

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales

DATE: March 7, 2018

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO PROCEED WITH DESIGNATING FOUR CITY PROPERTIES AS GREEN REUSE AREAS PURSUANT TO FLORIDA'S BROWNFIELDS REDEVELOPMENT ACT, IN ORDER TO NEGOTIATE AND EXECUTE A BROWNFIELD SITE REHABILITATION AGREEMENT AND PREPARE AND FILE A VOLUNTARY CLEANUP TAX CREDIT APPLICATION.**

BACKGROUND

On January 19, 2018 the Finance and Citywide Projects Committee passed a motion recommending that the city proceed with designating four city properties (Maurice Gibb Park, the Fleet Maintenance Facility, the Former Par 3 Golf Course and the Miami Beach Convention Center District) as green reuse areas pursuant to Florida's Brownfields Redevelopment Act, in order to negotiate and execute a Brownfield Site Rehabilitation Agreement and prepare and file a voluntary cleanup tax credit application.

ANALYSIS

A brownfield is a property that is or was previously contaminated and, based on its previous land use, has been designated as such to help recuperate the typically high costs associated with its assessment, remediation, and redevelopment. There are four brownfields classifications which are assigned based on a property's previous land use history: a superfund site, a petroleum site, a formerly used defense site, and an industrial site. The Florida Department of Environmental Protection (FDEP) offers incentives for the remediation of brownfields. By designating existing contaminated sites as green reuse areas pursuant to Florida's Brownfields Redevelopment Act, the city can negotiate and execute a Brownfields Site Rehabilitation Agreement with Miami-Dade County, allowing the city to file a voluntary cleanup tax credit application for the reimbursement of eligible expenses associated with their restoration, among other possible benefits.

As of September 2017, the city owns seven properties with known contamination, which are required by State and County regulations to be assessed and remediated. The seven contaminated sites are:

1. Maurice Gibb Park (1700 Purdy Avenue)
2. The Fleet Maintenance Facility (140 MacArthur Causeway)
3. The Former Par 3 Golf Course (2300 Pine Tree Drive)
4. The Miami Beach Convention Center District (500 17 Street)
5. The Miami Beach Golf Course Material Recovery Facility (also known as the Green Waste Facility; 2800 Meridian Avenue)
6. The Miami Beach Golf Course (2301 Alton Road)
7. The Normandy Shores Golf Course (2401 Biarritz Drive)

The status of each property varies depending on when the on-site contamination was discovered and how much of its respective assessment and remediation activities have been completed. Staff recommends designating Maurice Gibb Park, the Fleet Maintenance Facility, the Former Par 3 Golf Course, and the Miami Beach Convention Center District because they have on-going assessments and are pending remediation, estimated to total over \$3.27 million (Table 1). The remaining three facilities are not being recommended for this designation because they are already in a monitoring only phase and do not require substantial assessment or remediation work at this time.

Cost Associated with Miami Beach Contaminated Sites Recommended for Brownfield Designation by Fiscal Year		
Contaminated Site	FY 2017 Actual Costs	FY 2018 Projected Costs*
Maurice Gibb Park	\$41,875.03	\$800,000
Fleet Maintenance Facility	\$4,036.61	\$6,000
Former Par 3 Golf Course	\$0	\$2,110,000
Miami Beach Convention Center District	\$0	\$350,000
Totals	\$48,123.31	\$3,266,000

*Estimates for Maurice Gibb Park, Fleet Maintenance and Miami Beach Convention Center District provided by the Environment and Sustainability Department. Estimate for Former Par 3 Golf Course provided by the Capital Improvement Projects Department.

Designating a contaminated property as a green reuse area requires a complex multi-step process, including posted signage on each site, the preparation and submittal of detailed documentation to FDEP, negotiation with Miami-Dade County to execute a Brownfield Site Rehabilitation Agreement per site, and the formation of a Brownfields Advisory Committee comprised of a balanced group of stakeholders across sectors. Staff has identified Goldstein Environmental Law Firm, P.A., an environmental law firm with extensive experience in green reuse area designation, to lead the process and ensure it goes smoothly. Based upon the number of sites the city shall seek to remediate, the City Attorney shall then execute a refundable retainer agreement with Michael Goldstein, and the Goldstein Environmental Law Firm, P.A. for an estimated \$31,500 per property. The cost of these services can be paid from the remediation budget for each project as it is associated with their completion and will yield a substantial return on their assessment and remediation costs.

CONCLUSION

The Administration recommends moving forward with designating all four properties as green reuse areas; with negotiating and executing a Brownfield Site Rehabilitation Agreement with Miami-Dade County for each; and, with preparing and filing a voluntary cleanup tax credit application for the same.

SMT/ESW/MKW