds earmarked for Streets and Drainage in the Model City Improvements project, for the repayment of the Federal HOME funds. The supporting memorandum indicated that repayment to U.S. Department of Housing and Urban Development (HUD) with the said Bond proceeds may release HUD funds for the “streets and drainage” uses for which the \$1,815,133.15 Bond proceeds were originally intended. The said Resolution was approved and adopted as requested by the Trust. As of this report date, these Bond proceeds have not yet been used to repay the Federal Home funds to HUD.

The use of said \$1,815,133.15 in Bond proceeds to pay back HUD monies for noncompliance with HOME Program may not comply with the intent of Ordinance No. 12137.



## AUDIT FINDINGS AND RECOMMENDATIONS

### FINANCE AND CAPITAL IMPROVEMENT PROGRAM (CIP) DEPARTMENTS

#### COMPLIANCE WITH CERTAIN SECTIONS OF APPLICABLE RESOLUTIONS, LAWS AND REPORTING REQUIREMENTS.

As part of this audit, we conducted various audit tests, on a sample basis, to determine compliance with certain sections of applicable resolutions, laws and reporting requirements. Our tests disclosed that City management materially complied with the following:

- Management has complied with the continuing disclosure requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, in regard to providing nationally recognized municipal securities information repositories, certain financial and operating information of the City and the occurrence of certain enumerated material events. The due date for said filing is June 30 following the prior September 30 fiscal year end. The City's next filing due date is June 30, 2004, for financial information for the fiscal year ended September 30, 2003.
- Proceeds from the first issuance of the Homeland Security, Neighborhood Improvements, Capital Projects and Infrastructure Improvements Bonds (Bonds) in the amount of \$155,130,086.15 were invested in the City's pooled investment portfolio. As of January 31, 2004, proceeds from said Bond Issuance held in investments were \$152,020,310.77, and, based on our sample testing procedures, the City's total investment portfolio of \$562,097,721.96, was invested in accordance with the Bond Indenture and the City's Investment Policy.
- As part of the due diligence of this Bond Issuance, the City engaged a Bond Counsel, who, in part, opined on August 8, 2002, that "interest on the Series 2002 Bonds is excluded from gross income for federal tax purposes under Section 103

of the Internal Revenue Code of 1986, as amended.” However, the opinion also indicated that it is the City’s responsibility to maintain continued compliance with applicable Bond covenants in order for said interest to remain tax exempt and to avoid inclusion of interest in gross income retroactively. The City has also engaged a public accounting firm to calculate any arbitrage rebate liabilities in accordance with Section 148(f) of the Internal Revenue Code of 1986, as amended.

Recommendation

None

Auditee Response and Action Plan

None

**PURCHASING DEPARTMENT, ECONOMIC DEVELOPMENT DEPARTMENT,  
AND CAPITAL IMPROVEMENT PROGRAM (CIP)**

**PROCUREMENT OF PROFESSIONAL SERVICES SUBJECT TO SECTION  
287.055, FLORIDA STATUTES (CONSULTANTS' COMPETITIVE NEGOTIATION  
ACT).**

Chapter 18, Article III, Section 18-87, of the Code, stipulates: "In the Procurement of Professional Services covered by the Consultants' Competitive Negotiation Act, the provisions of Florida Statutes 287.055, as amended, shall govern." Section 287.055, Florida Statutes (Consultants' Competitive Negotiation Act – CCNA), governs the procurement of such services. Section 287.055, (3)(a), Florida Statutes, states:

"Each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration."

Section 287.055, (4)(a), Florida Statutes, states:

"For each proposed project, the agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services."

The records reviewed indicated that a substantial portion of the \$255 million bond issuance proceeds from the November 13, 2001, Bond Referendum have been approved and earmarked for projects requiring acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services. The sample size for this audit was limited to two projects, namely Little Haiti Park (CIP Project number 331412) and Bicentennial Park (CIP Project number 331418). Our test to

determine compliance with the applicable Sections of the City Code and Florida Statutes, disclosed that purchase order number P230007, in the amount of \$159,200, dated October 3, 2002, that was issued for “engineering services” provided by Post, Buckley, Schuh & Jernigan, relative to CIP Project 331412 (Little Haiti Park), was procured via piggybacking on Florida Department of Transportation (FDOT) contract 25072714201. There was no public announcement by the City as required in Section 287.055, (3)(a), Florida Statutes, as noted above, nor was there any process of discussions with no fewer than three firms, as required in Section 287.055, (4)(a), Florida Statutes, as stated above.

The lack of compliance with applicable statutes and/or best practices in the procurement of goods or services may result in higher prices and/or lower quality for goods or services delivered to the City.

In response to this audit finding, the City Attorney issued opinion MIA-0400004, dated March 31, 2004. This opinion advises that the City acted in good faith in accordance with procedures set forth in Section 18-111, City Code, in procuring the said services; however, it finds no specific legal authority for piggybacking as a means to procure services falling under CCNA. The opinion concludes: “unless and until legislatively or judicially determined otherwise, our opinion is that the piggyback process under Section 18-111, of the City Code should not be used for CCNA professional services unless a valid public emergency has been declared to exist, which removes the City from the provisions of CCNA. This opinion is strictly limited to professional services subject to CCNA.”

### Recommendation

We recommend that the City’s acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services, be done in accordance with Section 287.055, Florida Statutes (Consultants’ Competitive Negotiation Act – CCNA). As opined by the City Attorney, this would normally preclude the City from procuring such services through the piggybacking process.

Auditee's Response and Action Plan

The Purchasing Department, Economic Development Department and Capital Improvement Programs all concurred with this finding and recommendation.

**MODEL CITY COMMUNITY REVITALIZATION DISTRICT TRUST (TRUST),  
CAPITAL IMPROVEMENT PROGRAM (CIP), AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**USE OF BOND PROCEEDS IN ACCORDANCE WITH ORDINANCE NO. 12137.**

Ordinance number 12137, enacted on October 11, 2001, authorized, subject to a special municipal election on November 13, 2001 (Bond Referendum), the issuance of \$255 million of aggregate principal general obligation Homeland Defense/Neighborhood Improvement Bonds (Bonds) to be repaid with ad valorem taxes. The Ordinance stipulated that the debt millage rate may not exceed 1.218. Resolution number 02-797, adopted July 9, 2002, acknowledged approval of the said Referendum by the qualified electors of the City and initiated the first issuance of the \$255 million in an amount not to exceed \$160 million in aggregate principal. Attachment I, to Ordinance number 12137, enumerates the proposed use of bond proceeds, and itemizes the use into 5 categories with 28 projects (see Exhibit I on page 17). A total of \$54 million of the \$255 million authorized and approved by voter referendum was designated for "Streets and Drainage". A total of \$6 million was specifically earmarked for "Streets and Drainage" in the Model City revitalization project.

On May 8, 2003, the City Commission passed and adopted Resolution number 03-479, which was sponsored by the Model City Community Revitalization District Trust (Trust). The said Resolution and supporting memorandum indicated that \$1,815,133.15 of Federal HOME Investment Partnership (HOME) Program funds had been used during fiscal year 2002 for property acquisitions for the Model City Homeownership Zone Pilot Project (Project). The supporting memorandum stated that the Trust had received written correspondence from the City's Community Development department (CD department) in February 2003 indicating that the Project was not in compliance with U.S. Department of Housing and Urban Development (HUD) regulations relative to land banking (acquisition of property when construction is not reasonably expected to begin within 12 months); consequently, the CD department requested the payback of Federal HOME

funds to HUD to resolve the compliance issue. The supporting memorandum requested the Commission to approve the use of \$1,815,133.15 of the \$6 million Bond proceeds earmarked for Streets and Drainage in the Model City Improvements project, for the repayment of the Federal HOME funds, as noted above. The supporting memorandum indicated that repayment to HUD with the said Bond proceeds may release HUD funds for the “streets and drainage” uses for which the \$1,815,133.15 Bond proceeds were originally intended. The said Resolution was approved and adopted as requested by the Trust. Upon audit inquiry, the Acting President/CEO of the Trust and the Director of the CD department, indicated that as of the date (more than a year after the Resolution was passed) of this report, the \$1,815,133.15 Bond proceeds had not yet been transferred to pay back the HOME funds and the monies due to HUD have not yet been paid. HUD has frozen the HUD funds line of credit for the Project but has not required the City to pay penalty or interest on the balance due.

The use of said \$1,815,133.15 in Bond proceeds to pay back HUD monies for noncompliance with HOME Program may not comply with the intent of Ordinance No. 12137. Additionally, it is unclear whether the transfer of bond monies to HUD as intended would resolve all noncompliance issues and unfreeze the HUD funds line of credit.

