

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE PROPOSAL FROM THE SABRINA COHEN FOUNDATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION ("FOUNDATION"), FOR THE FOUNDATION, A PUBLIC CHARITY, TO FUND-RAISE AND CONTRIBUTE ALL OF THE EXPENSES RELATED TO THE CITY'S DESIGN, DEVELOPMENT AND CONSTRUCTION OF A CITY-OWNED PARKS AND RECREATION FACILITY (THE "FACILITY" OR "CENTER"), TO BE LOCATED AT A PORTION OF THE CITY'S "P72" SURFACE PARKING LOT AT 53RD STREET AND COLLINS AVENUE (THE "P72 LOT"), AND WHICH FACILITY, ONCE COMPLETED, WILL BE USED AS AN ADAPTIVE RECREATION CENTER SERVING PERSONS WITH PHYSICAL AND COGNITIVE DISABILITIES, INCLUDING SENIORS LIVING WITH DISABILITIES AND ABLE-BODIED INDIVIDUALS WITH TEMPORARY INJURIES, WITH THE INTENT OF EXPANDING THE CITY'S ACCESSIBLE BEACH PROGRAMMING FOR THE BENEFIT OF THE GENERAL PUBLIC; PROVIDING THAT THE FOOTPRINT FOR THE FACILITY SHALL BE APPROXIMATELY, BUT NOT MORE THAN, 5,000 SQUARE FEET, WITH A MAXIMUM HEIGHT OF TWENTY FOUR (24) FEET, AND CONTAINING A BUILDING HAVING NO MORE THAN 10,000 SQUARE FEET, WITH THE FINAL LOCATION FOR THE FACILITY AT THE P72 LOT TO BE DETERMINED BY THE CITY COMMISSION; PROVIDING THAT ALL PLANS AND SPECIFICATIONS FOR THE FACILITY SHALL BE SUBJECT TO APPROVAL BY THE CITY; AND FURTHER, PROVIDING FOR THE FOUNDATION TO MANAGE, OPERATE AND MAINTAIN THE ADAPTIVE RECREATION CENTER ON THE CITY'S BEHALF, FOR A TERM OF NINE (9) YEARS, COMMENCING UPON THE CITY'S COMPLETION OF THE CONSTRUCTION OF THE FACILITY; FURTHER ACCEPTING THE WRITTEN RECOMMENDATION OF THE CITY MANAGER (AS FURTHER SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION) AND WAIVING, BY 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND APPROVING, IN SUBSTANTIAL FORM, A FUNDING, COLLABORATION AND MANAGEMENT AGREEMENT WITH THE FOUNDATION; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT SUBSTANTIALLY IN THE FORM ATTACHED TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION.

WHEREAS, since 2015, the City of Miami Beach, Florida ("City") has explored opportunities to provide greater access to the City's beaches to persons living with physical and cognitive disabilities, including through development of a wellness center on City-owned property; and

WHEREAS, the City is the owner of certain real property located at and around 5301 Collins Avenue, which includes City Fire Station 3, the parking lot areas east and south of Fire Station 3, Beach View Park, and associated facilities (the "Property"); and

WHEREAS, in an effort to provide enhanced recreational programming at Beach View Park and greater access to the City's beaches, the City desires to expand the footprint available

for Beach View Park facilities, without reducing any existing Park greenspace, and to use a portion of the Property to provide expanded parks and recreation services to the public, and persons living with physical and cognitive disabilities, including seniors living with disabilities, and able-bodied individuals with temporary injuries; and

WHEREAS, the FOUNDATION is a Florida not-for-profit corporation of the State of Florida, that exists as a 501(c)(3) public charity under the Internal Revenue Code, and currently operates a successful adaptive beach day program within the City of Miami Beach, with accessible beach programming at or near Allison Park; and

WHEREAS, in view of the limited funding available to the City to support its City-wide parks and recreational needs, the FOUNDATION approached the City with a proposal to provide the necessary funding for the design, development, and construction of a City-owned adaptive recreational facility (hereinafter referred to as the "Adaptive Recreation Center" or "Center") which, once completed, will be used in accordance with this Agreement for the purposes specified herein, with the intent of providing an accessible access point to the beach, and beach programming for persons living with physical and cognitive disabilities, including seniors living with disabilities and able-bodied individuals with temporary injuries; and

WHEREAS, on March 22, 2017, Commissioner Joy Malakoff sponsored a referral to the Finance and Citywide Projects Committee ("Finance Committee"), for discussion of a possible agreement with the FOUNDATION for the Center at the Property; and

