

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AT ITS JULY 30, 2021 MEETING, TO ESTABLISH A SPONSORSHIP PROGRAM WITH THE SABRINA COHEN FOUNDATION, INC (FOUNDATION) TO SECURE FUNDING FOR A FULLY ADAPTIVE PARK PROJECT AT BEACH VIEW PARK AND THE ADAPTIVE RECREATION CENTER (CENTER) THROUGH NAMING RIGHTS OR OTHER SPONSORSHIP OPPORTUNITIES (SPONSORSHIPS) RELATED TO THE PARK PROJECT ELEMENTS, SUBJECT TO APPROVAL OF SPONSORSHIPS BY THE CITY COMMISSION AND COMPLIANCE WITH REGULATORY REQUIREMENTS; AND APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 3 TO THE COLLABORATION, FUNDING AND MANAGEMENT AGREEMENT BETWEEN THE CITY AND THE FOUNDATION, ESTABLISHING THE GUIDELINES FOR THE SPONSORSHIP PROGRAM; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINAL AMENDMENT AND ANY ADDITIONAL DOCUMENTS OR AGREEMENTS REQUIRED TO EFFECTUATE THE COMMITTEE'S RECOMMENDATION.

WHEREAS, on October 31, 2017, the City Commission adopted Resolution No. 2017-30082, approving a Management Agreement with the Sabrina Cohen Foundation (the "Foundation"), for the Foundation to raise the funds and be responsible for all of the expenses related to the City's design, development, and construction of an Adaptive Recreation Center (the "Center") to be located within a portion of the City's P72 surface parking lot at 53rd Street and Collins Avenue; and

WHEREAS, the Agreement provides that the City would be the owner of the Center, which would be used for the primary purpose of providing the general public and, specifically persons living with physical and cognitive disabilities with an accessible access point to the beach and related beach programming; and

WHEREAS, on July 2, 2018, the Mayor and City Commission adopted Resolution No. 2018-30377, approving the Foundation's proposed Concept Plan for the Center; and

WHEREAS, on January 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-30671, approving Amendment No. 1 to the Agreement, updating certain technical references, consistent with the Concept Plan approved by the City Commission on July 2, 2018 and applicable provisions of the City Code; and

WHEREAS, on July 31, 2019, the Mayor and City Commission adopted Resolution No. 2019-30922, approving Amendment No. 2 to the Agreement, extending the fundraising schedule and deadlines in the Agreement by 12 months in order to provide the Foundation with additional time to raise donations for the design and construction of the Center; and

WHEREAS, due to the COVID-19 emergency, the Foundation was entitled to an extension to their fundraising schedule and deadline, which is set to expire in September 2021; and

WHEREAS, the project includes a new 3-story wellness center that will house an adaptive gym, rooftop pool, robotics lab, locker rooms, and storage space for the Adaptive Beach Days Program and the cost of the project is currently estimated at \$15 to \$20 million to be funded entirely by private donations; and

WHEREAS, funding has been secured through the Miami-Dade County Building Better Communities General Obligation Bond Program, from which the County has allocated \$577,000 for the design and construction of public infrastructure improvements associated with the development of an inclusive outdoor park; and

WHEREAS, this project is separate from the Adaptive Recreation Center and not included in the management agreement; and

WHEREAS, on April 29, 2021, the Mayor and City Commission adopted Resolution No. 2021-31683, accepting a grant allocation; and

WHEREAS, the funds will be provided to the City on a reimbursement basis, and in addition to the \$577,000, the Foundation has separately identified \$73,000 in additional funds to be donated to the City and applied to the project; and

WHEREAS, during the June 11, 2021 Finance and Economic Resiliency Committee (FERC) meeting, the Committee recommended that the City appropriate and match, dollar for dollar, future donations made to the Foundation for the design and construction of the Center, up to an amount not-to-exceed \$1.6 million from the settlement agreement between Ocean Terrace Holding and its related entities, and further provided that the Foundation be required to raise the funds within a period of time specified by the Mayor and City Commission; and

WHEREAS, on June 23, 2021, the Mayor and City Commission adopted Resolution No. 2021-31751, directing the City to appropriate an amount not-to-exceed \$2.5 million, for the City to match future donations made to the Foundation for the design and construction of the Center, provided that the Foundation raise the funds within a period of time to be determined by the Mayor and City Commission; and