#### Recommendation

We recommend that, prior to effectuating a transfer and use of the said \$1,815,133.15 Bond proceeds to repay HUD as proposed, management obtain a written legal opinion from its Bond Counsel as to the legality of such use of Bond proceeds which were designated for Streets and Drainage – Model City Improvements. Also, City management should request verification in writing from HUD that any refunded HOME funds would be available to be drawn down by the City and used for “streets and drainage.”

#### Auditee’s Response and Action Plan

The management of the Model City Trust, Capital Improvement Program, and Community Development department all concurs with this finding and recommendation (see pages 15 and 16). A request for legal opinion from the bond counsel has been made through the City Attorney's office.





RECEIVED  
MAR 31 2004

To: Victor Igwe, Auditor General  
From: Marva L. Wiley *Marva L. Wiley*  
Acting President/CEO  
Model City Community  
Revitalization District Trust  
Subject: Audit Response - Bond  
Date: March 31, 2004

*Barbara G. Rodriguez*  
Barbara G. Rodriguez  
Director  
Community Development

We have reviewed the findings and recommendations of the Office of the Auditor General related to the transaction to utilize funds from the Homeland Defense/Neighborhood Improvement Bond ("Bond") for land acquisition in the Model City Homeownership Zone Pilot Project (the "Project") in exchange for the same dollar amount of the City's entitlement dollars allocated for the Project the being utilized for the purpose designated in the Bond's authorizing ordinance (i.e. Model City Infrastructure Improvements).

The City Attorney has been advised of the auditor's recommendation that bond counsel opine on the legality of a "swap" of funds as discussed in this report. All parties agree that such a document finding will support the integrity of the process and the collective understanding and collaboration for this and subsequent bond initiatives.

The Model City Trust and the City of Miami's Department of Community Development are committed to ensuring that the federal entitlement dollars (HUD funds) designated for the Model City area are prioritized for streets and drainage infrastructure improvements as captured in Ordinance 12137, which authorized the Homeland Defense/Neighborhood Improvement Bond. With the wealth of improvements anticipated for the area, all parties are confident that the infrastructure investment will far exceed the "swap" of \$1.8 Million discussed in this finding.

CITY OF MIAMI, FLORIDA  
INTER-OFFICE MEMORANDUM

TO: Victor I. Igwe  
Auditor General

DATE: March 31, 2004

FILE:

FROM: Larry Spring, Chief of Strategic *LS*  
Planning, Budgeting and Performance

SUBJECT: Response to Audit Findings and  
Recommendations Pertaining to Use  
of Homeland Defense Bond Proceeds

REFERENCES:

ENCLOSURES:

I have reviewed the observations and recommendations by deputy auditor Jon Goodman with reference to obtaining a legal opinion on the transaction involving the Medel City Community Revitalization District Trust. I concur with this recommendation and would further add that a request for legal opinion was initiated by Ms. Marva Wiley on March 22, 2004 through the City Attorney's Office. A copy of this request is attached for your convenience.

As to the recommendation to obtain written verification from HUD, I defer this response to the CD Department and the Trust.

Attachment

c: Mary Conway, P.E.  
Jorge Cano, P.E.  
Barbara Gomez-Rodriguez  
Marva Wiley  
Jon Goodman  
Pilar Saenz

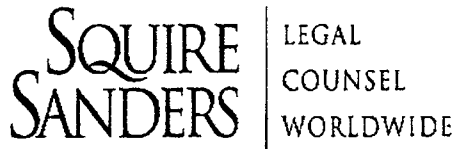
## EXHIBIT I

### PROPOSED GENERAL OBLIGATION BOND ISSUE PROJECTS LIST

<b>PUBLIC SAFETY</b>		
Homeland Defense Preparedness Initiative	\$ 11,000,000	
Neighborhood Fire Stations and Training Facility	\$ 10,000,000	
Police Training Facility	\$ 10,000,000	
	\$ 31,000,000	12%
<b>PARKS AND RECREATION</b>		
Little Haiti Park	\$ 25,000,000	
Virginia Key Park Improvements	\$ 5,000,000	
Bicentennial Park Improvements	\$ 10,000,000	
Jose Marti/East Little Havana Parks Expansion	\$ 5,000,000	
Margaret Pace Park Improvements	\$ 4,000,000	
Soccer Complex Development	\$ 10,000,000	
Citywide Waterfront Improvements	\$ 10,000,000	
Marine Stadium Renovation	\$ 2,000,000	
Neighborhood Park Improvements and Acquisition	\$ 31,000,000	
Fern Isle Cleanup and Renovation	\$ 9,000,000	
Orange Bowl	\$ 16,000,000	
	\$ 127,000,000	50%
<b>STREETS AND DRAINAGE</b>		
Flagami Storm Water Mitigation	\$ 10,000,000	
Grand Avenue Improvements	\$ 3,000,000	
Model City Improvements	\$ 6,000,000	
Coral Way Improvements	\$ 3,000,000	
Calle Ocho Improvements	\$ 6,000,000	
NE 2nd Avenue Improvements (36th Street to 78th Street)	\$ 6,000,000	
Design District/FEC Corridor Improvements	\$ 10,000,000	
Downtown Infrastructure Improvements	\$ 10,000,000	
	\$ 54,000,000	21%
<b>QUALITY OF LIFE</b>		
Quality of Life (\$5 Million Capital Improvements/District)	\$ 25,000,000	
Greenways	\$ 2,000,000	
Museum of Science	\$ 3,500,000	
Museum of Art	\$ 3,500,000	
Neighborhood Gateways	\$ 4,000,000	
	\$ 38,000,000	15%
<b>HISTORIC PRESERVATION</b>		
Historic Preservation Initiative	\$ 5,000,000	2%
<b>TOTAL PROPOSED BOND PROGRAM</b>	<b>\$ 255,000,000</b>	<b>100%</b>

10/11/2001 AT 6:25 PM

TAB 7



**To:** Alejandro Vilarello, Esq.  
Marva Wiley, Esq.

**From:** Squire, Sanders & Dempsey L.L.P. *ASD*

**Date:** July 2, 2004

**Re:** Model City Community Revitalization District Trust - Model City  
Homeownership Zone Pilot Project – Reallocation of HOME Funds

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FACTS:

The Model City Community Revitalization District Trust (the “Model City Trust”) oversees the Model City Homeownership Zone Pilot Project (the “Project”). In order to further the goals and objectives of the Project, the City of Miami authorized that a portion of the Home Investment Partnership Program (“HOME”) funds received by the City from the United States Department of Housing and Urban Development (“HUD”) be applied to acquire certain properties for the Project. The acquisitions financed with the HOME funds included the purchase of approximately 26 tax deeds, representing abandoned properties and an additional 13 properties acquired through private sales, all as more specifically described in the Reconciled List of Properties attached hereto as Schedule A and by this reference incorporated herein. These acquisitions, including tax deed and private sale transactions, occurred between November 2000 and October 2002. Additionally, the City of Miami acquired a first position mortgage on a property on which the City had previously held a second mortgage (the Miami Limited properties) and paid taxes on the properties acquired during the aforementioned period. The total acquisition and acquisition-related expenses are \$2,649,766.23. Since the acquisition of the properties described in Schedule A, there has been no construction of homes or other related activity on such property.

HUD regulations require that a project funded with HOME funds have a reasonable expectation of commencement within twelve (12) months of the participating jurisdiction (i.e., City of Miami) setting up the expense in HUD’s information and disbursement system. Since this 12-month requirement has not been met, the City of Miami’s Department of Community Development, which administers the HOME funds, has recommended the reimbursement of HOME funds used for the Project land acquisitions. The proposed solution includes a “swap” of funds derived from the proceeds of the City’s Limited Ad Valorem Tax Bonds (as defined herein) and the HOME funds, so that the dollars that have been spent for Project land acquisition can be reprogrammed for Model City infrastructure improvements that were to have been financed with proceeds of the Limited Ad Valorem Tax Bonds and the proceeds of the Limited Ad Valorem Tax Bonds that were to have been applied to finance Model City infrastructure

improvements are used for the Project land acquisition originally financed with the HOME funds.

ISSUE PRESENTED:

May a portion of the proceeds of the Limited Ad Valorem Tax Bonds be “swapped” with the HOME funds, retroactively, so that the bond proceeds are deemed used to finance properties initially acquired with HOME funds and the HOME funds are available to be used to finance street and infrastructure improvements within Model City?

CONCLUSION:

Based on the information presented in Schedule A and the other relevant facts as we understand them, \$1,493,611.04 of the Project land acquisition expenditures previously paid with the HOME funds may be reallocated to, and deemed paid from, a portion of the proceeds of the Limited Ad Valorem Tax Bonds. Under the applicable federal tax rules, it is possible to increase the reallocated amount by \$42,244.68 (so that the total amount reallocated to the Limited Ad Valorem Tax Bonds is \$1,535,855.72). However, because of state law and document concerns, it is best not to include this additional amount in the proposed reallocation.