WHEREAS, on April 17, 2017, the City conducted a community outreach meeting to obtain public input as to the conceptual terms of the FOUNDATION's proposal; and

WHEREAS, on April 22, 2017, the Finance Committee discussed the FOUNDATION's proposal for the Center, obtained public input with respect to the FOUNDATION's proposal, and directed the Administration to work with the FOUNDATION to develop an agreement with respect thereto; and

WHEREAS, the City and the FOUNDATION prepared an agreement with the proposed terms for the FOUNDATION's funding of the design, development and construction costs for the Center, and management and operation thereof, which was presented to the City Commission at its July 26, 2017 meeting; and

WHEREAS, at the July 26, 2017 City Commission meeting, following public input and discussion, the Mayor and City Commission endorsed the concept for the Center at the Property, and referred the proposed Agreement to the Finance Committee for further review and comment; and

WHEREAS, at the July 28, 2017 Finance Committee meeting, the Finance Committee discussed the terms of the proposed Agreement, provided additional direction to the Administration and City Attorney's Office with regard to proposed terms for the Agreement, and provided the public with an additional opportunity to comment on the proposed Agreement; and

WHEREAS, at the September 20, 2017 Finance Committee meeting, the Finance Committee considered a revised draft of the proposed Agreement (incorporating the Finance Committee's July 28, 2017 comments, as well as other negotiated terms), heard additional public input and comment, and favorably recommended that the City Commission approve this Agreement;

WHEREAS, the City would be the owner of the Facility, which will be used for the primary purpose of providing the general public and specifically, persons living with physical and cognitive disabilities, including seniors living with disabilities and able-bodied individuals with temporary injuries, with an accessible access point to the beach and related beach programming; and

WHEREAS, the Facility would be located on a portion of the P72 Lot adjacent to Beach View Park, with a footprint of approximately 5,000 square feet, and a maximum height of twenty four (24) feet (for a total of approximately 10,000 square feet); and

WHEREAS, the site map for the P72 Lot is attached as Exhibit "A" to the Commission Memorandum accompanying this Resolution, with the final location of the Facility within the P72 Lot to be determined by the City Commission as part of the design development process; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve, in substantial form, the proposed Funding, Collaboration and Management Agreement incorporated herein by reference and attached as Exhibit "B" to the Commission Memorandum accompanying this Resolution; with said management agreement having a term of nine (9) years, commencing upon the City's completion of construction of the Facility; and

WHEREAS, as set forth in the Commission Memorandum accompanying this Resolution, if the City Commission's direction is to proceed with the proposed project at the proposed location as set forth herein, the City Manager recommends the waiver of the competitive bidding requirements with respect to the Foundation's management of the Facility, for a term of nine (9) years, as being in the best interests of the City, in view of the Foundation's commitment to funding the design, development and construction costs for the Facility, and its experience with adaptive beach programming within the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission, hereby accept the proposal from the Sabrina Cohen Foundation, Inc., a Florida not-for-profit corporation ("Foundation"), for the Foundation, a public charity, to fund-raise and contribute all of the expenses related to the City's design, development and construction of a City-owned parks and recreation facility (the "Facility" or "Center"), to be located at a portion of the City's "P72" surface parking lot at 53rd Street and Collins Avenue (the "P72 lot"), and which Facility, once completed, will be used as an adaptive recreation center serving persons with physical and cognitive disabilities, including seniors living with disabilities and able-bodied individuals with temporary injuries, with the intent of expanding the City's accessible beach programming for the benefit of the general public; provide that the footprint for the Facility shall be approximately, but not more than, 5,000 square feet, with a maximum height of twenty four (24) feet, and containing a building having no more than 10,000 square feet, with the final location for the Facility at the P72 Lot to be determined by the City Commission; provide that all plans and specifications for the Facility shall be subject to approval by the City; and further, providing for the Foundation to manage, operate and maintain the adaptive recreation center on the City's behalf, for a term of nine (9) years, commencing upon the City's completion of the construction of the Facility; further accept the written recommendation of the City Manager (as further set forth in the City Commission memorandum accompanying this Resolution) and waive, by 5/7ths vote, the formal competitive bidding requirement, finding such waiver to be in the best interest of the City, and approve, in substantial form, a Funding, Collaboration and Management Agreement with the Foundation; and authorize the Mayor and City Clerk to execute an agreement substantially in the form attached to the Commission memorandum accompanying this Resolution.

PASSED and ADOPTED this _____ day of _____ 2017.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

PHILIP LEVINE, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Paul Coyne 9-20-17
City Attorney RAP Date