WHEREAS, the Foundation approached the City with the concept of developing an outdoor fully adaptive park ("Park Project") at the City's Beach View Park, located adjacent to the Center; and

WHEREAS, the Foundation has the ability to raise funds through a donor recognition program in connection with the elements of the Park Project which could be used to fund the Park Project, and once fully funded, all surplus funds would be allocated to the development of the Center; and

WHEREAS, during the July 30, 2021 FERC meeting, the Committee recommended the approval of the Park Project scope and conceptual plan; the approval of the Foundation's donation to the City, in the amount of up to \$73,000 for the Park Project; that the City collaborate with the Foundation to leverage additional funding and offset additional costs for the Park Project, and for the design and construction of the Center; and further recommended that the Administration meet with the Middle Beach Association to discuss the Park Project; and

WHEREAS, additional funding would be secured through sponsorships in the form of, but not limited to, a brick paver program and the naming opportunities of park amenities and will be recognized in the form of a small plaque or on a donor board located within the park; and

WHEREAS, outlined below are the initial proposed sponsorship opportunities, which are subject to modification during the fundraising efforts:

Naming Opportunities

- Art Installation: \$25,000
- The Pathway of Inclusion: \$150,000
- Bridge to the Beach: \$150,000
- 1st of its kind Beach Viewing Platforms (North & South): \$150,000 each
- Outdoor Fitness Area: \$100,000
- Equipment in Outdoor Fitness Area: \$25,000 each
- Plant Sculpture Mazes: \$100,000
- Butterfly Garden: \$100,000
- Climbing Mounds/Open Play Space: \$100,000
- Picnic Benches: \$10,000 each
- Children's Outdoor Playground:
- "The Classroom": \$150,000
- Zipline: \$100,000
- Swings: \$100,000
- Play Structure/Slides: \$100,000

Approval Process:

Recognition from the naming opportunities will follow all established City standards. It will require a positive recommendation from Neighborhoods and Quality of Life Committee and approval from the full City Commission, and if required under the City's Code of Ordinances, it may be followed by a public hearing and a 5/7th City Commission vote, to approve a Land Development Regulations (LDRs) waiver, as per Section 138-5 of the City Code, entitled, "General advertising signs," which specifically states: "[n]o general advertising sign shall be constructed, erected, used, operated or maintained in the City,"

Brick Paver Program: "The Pathway to Inclusion"

As part of the plans for the project, a new and improved ADA accessible pathway within the park will be created. There is an opportunity for 11,000 bricks to be purchased for the following fee:

- 4" x 8" Bricks: \$500
- 8" x 8" Bricks: \$1,000

Approval Process:

Recognition from the brick paver program will follow all established City standards. All pavers are subject to approval by the City Manager or her designee; and

WHEREAS, the Administration recommends approving, in substantial form, Amendment No. 3 to the Collaboration, Funding and Management Agreement, incorporated herein by reference and attached to the City Commission Memorandum accompanying this Resolution; said Amendment memorializing the cooperation between the City and the

Foundation, relating to the naming rights and sponsorship opportunities ("Sponsorships") associated with the Park Project elements ("Sponsorship Program"); and further authorizing the City Manager to execute any additional documents or agreements which may be required to effectuate the Committee's recommendations.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and accept the recommendation of the Finance and Economic Resiliency Committee, at its July 30, 2021 meeting, to establish a Sponsorship Program with the Sabrina Cohen Foundation, Inc (Foundation) to secure funding for a fully adaptive park project at Beach View Park and the Adaptive Recreation Center (Center) through naming rights or other sponsorship opportunities related to the Park Project elements, subject to approval of Sponsorships by the City Commission and compliance with regulatory requirements; and approve, in substantial form, Amendment No. 3 to the Collaboration, Funding and Management Agreement between the City and the Foundation, establishing the guidelines for the Sponsorship Program; and further authorize the City Manager and City Clerk to execute the final Amendment and any additional documents or agreements required to effectuate the Committee's recommendation.

PASSED and ADOPTED this 17th day of September 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Nick Calleri 9/9/2021
for City Attorney Date