DISCUSSION:

The City’s Limited Ad Valorem Tax Bonds, Series 2002 (Homeland Defense/Neighborhood Capital Improvement Projects), in the aggregate principal amount of \$153,186,405.85 (the “Limited Ad Valorem Tax Bonds”), were issued on August 8, 2002 as tax-exempt bonds pursuant to Resolution No. 02-797 adopted by the City Commission on July 9, 2002 (the “Bond Resolution”). Prior to adopting the Bond Resolution, the City Commission had enacted Ordinance No. 12137 on October 11, 2001 (the “Bond Ordinance”), which authorized the issuance of not exceeding \$255,000,000 principal amount of bonds (the “Voter Approved Bonds”), provided for the levy and collection of ad valorem taxes at a rate not to exceed the debt millage of 1.218 mills, together with other debt, and the holding of an election. The issuance by the City of the Voter Approved Bonds was approved by the qualified electors of the City in a referendum election held on November 13, 2001. The Limited Ad Valorem Tax Bonds constitute the first series of the Voter Approved Bonds authorized by the Bond Ordinance and approved by the voter referendum.

Because the Limited Ad Valorem Tax Bonds were issued as tax-exempt bonds, federal tax law limits how the proceeds of such Bonds may be spent. Similarly, state law and the operative documents under which the Limited Ad Valorem Tax Bonds were issued, namely, the Bond Resolution and the Bond Ordinance, restrict the purposes to which the proceeds of the Bonds may be applied. For the reasons discussed below, these restrictions effectively limit the extent to which the HOME funds and the proceeds of the Limited Ad Valorem Tax Bonds may be “swapped”, so that only \$1,493,611.04 of the total \$2,649,766.23 reflected on Schedule A may be reallocated.

The main federal tax law impediment to the proposed reallocation results from the timing of the expenditures. Acquisition expenditures made prior to the issuance of the Limited Ad Valorem Tax Bonds are subject to certain “reimbursement” rules under the Internal Revenue

Code of 1986, as amended (the "Code"). These rules allow tax-exempt proceeds to be used to reimburse expenditures made no more than sixty (60) days prior to the issuer's adoption of an "official intent" resolution declaring the issuer's intention to reimburse itself from the proceeds of debt obligations. In the instant case, the City of Miami adopted an "official intent" or "reimbursement" resolution (Resolution No. 02-41) on January 10, 2002. This means that any acquisition expenditures made prior to November 10, 2001, are not eligible to be reimbursed with the proceeds of the Limited Ad Valorem Tax Bonds. Accordingly, HOME funds expended prior to November 10, 2001 may not be "swapped" with proceeds of the Limited Ad Valorem Tax Bonds.

The "Pre-Bond (11/10) Expenses)" column on Schedule A indicates all expenditures made prior to November 10, 2001. These acquisitions add up to \$1,113,910.51 of the \$2,649,766.23 total expenditures made with HOME funds. This leaves \$1,535,855.72 as potentially eligible for "swapping" with proceeds of the Limited Ad Valorem Tax Bonds.

The reimbursement rules also impose a limit on the period within which proceeds of tax-exempt bonds may be allocated to the reimbursement of prior expenditures. The reimbursement allocation must take place no later than 18 months after the date of the original expenditure or the date the project is placed in service or abandoned, whichever is later, but in no event more than three years after the date of the original expenditure.

As described in the "Purpose" column of Schedule A, \$1,493,611.04 of the \$1,535,855.72 of HOME funds expended on or after November 10, 2001, were expended for public purposes - park expansion, mini park/green space, commercial corridor parking and public buildings. Given the absence of any further activity toward the "Purpose" described for the acquired properties subsequent to the City's acquisition, and our understanding that the City has not abandoned its intention to carry out the stated "Purposes", it is reasonable to conclude that the 18-month period has not yet begun for any of the eligible properties. The three year period will begin to expire in November 2004. Accordingly, these amounts may be "swapped" without any adverse tax consequence to the Limited Ad Valorem Tax Bonds.

The remaining \$42,244.68 of HOME funds expended on or after November 10, 2001 were spent to acquire properties that will ultimately be used as private homes - either single family detached or townhomes. Because these amounts likely would be treated as constituting "private loans" under the Code, they can only be reallocated if such amounts, together with all other expenditures of the proceeds of the Limited Ad Valorem Tax Bonds that would be treated as "private loans" under the Code, do not exceed \$5 million. For purposes of this memorandum, we assume there are no other uses of the proceeds of the Limited Ad Valorem Tax Bonds that would constitute "private loans" under the Code.<sup>1</sup>

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<sup>1</sup> The Limited Ad Valorem Tax Bonds were issued as "governmental bonds" and not "private activity bonds". A use of the proceeds of the Limited Ad Valorem Tax Bonds that would convert such Bonds into private activity bonds would cause the interest on the Bonds to become taxable. Under Section 141(c) of the Code, bonds are private activity bonds if more than the lesser of 5% or \$5 million of the issue is to be used to make or finance loans to nongovernmental persons.

In deciding whether to reallocate this additional \$42,244.68, the City of Miami must also consider the limitations of Florida law and the operative bond documents. In general, under Florida law, in order for a municipality to expend municipal funds, such expenditure must be for a public purpose (Article 7, Section 10, Florida Constitution). However, the Florida courts have stated that if a city or county has used either its taxing power or pledge of credit to support an issuance of bonds, the purpose for which the proceeds are used must serve a "paramount public purpose" and any benefits to a private party must be incidental.<sup>2</sup> Since the Limited Ad Valorem Tax Bonds are to be repaid from ad valorem taxes revenues, it is fair to conclude that the use of the bond proceeds for private purposes must meet the "paramount public purpose" standard.

The Bond Resolution and the Bond Ordinance may provide additional limitations on reallocating the additional \$42,244.68. Both the Bond Resolution and the Bond Ordinance contain a listing, by general categories, of the types of projects to be financed with the proceeds of the Limited Ad Valorem Tax Bonds. None of these categories expressly include expenditures for single family homes or townhomes. It may be possible to argue, however, that the "Quality of Life" expenditures would include the acquisition of single family homes and townhomes to promote homeownership in low income neighborhoods.

In passing on the "swap" of HOME funds with proceeds of the Limited Ad Valorem Tax Bonds, we have assumed the following: (i) the HOME funds or other federal "entitlement dollars" (i.e., Community Development Block Grant dollars) will be used to finance street and infrastructure improvements within the Model City area to the same extent that proceeds of the Limited Ad Valorem Tax Bonds were to be applied for such purposes, and (ii) the applicable HUD rules and regulations allow HOME funds or such other federal "entitlement dollars" to be applied to such purposes.

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<sup>2</sup> See Poe v Hillsborough County, 695 So.2d 672 (Fla 1997) and State of Florida v. Osceola County, 752 So.2d 530 (Fla. 1999).



TAB 8

DO↑

# Accounts Payable Invoice

Next Screen

Header

Detail <sup>2</sup>

Comments <sup>3</sup>

Approval <sup>4</sup>

Budget Status <sup>5</sup>

Invoices by PO <sup>6</sup>

AP Inquiries <sup>7</sup>

New Inv

Organization # 1

Name STATE OF FLORIDA

Bank 02 M-FIRST UNION NATIONA

Address

Vendor # 26735 Address # 0

Invoice on File Date 0

Invoice # 040924 WIRE

Authorization Status APPROVED

PO #

Routing Level 0

Operator

Next Routing Area

Invoice Total 1815133.15+ Invoice Date 92404

PO Balance 0+

G/L Date 92404 Due Date 92404

Sub Total 1815133.15+

Pay Date 92404 Check/Wire # 38103 CLEARED

GST 0+

Reissue Date 0 Reissue Chk # 0

PST 0+

Area

Total 1815133.15+

Special Code

Expended Amount 1815133.15+

Payment Terms N-01 0001

Payment Status P

Separate Check  Hold Check For Pickup

Lite Screen Option  Group Code/ 0

Comments N Payment Type W

Demand Check: Claim #

### One Line Invoice Details :

Account # 341126.959307.6650.81041 Budget Auth

Authorization  Print

Description HUD-RESO#03-479/MODEL CITY

PO SH 0+

Claim Number 0

Add Chg Del Inq First Back Next Last OK

# Accounts Payable Invoice

Next Screen

Header		Detail		Comments		Approval		Budget Status		Invoices by PO		AP Inquiries		New Inv	
Bank	<input type="text"/> 2	Vendor #	<input type="text"/> 26735	Address #	<input type="text"/> 0	Override Invoice Total									
Defaults: Description		<input type="text"/>		Invoice #		<input type="text"/> 040924 WIRE									
Account #		<input type="text"/> 341126.959307.6650.81041		Header Total		<input type="text"/> 1815133.15+									
A/C/D	Account #	Description	Dist Cd	Tax Cd	Auth										
Invoice Amount	Discount	PO #	Liquidation Amount	SC	Trans #										
<input type="checkbox"/>	<input type="text"/> 341126.959307.6650.81041	<input type="text"/> HUD-RESO#03-479/MODEL CITY	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Grant	<input type="text"/>	Project	<input type="text"/> 341126	<input type="text"/>	Task	<input type="text"/>									
Sub #	<input type="text"/>	Off Sub #	<input type="text"/>	Off Acct #	<input type="text"/> 341126.000000.2230	WO #	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="text"/> 344105.959301.6650.81054	<input type="text"/> HUD-RESO#03-479/MODEL CITY	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Grant	<input type="text"/>	Project	<input type="text"/> 344105	<input type="text"/>	Task	<input type="text"/>									
Sub #	<input type="text"/>	Off Sub #	<input type="text"/>	Off Acct #	<input type="text"/> 344105.000000.2230	WO #	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/> 0 +	<input type="text"/> 0	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Grant	<input type="text"/>	Project	<input type="text"/>	<input type="text"/>	Task	<input type="text"/>									
Sub #	<input type="text"/>	Off Sub #	<input type="text"/>	Off Acct #	<input type="text"/>	WO #	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Next Trans #	<input type="text"/> 297800002284	Detail Lines	<input type="text"/> 2	Detail Total	<input type="text"/> 1815133.15+										

OK

**Wiley, Marva**

**From:** Simpson, James Scott  
**Sent:** Wednesday, September 15, 2004 9:05 AM  
**To:** Wiley, Marva  
**Subject:** RE: wire transfer to HUD re: Model City

thanks...

**From:** Wiley, Marva  
**Sent:** Wednesday, September 15, 2004 9:05 AM  
**To:** Simpson, James Scott  
**Cc:** Rodriguez, G. Barbara; Haskins, Linda; Saenz, Pilar; Rosemond, Daniel; Blanco, Armando  
**Subject:** RE: wire transfer to HUD re: Model City

Not a problem. I'll get right on it.

-----Original Message-----

**From:** Simpson, James Scott  
**Sent:** Wednesday, September 15, 2004 9:04 AM  
**To:** Wiley, Marva  
**Cc:** Rodriguez, G. Barbara; Haskins, Linda; Saenz, Pilar; Rosemond, Daniel; Blanco, Armando  
**Subject:** RE: wire transfer to HUD re: Model City

I would prefer to have the check number(s) and date(s) included in the file for the amounts that relate to the \$321,522.11... The additional information supplements the audit trail and will help answer any questions in the future about the timeliness and validity of the expenditures as they relate to bond funds...

Thanks,  
Scott

**From:** Wiley, Marva  
**Sent:** Wednesday, September 15, 2004 8:58 AM  
**To:** Simpson, James Scott  
**Cc:** Rodriguez, G. Barbara; Haskins, Linda; Saenz, Pilar; Rosemond, Daniel; Blanco, Armando  
**Subject:** RE: wire transfer to HUD re: Model City

Having established the base transaction of a swap between Homeland Defense and HOME, the balance is available with a similar swap between Model City Housing Initiatives and Homeland Defense. Please see the attached worksheet that reflects transactions since October 2003 which utilized Model City Housing Initiatives with a note as to which are public purpose. The standard established by the legal opinion is timing of the transaction (after November 2001) and public purpose for the ultimate use. Let me know if you have any additional questions.

Marva

-----Original Message-----

**From:** Simpson, James Scott

**Sent:** Wednesday, September 15, 2004 6:54 AM

**To:** Wiley, Marva

**Cc:** Rodriguez, G. Barbara; Haskins, Linda; Saenz, Pilar; Rosemond, Daniel; Blanco, Armando

**Subject:** RE: wire transfer to HUD re: Model City

**Importance:** High

I need help reconciling the paperwork sent to me... The DP is asking for \$1,815,133.15 (341126.959307.6.810) and this amount agrees with City Reso 03-479... I do not see how this amounts agrees with Bond Counsel's opinion that \$1,493,611.04 may be reallocated from Home fund expenditures to bond fund expenditures... Do you have additional back for the balance of \$321,522.11 or additional correspondence from Bond Counsel...

Thanks,  
Scott

-----  
**From:** Wiley, Marva

**Sent:** Monday, September 13, 2004 11:12 AM

**To:** Rosemond, Daniel; Simpson, James Scott

**Cc:** Rodriguez, G. Barbara; Haskins, Linda; Saenz, Pilar

**Subject:** RE: wire transfer to HUD re: Model City

I spoke with Pilar earlier and she said she would deliver to Scott. Should be in process. Thanks.

-----Original Message-----

**From:** Rosemond, Daniel

**Sent:** Monday, September 13, 2004 10:56 AM

**To:** Simpson, James Scott

**Cc:** Wiley, Marva; Rodriguez, G. Barbara; Haskins, Linda; Saenz, Pilar

**Subject:** RE: wire transfer to HUD re: Model City

Scott,  
Who does the paperwork need to come from, Marva?

If so, Marva can you please expedite.

*Daniel A. Rosemond, Assistant Director  
Department of Community Development  
(305) 416-1999*

-----Original Message-----

**From:** Simpson, James Scott

**Sent:** Monday, September 13, 2004 10:07 AM

**To:** Wiley, Marva; Rodriguez, G. Barbara; Rosemond, Daniel

**Cc:** Blanco, Armando

**Subject:** FW: wire transfer to HUD re: Model City

I need to get the paperwork and I can wire the funds ASAP...

Please advise...

-----  
**From:** Wiley, Marva

**Sent:** Monday, September 13, 2004 10:03 AM  
**To:** Rodriguez, G. Barbara; Rosemond, Daniel; Simpson, James Scott  
**Cc:** Haskins, Linda; Rosemond, David; Spring, Larry; Conway, Mary; Cano, Jorge; Saenz, Pilar; Cuervo Schreiber, Alicia; Valera, Elizabeth; Blanco, Armando  
**Subject:** RE: wire transfer to HUD re: Model City

OK

-----Original Message-----

**From:** Rodriguez, G. Barbara  
**Sent:** Monday, September 13, 2004 10:03 AM  
**To:** Wiley, Marva; Rosemond, Daniel; Simpson, James Scott  
**Cc:** Haskins, Linda; Rosemond, David; Spring, Larry; Conway, Mary; Cano, Jorge; Saenz, Pilar; Cuervo Schreiber, Alicia; Valera, Elizabeth; Blanco, Armando  
**Subject:** RE: wire transfer to HUD re: Model City

-----Original Message-----

**From:** Wiley, Marva  
**Sent:** Monday, September 13, 2004 9:52 AM  
**To:** Rosemond, Daniel; Simpson, James Scott  
**Cc:** Haskins, Linda; Rosemond, David; Spring, Larry; Conway, Mary; Cano, Jorge; Saenz, Pilar; Cuervo Schreiber, Alicia; Rodriguez, G. Barbara; Valera, Elizabeth; Blanco, Armando  
**Subject:** RE: wire transfer to HUD re: Model City

FYI,

We delivered a direct pay request for the funds to come from the Homeland Defense allocation to Pilar on Friday. Barbara had requested a check previously. Do you want to do a wire instead? We want a wire instead of a check. Barbara

Marva

-----Original Message-----

**From:** Rosemond, Daniel  
**Sent:** Monday, September 13, 2004 9:47 AM  
**To:** Simpson, James Scott  
**Cc:** Haskins, Linda; Rosemond, David; Spring, Larry; Conway, Mary; Cano, Jorge; Saenz, Pilar; Cuervo Schreiber, Alicia; Wiley, Marva; Rodriguez, G. Barbara; Valera, Elizabeth; Blanco, Armando  
**Subject:** wire transfer to HUD re: Model City  
**Importance:** High

Scott:

Pursuant to our discussions relative to Model City, it was agreed that the \$1.8m (bond dollars) would be wired to HUD in order to address the land-banking

issue. We would like the wire to be done this week. Please confirm exact date so we can advise HUD when to expect it. Please also let us know the account from which this will be drawn.

It is also understood from our meeting that once HUD receives this money, they will put \$1.8m in HOME funds back on our line of credit. This money is to be used **exclusively for infrastructure improvements in the Model City area as agreed to with the bond oversight board.** Please let me know if you have any questions in regard to this issue.

*Daniel A. Rosemond, Assistant Director  
Department of Community Development  
(305) 416-1999*

DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM



# UPDATE

1. DATE: 11/23/04 DISTRICT: 5

NAME OF PROJECT: LITTLE HAITI PARK - APPRAISAL SERVICES

INITIATING DEPARTMENT/DIVISION: Economic Development

INITIATING CONTACT PERSON/CONTACT NUMBER: Dirk Duval (305) 416-1458

C.I.P. DEPARTMENT CONTACT: \_\_\_\_\_

RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 331412

ADDITIONAL PROJECT NUMBER: \_\_\_\_\_  
(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
TOTAL DOLLAR AMOUNT: \$25,000 (\$20 Million in first Series, total \$25 Million; current estimated balance is \$13,182,068.

SOURCE OF FUNDS: HDNI Bonds - Little Haiti Park Land Acquisition & Development

ACCOUNT CODE(S): CIP # 331412

If grant funded, is there a City match requirement?  YES  NO

AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_

Estimated Operations and Maintenance Budget \_\_\_\_\_

### 3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Economic Development - Dirk Duval & Parks - Ed Blanco

DESCRIPTION OF PROJECT: Procurement of Appraisal Services

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 11/16/04

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 11/23/04

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Revisions to Original Scope?  YES  NO (If YES see Item 5 below)

Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

### 4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
DESIGN COST: \_\_\_\_\_

CONSTRUCTION COST: \_\_\_\_\_

Is conceptual estimate within project budget?  YES  NO

If not, have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

### 5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_

Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_

Have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

### 6. COMMENTS:

Appraisals should be consistent with prices paid in the past.

APPROVAL: [Signature]  
BOND OVERSIGHT BOARD

DATE: \_\_\_\_\_



## II. OLD BUSINESS:

### AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter's Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

#### ➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04



**DEPARTMENT OF CAPITAL IMPROVEMENTS**  
PROJECT OVERVIEW FORM

# UPDATE

1. DATE: 10/27/04 DISTRICT: 3  
 NAME OF PROJECT: MIAMI RIVER GREENWAY REGULATORY GUIDELINES-PROFESSIONAL CONSULTING SERVICES  
 INITIATING DEPARTMENT/DIVISION: Capital Improvements  
 INITIATING CONTACT PERSON/CONTACT NUMBER: Enrique Nunez (305) 416-1419 Planning & Zoning  
 C.I.P. DEPARTMENT CONTACT: Dianne Johnson 416-1285/ Kevin Brown 416-1090  
 RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 341211  
 ADDITIONAL PROJECT NUMBER: B-40685 (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
 TOTAL DOLLAR AMOUNT: \$75,000 (1 Mil 1st Series allocation, Total \$2,000,000 Greenway Bond Allocation. (Estimated balance is \$675,000,000)  
 SOURCE OF FUNDS: Homeland Defense Neighborhood Improvement Bonds - Greenways  
 ACCOUNT CODE(S): CIP # 341211

If grant funded, is there a City match requirement?  YES  NO Not applicable  
 AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_  
 Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:  
 Individuals / Departments who provided input: Enrique Nunez (305) 416-1419

DESCRIPTION OF PROJECT: The scope for the preparation of Regulatory Guidelines is to establish a set of standards for Greenway which create a consistent theme, character, appearance and quality that is unique to the Greenway and can be implemented as property is developed incrementally by different parties over time.

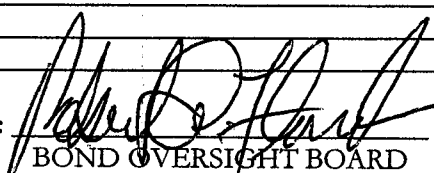
ADA Compliant?  YES  NO  N/A  
 Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 10/19/04  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 10/27/04  
 Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Revisions to Original Scope?  YES  NO (If YES see Item 5 below)  
 Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN  
 Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
 DESIGN COST: \_\_\_\_\_  
 CONSTRUCTION COST: \_\_\_\_\_  
 Is conceptual estimate within project budget?  YES  NO  
 If not, have additional funds been identified?  YES  NO  
 Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE  
 Individuals / Departments who provided input: \_\_\_\_\_  
 Justifications for change: \_\_\_\_\_  
 Description of change: \_\_\_\_\_  
 Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_  
 Have additional funds been identified?  YES  NO  
 Source(s) of additional funds: \_\_\_\_\_  
 Time impact \_\_\_\_\_  
 Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: Regulatory Guidelines documents to be adopted by City Commission. It should also streamline design issues on private and public projects.

APPROVAL:  DATE: 10/27/04  
 BOND OVERSIGHT BOARD

**II. OLD BUSINESS:**

**AUDIT COMMITTEE REPORT:**

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter’s Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04



# DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM

# UPDATE

1. DATE: 11/23/04 DISTRICT: 2  
 NAME OF PROJECT: NEW PUBLIC PLAZA & ROADWAY IMPROVEMENTS ADJACENT TO MARY BRICKELL VILLAGE.  
 INITIATING DEPARTMENT/DIVISION: Capital Improvements  
 INITIATING CONTACT PERSON/CONTACT NUMBER: Jorge Cano 305 416-1282  
 C.I.P. DEPARTMENT CONTACT: Jorge Cano  
 RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 311712 / 341330  
 ADDITIONAL PROJECT NUMBER: \_\_\_\_\_  
 (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
 TOTAL DOLLAR AMOUNT: \$1,000,000 (3,000,000 1st Series allocation: estimated current balance \$2,185,492)  
 SOURCE OF FUNDS: \$400,000-HDNI-Quality of life District 2 / \$600,000 Citywide Transportation & Transit  
 ACCOUNT CODE(S): CIP # 311712 / 341330

If grant funded, is there a City match requirement?  YES  NO  
 AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_  
 Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:  
 Individuals / Departments who provided input: Jorge Cano  
 DESCRIPTION OF PROJECT: The nature of the improvements includes milling and resurfacing, reconstruction, drainage, curb and gutters, swales and sidewalk improvements. The construction of the plaza would include, without limitations, walkways, lighting, seating, and landscaping.

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 11/16/04  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 11/23/04  
 Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Revisions to Original Scope?  YES  NO (If YES see Item 5 below)  
 Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN  
 Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
 DESIGN COST: \_\_\_\_\_  
 CONSTRUCTION COST: \_\_\_\_\_  
 Is conceptual estimate within project budget?  YES  NO  
 If not, have additional funds been identified?  YES  NO  
 Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE  
 Individuals / Departments who provided input: \_\_\_\_\_  
 Justifications for change: \_\_\_\_\_  
 Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_  
 Have additional funds been identified?  YES  NO  
 Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_  
 Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
 Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: Dollars spent on private property. Improvements are conveyed to City but developer will maintain it. Where are the impact fees for this project being spent?

APPROVAL: *Robert A. Ford* DATE: \_\_\_\_\_  
 BOND OVERSIGHT BOARD

## II. OLD BUSINESS:

### AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter's Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

### ➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04



DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM

UPDATE

1. DATE: 10/27/04 DISTRICT: 5
NAME OF PROJECT: BLACK POLICE PRECINCT & MUSEUM RESTORATION
INITIATING DEPARTMENT/DIVISION: CAPITAL IMPROVEMENTS
INITIATING CONTACT PERSON/CONTACT NUMBER: Jorge Cano (305) 416-1282
C.I.P. DEPARTMENT CONTACT: Jorge Cano
RESOLUTION NUMBER: CIP/PROJECT NUMBER: 311715, 327001, 888935
ADDITIONAL PROJECT NUMBER: B-30299

(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,
TOTAL DOLLAR AMOUNT: \$1,715,800 (\$415,800-D5 Quality of life #311715/\$1,000,000-Historic Preservation Initiatives #327001/ \$300,000 Fla. Bureau of Historic Resources #888935 Grant)
SOURCE OF FUNDS: D-5 Quality of life, Historic Preservation Initiatives and Fla. Bureau of Historic Resources
ACCOUNT CODE(S): CIP # 311715, 327001, 888935

If grant funded, is there a City match requirement? [X] YES [ ] NO
AMOUNT: \$280,000 EXPIRATION DATE: June 30, 2005
Are matching funds budgeted? [ ] YES [ ] NO Account Code(s): #327001 Historic Preservation Initiatives
Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Jorge Cano / CIP

DESCRIPTION OF PROJECT: The scope consist of rehabilitation of the building for use as classrooms and public meeting space to include, selective demolition, re-roofing, Restoration replacement of windows and doors, renewal of finishes and related architectural and engineering services.

ADA Compliant? [ ] YES [ ] NO [ ] N/A
Approved by Audit Committee? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 10/27/04
Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)
Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,
DESIGN COST:
CONSTRUCTION COST:
Is conceptual estimate within project budget? [ ] YES [ ] NO
If not, have additional funds been identified? [ ] YES [ ] NO
Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?
Have additional funds been identified? [ ] YES [ ] NO
Source(s) of additional funds:

Time impact
Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:
Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS:

APPROVAL: [Signature] DATE: 10/27/04
BOND OVERSIGHT BOARD

II. OLD BUSINESS:

AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter’s Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
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- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
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- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04

DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM

UPDATE

1. DATE: 11/23/04

DISTRICT: 5

NAME OF PROJECT: GIBSON PARK IMPROVEMENTS-Phase I

INITIATING DEPARTMENT/DIVISION: Parks & Recreation

INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco (305) 416-1253 & André Bryan 305 416-1211

C.I.P. DEPARTMENT CONTACT: André Bryan

RESOLUTION NUMBER: CIP/PROJECT NUMBER: 331419

ADDITIONAL PROJECT NUMBER: B-30305 (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes, TOTAL DOLLAR AMOUNT: \$455,492 (\$1,050,000 Million Allocated; Estimated balance \$508,458) SOURCE OF FUNDS: Homeland Defense/Neighborhood Parks Improvements and Acquisitions ACCOUNT CODE(S): CIP# 331419

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco & André Bryan

DESCRIPTION OF PROJECT: General Site Improvements-construct drainage system to alleviate flooding problems between buildings, provide tree protection & remove trees in area between Library & Recreation bldg. Demolish and/or construct concrete walkways at several locations. Demolish portion of existing fence at courts. Construct metal picket fence with gates & connect it to library, Recreation bldg, pool facility & courts. Existing Concession/Storage building-we will demolish bldg and remove debris. Pool bathhouse-demolish interiors walls & portions of the concrete slab inside the bldg. Recreation Building-work will be done at the Exhibition area, Interior Stage & Corridor, Weight Room, Boxing room. (Full scope is attached).

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 11/16/04

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 11/23/04

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes, DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH? [ ] YES [ ] NO

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS: JOC Contract#005-B-30305.00; Security fencing is important.

APPROVAL: [Signature] DATE: BOND OVERSIGHT BOARD



II. OLD BUSINESS:

AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter’s Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04



DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM

UPDATE

1. DATE: 12/14/04 DISTRICT: 4

NAME OF PROJECT: BAY OF PIGS - PLAYGROUND EQUIPMENT

INITIATING DEPARTMENT/DIVISION: Parks & Recreation

INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco / 416.1253

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: CIP/PROJECT NUMBER: 331419

ADDITIONAL PROJECT NUMBER: B-75920

(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,

TOTAL DOLLAR AMOUNT: \$12,000 (\$40,000 allocated; Estimated current balance is \$23,000)

SOURCE OF FUNDS: HDNI Bonds - Neighborhood Park Improvements & Acquisitions

ACCOUNT CODE(S): CIP # 331419

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco / Parks & Recreation

DESCRIPTION OF PROJECT: Scope includes Sports Play double seesaw, 2 bay Arch swing w/ 2 belt & 2 tot seats, Safe Play age appropriate sign-free Standing, Kid Timbers, Installation of play equipment and furnish & Install 80 Ton Playground sand.

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 12/8/04

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 12/14/04

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6.COMMENTS: Member Manolo Reyes requested this item.

APPROVAL: [Signature] BOND OVERSIGHT BOARD

DATE: 12/14/04

TOTAL DOLLAR AMOUNT: \$274,000 (1.35 million allocated; estimated current balance is \$34,172)

SOURCE OF FUNDS: \$219,000 HDNI - Neighborhood Park Improvements & Acquisitions/\$55,000-Jose Marti/East Little Havana Parks Expansion

Approved by Audit Committee: 12/8/04

SCOPE OF PROJECT: Includes Water Play-Custom package of equipment per attached schedule A. Aqua-Fountain installation package per schedule B. DrPlay-Custom 10% contingency for unforeseen conditions & DrPlay-Adminis.fees estimated water allocation fees for Miami-Dade WSA

➤ HD/NIB MOTION 04-90

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE NEW WATER PLAYGROUND AT JOSE MARTI PARK PROJECT.

MOVED: M. Reyes

SECONDED: D. Marko

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

❖ Playground Equipment at Bay of Pigs Park.

TOTAL DOLLAR AMOUNT: \$12,000 (\$40,000 allocated; Estimated current balance is \$23,000)

SOURCE OF FUNDS: HDNI Bonds - Neighborhood Park Improvements & Acquisitions

Approved by Audit Committee: 12/8/04

SCOPE OF PROJECT: Scope includes Sports Play double seesaw, 2 bay Arch swing w/ 2 belt & 2 tot seats, Safe Play age appropriate sign-free Standing, Kid Timbers, Installation of play equipment and furnish & Install 80 Ton Playground sand.

➤ HD/NIB MOTION 04-91

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE PLAYGROUND EQUIPMENT AT BAY OF PIGS PARK PROJECT.

MOVED: M. Cruz

SECONDED: W. Harvey

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

❖ Emergency Finding & Waiver of Competitive Procurement for the following projects: Grapeland Water Theme Park, Grapeland Park Community Recreation Facility & Parking,

DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM



UPDATE

1. DATE: 12/14/04 DISTRICT: 3

NAME OF PROJECT: JOSE MARTI PARK - NEW WATER PLAYGROUND

INITIATING DEPARTMENT/DIVISION: Parks & Recreation

INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco (305) 416.1253

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 331419

ADDITIONAL PROJECT NUMBER: \_\_\_\_\_  
(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
TOTAL DOLLAR AMOUNT: \$274,000 (1.35 million allocated; estimated current balance is \$34,172)  
SOURCE OF FUNDS: \$219,000 HDNI - Neighborhood Park Improvements & Acquisitions/\$55,000-Jose  
Marti/East Little Havana Parks Expansion  
ACCOUNT CODE(S): CIP # 331419 & Jose Marti Little Havana Park Expansion Allocation

If grant funded, is there a City match requirement?  YES  NO  
AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_  
Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco / Parks & Recreation

DESCRIPTION OF PROJECT: Includes Water Play-Custom package of equipment per attached schedule A.  
Aqua-Fountain installation package per schedule B. DrPlay-Custom 10% contingency for unforeseen conditions &  
DrPlay-Admin.fees estimated water allocation fees for Miami-Dade WSA.  
ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 12/8/04  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 12/14/04  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Revisions to Original Scope?  YES  NO (If YES see Item 5 below)  
Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
DESIGN COST: \_\_\_\_\_  
CONSTRUCTION COST: \_\_\_\_\_  
Is conceptual estimate within project budget?  YES  NO  
If not, have additional funds been identified?  YES  NO  
Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input: \_\_\_\_\_  
Justifications for change: \_\_\_\_\_  
Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_  
Have additional funds been identified?  YES  NO  
Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: In line with costs of others Water Parks. Requires less staff than a pool and no new staff will be  
added to this park.

APPROVAL: Robert Q. Funder DATE: 12/14/04  
BOND OVERSIGHT BOARD

SCOPE OF PROJECT: Demolish existing fire station and construct a new 10,000 s.f., two-bay station. Design to be prototype for future stations.

➤ HD/NIB MOTION 04-88

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE FIRE STATION NO. 11 PROJECT.

MOVED: M. Reyes

SECONDED: W. Harvey

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Miami Police Department Horse Stables – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$800,000 (\$5.5 million allocated; estimated current balance is \$3,076,450)

SOURCE OF FUNDS: HDNI Bond - Police Homeland Defense Preparedness Initiatives

Approved by Audit Committee: 11/16/04

SCOPE OF PROJECT: 4,000 sf stable: 11 regular stables and 1 stable for sick horses (to be mechanically ventilated). Office, restroom with changing area, tack room, and feed room (all to be air conditioned). Covered horse washing station (approximately 10'X10'), with brushed concrete finished floor and drain connected to sewer. Stable building aisle to be finished in asphalt. All horse stables to have flooring system as specified by Mounted Patrol Department. A375 SF auxiliary building (divided in two bays)

➤ HD/NIB MOTION 04-89

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE MIAMI POLICE DEPARTMENT HORSE STABLES PROJECT.

MOVED: R. Aedo

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

### III. NEW BUSINESS:

#### AUDIT COMMITTEE REPORT:

- ❖ New Water Playground at Jose Marti Park.

TOTAL DOLLAR AMOUNT: \$274,000 (1.35 million allocated; estimated current balance is \$34,172)  
SOURCE OF FUNDS: \$219,000 HDNI - Neighborhood Park Improvements & Acquisitions/\$55,000-Jose Marti/East Little Havana Parks Expansion  
Approved by Audit Committee: 12/8/04  
SCOPE OF PROJECT: Includes Water Play-Custom package of equipment per attached schedule A. Aqua-Fountain installation package per schedule B. DrPlay-Custom 10% contingency for unforeseen conditions & DrPlay-Adminis.fees estimated water allocation fees for Miami-Dade WSA

➤ HD/NIB MOTION 04-90

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE NEW WATER PLAYGROUND AT JOSE MARTI PARK PROJECT.

MOVED: M. Reyes

SECONDED: D. Marko

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

❖ Playground Equipment at Bay of Pigs Park.

TOTAL DOLLAR AMOUNT: \$12,000 (\$40,000 allocated; Estimated current balance is \$23,000)  
SOURCE OF FUNDS: HDNI Bonds - Neighborhood Park Improvements & Acquisitions  
Approved by Audit Committee: 12/8/04  
SCOPE OF PROJECT: Scope includes Sports Play double seesaw, 2 bay Arch swing w/ 2 belt & 2 tot seats, Safe Play age appropriate sign-free Standing, Kid Timbers, Installation of play equipment and furnish & Install 80 Ton Playground sand.

➤ HD/NIB MOTION 04-91

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE PLAYGROUND EQUIPMENT AT BAY OF PIGS PARK PROJECT.

MOVED: M. Cruz

SECONDED: W. Harvey

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

❖ Emergency Finding & Waiver of Competitive Procurement for the following projects: Grapeland Water Theme Park, Grapeland Park Community Recreation Facility & Parking,

DEPARTMENT OF CAPITAL IMPROVEMENTS

PROJECT OVERVIEW FORM

UPDATE

1. DATE: 11/23/04

DISTRICT: 5

NAME OF PROJECT: WILLIAMS PARK - IRRIGATION

INITIATING DEPARTMENT/DIVISION: Parks & Recreation

INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco / 416.1253

C.I.P. DEPARTMENT CONTACT:

RESOLUTION NUMBER: CIP/PROJECT NUMBER: 331419

ADDITIONAL PROJECT NUMBER: (IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted? [X] YES [ ] NO If yes,

TOTAL DOLLAR AMOUNT: \$45,000 (\$1.35 million allocated; estimated current balance is \$1,053,000.)

SOURCE OF FUNDS: HDNI Bonds - Neighborhood Park Improvements & Acquisitions

ACCOUNT CODE(S): CIP # 331419

If grant funded, is there a City match requirement? [ ] YES [ ] NO

AMOUNT: EXPIRATION DATE:

Are matching funds Budgeted? [ ] YES [ ] NO Account Code(s):

Estimated Operations and Maintenance Budget

3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco / Parks & Recreation

DESCRIPTION OF PROJECT: Install new Irrigation System.

ADA Compliant? [ ] YES [ ] NO [ ] N/A

Approved by Audit Committee? [X] YES [ ] NO [ ] N/A DATE APPROVED: 11/16/04

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED: 11/23/04

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Revisions to Original Scope? [ ] YES [ ] NO (If YES see Item 5 below)

Time Approval [ ] 6 months [ ] 12 months Date for next Oversight Board Update:

4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope? [ ] YES [ ] NO If yes,

DESIGN COST:

CONSTRUCTION COST:

Is conceptual estimate within project budget? [ ] YES [ ] NO

If not, have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input:

Justifications for change:

Description of change:

Fiscal Impact [ ] YES [ ] NO HOW MUCH?

Have additional funds been identified? [ ] YES [ ] NO

Source(s) of additional funds:

Time impact

Approved by Commission? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

Approved by Bond Oversight Board? [ ] YES [ ] NO [ ] N/A DATE APPROVED:

6. COMMENTS:

APPROVAL: [Signature] BOND OVERSIGHT BOARD

DATE:

Enclosures: Back-Up Materials [X] YES [ ] NO

**II. OLD BUSINESS:**

AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter’s Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04





DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM

# UPDATE

1. DATE: 11/23/04 DISTRICT: 4

NAME OF PROJECT: CORAL GATE PARK - IRRIGATION

INITIATING DEPARTMENT/DIVISION: Parks & Recreation

INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco / 416.1253

C.I.P. DEPARTMENT CONTACT: \_\_\_\_\_

RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 331419

ADDITIONAL PROJECT NUMBER: \_\_\_\_\_

(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,

TOTAL DOLLAR AMOUNT: \$ 50,000 (\$500,000 allocated) Estimated current balance is \$390,000

SOURCE OF FUNDS: HDNI Bonds - Neighborhood Park Improvements & Acquisitions

ACCOUNT CODE(S): CIP # 331419

If grant funded, is there a City match requirement?  YES  NO

AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_

Estimated Operations and Maintenance Budget \_\_\_\_\_

### 3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco / Parks & Recreation

DESCRIPTION OF PROJECT: Install new irrigation system.

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 11/16/04

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 11/23/04

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Revisions to Original Scope?  YES  NO (If YES see Item 5 below)

Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

### 4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,

DESIGN COST: \_\_\_\_\_

CONSTRUCTION COST: \_\_\_\_\_

Is conceptual estimate within project budget?  YES  NO

If not, have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

### 5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_

Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_

Have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

### 6. COMMENTS:

APPROVAL: Robert O. Jende DATE: \_\_\_\_\_

BOND OVERSIGHT BOARD

Enclosures: Back-Up Materials  YES  NO

**II. OLD BUSINESS:**

AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter’s Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE’S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04

DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM



# UPDATE

1. DATE: 10/27/04 DISTRICT: 3  
NAME OF PROJECT: SOUTHSIDE PARK - SITE FURNISHING  
INITIATING DEPARTMENT/DIVISION: Parks & Recreation  
INITIATING CONTACT PERSON/CONTACT NUMBER: Ed Blanco (305)416-1253  
C.I.P. DEPARTMENT CONTACT:  
RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 331419  
ADDITIONAL PROJECT NUMBER: \_\_\_\_\_

(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
TOTAL DOLLAR AMOUNT: \$5,000 (\$60,000 total allocated, remaining balance is \$ 49,000)  
SOURCE OF FUNDS: HDNI bonds - Neighborhood Parks Improvements  
ACCOUNT CODE(S): CIP # 331419

If grant funded, is there a City match requirement?  YES  NO

AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_

Estimated Operations and Maintenance Budget \_\_\_\_\_

### 3. SCOPE OF PROJECT:

Individuals / Departments who provided input: Ed Blanco 305.416.1253

DESCRIPTION OF PROJECT: Play Armour Tops & Painted Frame 8' Accessible Picnic Table. Installation of 18'X16' concrete slab (Sq.Ft.). Installation of 60'X5' sidewalk to slab. Service-Excavation of 10 cubic yards. Service-Fill for site leveling, compacted (cu.yards)

ADA Compliant?  YES  NO  N/A

Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 10/19/04

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 10/27/04

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Revisions to Original Scope?  YES  NO (If YES see Item 5 below)

Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

### 4. CONCEPTUAL COST ESTIMATE BREAKDOWN

Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,

DESIGN COST: \_\_\_\_\_  
CONSTRUCTION COST: \_\_\_\_\_

Is conceptual estimate within project budget?  YES  NO

If not, have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

### 5. REVISIONS TO ORIGINAL SCOPE

Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_

Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_

Have additional funds been identified?  YES  NO

Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_

Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

### 6. COMMENTS: Project Piggybacking from Miami-Dade County Contract #4907-2/03-2

Concrete slab and walkway around playground will be for ADA compliance. Courts resurfacing are already done.

The rest of the money is to be used elsewhere if possibly in District 3. Miami High Bungalow building is in need of funds for renovations. Board Asked City Grants Administration to look at this issue.

APPROVAL: [Signature] DATE: 10/27/04  
BOND OVERSIGHT BOARD

Enclosures: Back-Up Materials  YES  NO

## II. OLD BUSINESS:

### AUDIT COMMITTEE REPORT:

- Miami River Greenway Regulatory Guidelines – Professional Consulting Services – 10/27/04 meeting.
- Site Furnishings at Southside Park – 10/27/04 meeting.
- Police Headquarter's Restroom ADA Modification Phase I Locker – 10/27/04 meeting.
- Old Miami Black Police Precinct & Museum Restoration – 10/27/04 meeting.
- Procurement of Appraisal Services for Little Haiti Park – 11/23/04 meeting.
- Gibson Park Improvements Phase I – 11/23/04 meeting.
- Coral Gate Park Irrigation – 11/23/04 meeting.
- Jose Marti Park Irrigation – 11/23/04 meeting.
- Williams Park Irrigation – 11/23/04 meeting.
- Moore Park Irrigation – 11/23/04 meeting.
- New Public Plaza & Roadway Improvements Adjacent to Mary Brickell Village Cooperative Project Agreement – 11/23/04 meeting.
- Sewell Park Restrooms/Park Facility Building – 11/23/04 meeting.
- Juan Pablo Duarte Park Building Renovation/Expansion – 11/23/04 meeting.
- Robert King High Park New Building and Site Improvements – 11/23/04 meeting.
- Henry Reeves Park Community Service Building Improvements – 11/23/04 meeting.
- Margaret Pace Park Improvements Phase II – 11/23/04 meeting.

### ➤ HD/NIB MOTION 04-87

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND ALL PROJECT LISTED ABOVE.

MOVED: D. Marko

SECONDED: M. Reyes

ABSENT: L. Cabrera, L. De Rosa, J. Manowitz, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Fire Station No. 11 – 11/23/04 meeting.

TOTAL DOLLAR AMOUNT: \$2,500,000 (which has 10 Million allocated, with 5.5 Million in 1<sup>st</sup> series. Estimated current balance is (\$3,000,000) from 1<sup>st</sup> series allocation

SOURCE OF FUNDS: Neighborhood Fire Stations & Training Facility

Approved by Audit Committee: 11/16/04



DEPARTMENT OF CAPITAL IMPROVEMENTS  
PROJECT OVERVIEW FORM

# UPDATE

1. DATE: 2/22/05 DISTRICT: 2  
NAME OF PROJECT: ELIZABETH VIRRICK PARK COMMUNITY CENTER AND GYMNASIUM REPAIRS

INITIATING DEPARTMENT/DIVISION: Capital Improvements  
INITIATING CONTACT PERSON/CONTACT NUMBER: Neal Poteet (305) 416-1271  
C.I.P. DEPARTMENT CONTACT: \_\_\_\_\_  
RESOLUTION NUMBER: \_\_\_\_\_ CIP/PROJECT NUMBER: 331419  
ADDITIONAL PROJECT NUMBER: B-30180  
(IF APPLICABLE)

2. BUDGETARY INFORMATION: Are funds budgeted?  YES  NO If yes,  
TOTAL DOLLAR AMOUNT: \$424,322  
SOURCE OF FUNDS: Homeland Defense/Neighborhood Improvement Bond-Interest  
ACCOUNT CODE(S): CIP # 331419

If grant funded, is there a City match requirement?  YES  NO  
AMOUNT: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
Are matching funds Budgeted?  YES  NO Account Code(s): \_\_\_\_\_  
Estimated Operations and Maintenance Budget \_\_\_\_\_

3. SCOPE OF PROJECT:  
Individuals / Departments who provided input: \_\_\_\_\_

DESCRIPTION OF PROJECT: Scope includes removing Travertine Marble from the top of the first floor tie beam to the decorative foam molding. Provide waterproofing and new texture stucco. Repair front entrance tie-beam stucco. Manufacture and install aluminum cap for all parapet walls. Remove expansion joint material at all lower-level travertine tiles and re-install to match color of stone. Repair water damage at interior walls at basketball hoop brackets. Repair scoreboard at Southeast corner and repair water leak at window. Paint all repair areas as needed. Repair sections of gym flooring that are delaminating. Provide acoustical panels at ceiling for noise control. Provide protective gymnasium floor cover and handling system. Repair mosaic tiles at entrance wall.

ADA Compliant?  YES  NO  N/A  
Approved by Audit Committee?  YES  NO  N/A DATE APPROVED: 2/15/05  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: 2/22/05  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Community Mtg./Dist. Commissioner Approval?  YES  NO  N/A DATES: \_\_\_\_\_  
Revisions to Original Scope?  YES  NO (If YES see Item 5 below)  
Time Approval  6 months  12 months Date for next Oversight Board Update: \_\_\_\_\_

4. CONCEPTUAL COST ESTIMATE BREAKDOWN  
Has a conceptual cost estimate been developed based upon the initial established scope?  YES  NO If yes,  
DESIGN COST: \_\_\_\_\_  
CONSTRUCTION COST: \_\_\_\_\_  
Is conceptual estimate within project budget?  YES  NO  
If not, have additional funds been identified?  YES  NO  
Source(s) of additional funds: \_\_\_\_\_  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

5. REVISIONS TO ORIGINAL SCOPE  
Individuals / Departments who provided input: \_\_\_\_\_

Justifications for change: \_\_\_\_\_  
Description of change: \_\_\_\_\_

Fiscal Impact  YES  NO HOW MUCH? \_\_\_\_\_  
Have additional funds been identified?  YES  NO  
Source(s) of additional funds: \_\_\_\_\_

Time impact \_\_\_\_\_  
Approved by Commission?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_  
Approved by Bond Oversight Board?  YES  NO  N/A DATE APPROVED: \_\_\_\_\_

6. COMMENTS: Gym constructed in 02 by Cazo Construction. Repairs need to be corrected. City Attorney investigating it. None of the damages were caused by hurricanes. Contractor not currently being used in City. Recommended that the Board receives Quarterly Reports from the City Attorney on attempts to recover funds. Who is the Architect of Records on this project and are we using them in CIP?

APPROVAL: [Signature] DATE: 2/22/05  
BOND OVERSIGHT BOARD

DESCRIPTION OF PROJECT: Scope is for the purpose of executing and issue a Work Order for the comprehensive design (actual permitted drawings) of the Little Haiti Park Recreational Component to Zyscovich, Inc. as lead consultant.

#### HD/NIB MOTION 05-10

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE PROFESSIONAL SERVICES WORK ORDER FOR LITTLE HAITI PARK CULTURAL COMPONENT.

MOVED: L. DE ROSA  
SECONDED: K. HANCOCK APFEL  
ABSENT: R. Cayard, L. Cabrera, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Professional Services Agreement for Bicentennial Park "Museum Park" Master Plan.

TOTAL DOLLAR AMOUNT: \$1.4 Million (Allocated \$650,000 to each Museum account as per Summary Report dated 1/24/05)

SOURCE OF FUNDS: CIP#333143-Museum of Science/CIP#333144-Miami Art Museum

DESCRIPTION OF PROJECT: Scope is for the purpose of executing a negotiated Professional Services Agreement (PSA) with Cooper, Robertson and Partners pursuant to Request for Qualifications (RFQ) NO. 03-04-022 to provide a Master Plan for Museum of Science (B30169) and Miami Art Museum (B30170) known as Bicentennial Park "Museum Park".

#### HD/NIB MOTION 05-11

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE PROFESSIONAL SERVICES AGREEMENT FOR BICENTENNIAL PARK "MUSEUM PARK" MASTER PLAN.

MOVED: L. DE ROSA  
SECONDED: M. CRUZ  
ABSENT: L. Cabrera, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- Elizabeth Virrick Park Community Center & Gymnasium Repairs.

TOTAL DOLLAR AMOUNT: \$424,322

SOURCE OF FUNDS: Homeland Defense/Neighborhood Improvement Bond-Interest

DESCRIPTION OF PROJECT: Scope includes removing Travertine Marble from the top of the first floor tie beam to the decorative foam molding. Provide waterproofing and new texture stucco. Repair front entrance tie-beam stucco. Manufacture and install aluminum cap for all parapet walls. Remove expansion joint material at all lower-level travertine tiles and re-install to match color of stone. Repair water damage at interior walls at basketball hoop brackets. Repair scoreboard at Southeast corner and repair water leak at window. Paint all repair areas as needed. Repair sections of gym flooring that are delaminating. Provide acoustical panels at ceiling for noise control. Provide protective gymnasium floor cover and handling system. Repair mosaic tiles at entrance wall.

HD/NIB MOTION 05-12

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION TO FUND THE ELIZABETH VIRRICK PARK COMMUNITY CENTER AND GYMNASIUM REPAIRS PROJECT.

MOVED: M. REYES  
SECONDED: W. HARVEY  
ABSENT: L. Cabrera, J. Reyes

Note for the Record: Motion passed by unanimous vote of all Board Members present.

- 1501 SW 9 Street – Parking Lot Construction. – Revision to Original Scope.

ADDITIONAL FUNDS REQUESTED: \$71,621

SOURCE OF FUNDS: H.D.N.I. Bonds – Calle Ocho Improvements

DESCRIPTION OF PROJECT: Scope includes the furnishing of labor, materials and equipment to build a new parking lot to include the following features: site work, drainage, fencing, landscaping, irrigation and electrical.

HD/NIB MOTION 05-13

A MOTION TO APPROVE THE AUDIT COMMITTEE'S RECOMMENDATION FOR ADDITIONAL FUNDING FOR THE CONSTRUCTION OF A PARKING LOT PROPOSED AT 1501 S.W. 9 STREET (BEHIND TOWER THEATER).

MOVED: G. RESHEFSKY  
SECONDED: M. REYES  
ABSENT: L. Cabrera, J. Reyes, A. Sumner

Note for the Record: Motion passed by unanimous vote of all Board Members present.

**UPDATES:**

**1. FEC Corridor Initiatives.**

Carmen Sanchez, Planning Department, reported that the regulating plan and economic development component and transportation piece are still pending. This function is now absorbed by the Miami 21 project. Another status report will be given after discussion with the Commissioner of area.

**2. Model City Trust – Replacement of HOME Investment Partnership Funds.**

Marva Wiley, President of Model City Community Revitalization District Trust, reported that a total of \$3,615,000 has been approved by the HD/NIB board for retrospective and current acquisition. There is a balance of \$1,020,000 remaining currently. Following is a list of projects proposed to be funded with the balance of funds: