

RESOLUTION NO. 2018-30377

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN THE CITY'S PROPRIETARY CAPACITY, THE SABRINA COHEN FOUNDATION INC.'S ("FOUNDATION") PROPOSED CONCEPT PLAN (OPTION 1) FOR THE ADAPTIVE RECREATION CENTER TO BE DEVELOPED ON THE NORTHEAST CORNER OF THE CITY PROPERTY LOCATED AT 5301 COLLINS AVENUE, PURSUANT TO SECTION 6.2 OF THE COLLABORATION, FUNDING, AND MANAGEMENT AGREEMENT BETWEEN THE CITY AND THE FOUNDATION, DATED NOVEMBER 2, 2017 ("AGREEMENT"); FURTHER, COMMENCING THE THREE (3) YEAR PERIOD FOR THE FOUNDATION TO CONDUCT THE NECESSARY FUND-RAISING FOR THE DEVELOPMENT, DESIGN AND CONSTRUCTION OF THE ADAPTIVE RECREATION CENTER, PURSUANT TO SECTION 7.1 OF THE AGREEMENT; AND FURTHER, PROVIDING THAT THE CONCEPT PLAN AND RELATED DESIGN DEVELOPMENT FOR THE ADAPTIVE RECREATION CENTER SHALL BE SUBJECT TO AND CONTINGENT UPON ALL REGULATORY APPROVALS REQUIRED UNDER THE CITY'S CODE OF ORDINANCES.

WHEREAS, on October 31, 2017, following significant input and discussion at meetings of the Finance and Citywide Projects Committee and the City Commission between March, 2017 and September, 2017, the Mayor and City Commission adopted Resolution No. 2017-30082, approving a Funding, Collaboration and Management Agreement (the "Agreement") with the Sabrina Cohen Foundation, Inc. (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 ("Center") to be located at a portion of the City's "P72" surface parking lot at the 53rd Street and Collins Avenue (the "P72 Lot"); and

WHEREAS, the City would be the owner of the Center, 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 Center 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, as required by the Agreement, the Foundation, working with the Kobi Karp design team, has submitted its Concept Plan for the City Manager's review and comment. The proposed Concept Plan, reflecting and incorporating comments provided by the Administration, is attached hereto as Exhibit "B" to the Commission Memorandum accompanying this Resolution; and

WHEREAS, for the reasons as set forth in the Commission Memorandum accompanying this Resolution, the Administration recommends approval of the Option 1 Concept Plan, with the Center to be positioned on the northeast corner of the P72 Lot.

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 approve, in the City's proprietary capacity, the Sabrina Cohen Foundation Inc.'s ("Foundation") proposed concept plan (Option 1) for the Adaptive Recreation Center to be developed on the northeast corner of the City property located at 5301 Collins Avenue, pursuant to

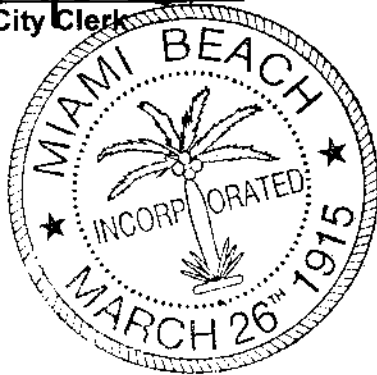
Section 6.2 of the Agreement between the City and the Foundation, dated November 2, 2017; further, commencing the three (3) year period for the Foundation to conduct the necessary fund-raising for the development, design and construction of the Adaptive Recreation Center, pursuant to Section 7.1 of the Agreement; and further, providing that the concept plan and related design development for the Adaptive Recreation Center shall be subject to and contingent upon all regulatory approvals required under the city's code of ordinances.

PASSED and ADOPTED this 2 day of July 2018.

ATTEST:


Dan Gelber, Mayor

78 July 9, 2018
Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 6/20/18
City Attorney Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: July 2, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN THE CITY'S PROPRIETARY CAPACITY, THE SABRINA COHEN FOUNDATION INC.'S ("FOUNDATION") PROPOSED CONCEPT PLAN (OPTION 1) FOR THE ADAPTIVE RECREATION CENTER TO BE DEVELOPED ON THE NORTHEAST CORNER OF THE CITY PROPERTY LOCATED AT 5301 COLLINS AVENUE, PURSUANT TO SECTION 6.2 OF THE COLLABORATION, FUNDING, AND MANAGEMENT AGREEMENT BETWEEN THE CITY AND THE FOUNDATION, DATED NOVEMBER 2, 2017 ("AGREEMENT"); FURTHER, COMMENCING THE THREE (3) YEAR PERIOD FOR THE FOUNDATION TO CONDUCT THE NECESSARY FUND-RAISING FOR THE DEVELOPMENT, DESIGN AND CONSTRUCTION OF THE ADAPTIVE RECREATION CENTER, PURSUANT TO SECTION 7.1 OF THE AGREEMENT; AND FURTHER, PROVIDING THAT THE CONCEPT PLAN AND RELATED DESIGN DEVELOPMENT FOR THE ADAPTIVE RECREATION CENTER SHALL BE SUBJECT TO AND CONTINGENT UPON ALL REGULATORY APPROVALS REQUIRED UNDER THE CITY'S CODE OF ORDINANCES.

RECOMMENDATION

Mayor and City Commission approval of Concept Plan option 1, with the building positioned on the northeast corner of the property.

ANALYSIS

Since May 2016, the Sabrina Cohen Foundation, Inc. ("Foundation") has operated an Adaptive Beach Day program, serving over 600 unique visitors including Miami Beach, Miami-Dade and Broward residents as well as tourists from abroad. Visitors have included persons with physical and cognitive disabilities, including seniors living with disabilities, veterans, and children with special needs. The program has volunteers ranging from high school students to trained professionals. Each Beach Day is consistently averaging approximately 100 visitors, with 25-40 disabled participants. In the last year, the Foundation has had over 800 individuals sign-in for an Adaptive Beach Day. More information on the Foundation and its Leadership can be found at: <http://sabrasadadaptivebeach.com/>.

Following significant input and discussion at meetings of the Finance and Citywide Projects Committee and the City Commission between March, 2017 and September, 2017, on October 31, 2017, the Mayor and City Commission adopted Resolution No. 2017-30082, approving a Funding, Collaboration and Management Agreement (the "Agreement") with the Sabrina Cohen Foundation,

Inc. (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 to be located at a portion of the City's "P72" surface parking lot at the 53rd Street and Collins Avenue (the "P72 Lot"). A copy of the October 31, 2017 Resolution and the Agreement are attached hereto as Exhibit "A."

The Agreement includes, among other provisions, the following pertinent key terms:

- The Foundation, as a public charity, will raise 100% of the funding required for the design, development and construction of a City-owned Facility, with no City funds used for the development of the Facility.
- The City would not proceed with the design and construction of the Facility until the Foundation has raised sufficient funds for design and construction, and has transferred such funds to the City.
- **Within six months following the execution of the Agreement, the Foundation shall submit a draft concept plan, including a proposed operating plan with sufficient detail to enable the City to accurately estimate the construction costs, the costs of FF&E, and the operation and maintenance costs of the Facility.**
- The City would be the owner of the Facility, with the primary purpose of providing the general public and specifically, persons 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. In the event the Foundation is unable to operate the Center, the City will exercise good faith efforts to identify another qualified vendor to assume the maintenance and programming obligations for the Center, and in the event the City is unable to secure an agreement with another qualified vendor, the Center shall be used for the most closely related Parks Department purposes, which may include general wellness programming, in combination with beach accessibility programming.
- **The Foundation's proposed concept design ("Concept Plan") shall be subject to City Commission approval in its proprietary capacity (in addition to approvals required by applicable regulatory boards). At a minimum, the Concept Plan shall include landscaped, vegetative "green" roof elements, and shall ensure public access to the beach is not blocked.**
- Following City Commission approval of the Concept Plan, the Foundation agrees to a schedule of fundraising thresholds and deadlines based upon the cost estimates associated with the Concept Plan (i.e. 25% of funds raised by end of year one following City Commission's approval of the Concept Plan; 50% by end of year two following City Commission's approval of the Concept Plan; and 100% by end of year three following City Commission's approval of the Concept Plan). The City may terminate the agreement if any of the foregoing deliverables and deadlines are not met, following a notice and thirty (30) day cure period.
- The Facility would be located on a portion of the P72 surface parking lot adjacent to Beach View Park, with a footprint of approximately 5,000 square feet, and a maximum of two stories (for a total of approximately 10,000 square feet). **The final location of the Facility within the P72 Lot shall be determined by the City Commission as part of the design development process.**
- **The Facility would not impact any greenspace**, and would be designed and developed with

the intent of minimizing impacts to parking spaces. The City shall further have the right to close the Facility for up to fourteen (14) days per year to accommodate high impact City-wide special events (such as the boat show).

- In no event shall the Facility be used as a hall for hire, banquet hall, or similar third-party venue rental, or for the sale of alcoholic beverages.
- If the Foundation raises the funding and the Facility is built, the Foundation would also manage and operate the Center on the City's behalf, for a term of nine (9) years. (The Foundation has offered a nine (9) year term for its management of the Center, reduced from the original proposal of a term of nine years and 364 days).
- All operational and maintenance costs would be the responsibility of the Foundation (except for capital repairs, if any, which shall be the responsibility of the City, in the same manner as the City would ordinarily provide for other City-owned facilities, and comparable to terms of other City management agreements with non-profit organizations, such as City's agreement with Unidad or the Miami Design Preservation League).
- The City retains broad rights to terminate the Agreement for its convenience, including, without limitation, if the Foundation fails to achieve its fundraising milestones within the time specified in the Agreement.
- The City Manager or his or her designee shall be a voting member of the Foundation's Board of Directors.

As required by the Agreement, the Foundation, working with the Kobi Karp design team, has submitted its Concept Plan for the City Manager's review and comment. The proposed Concept Plan, reflecting and incorporating comments provided by the Administration, is attached hereto as Exhibit "B."

The Administration has reviewed the Foundation's Concept Plan options for the Adaptive Recreation Center, and is recommending approval of **Option 1**, which has the building positioned on the northeast corner of the property. Specifically, the Administration believes that the placement of the Center at this location would be the most efficient option and would minimize the loss of parking spaces at the P72 Lot, as a portion of the site is currently used for storage of Ocean Rescue equipment that could be moved elsewhere. In addition, the placement of the Center at the northeast corner would not impact the Army Corps of Engineers' occasional use of the P72 Lot to conduct beach renourishment efforts that are required from time to time.

Planning Analysis

The recreation center proposed under Option 1 is consistent with all applicable sections of the Land Development Regulations of the City Code. In this regard, the interior side and rear setback requirements have been met, and the proposed overall height of 24 feet above Base Flood Elevation plus maximum Freeboard (BFE + 5 feet) is well under the Code limit of 200 feet. The projections above 200 feet (eg restrooms, stairs, elevators and pool deck) are all allowable height exceptions under the code, and would be permitted above the maximum district height of 200 feet.

The Planning Department has completed a massing study for a future new fire station within the northern portion of the property (Exhibit D). The study includes options for a 2 and 3 story fire station and concludes that the construction of the Adaptive Recreation Center on the identified NE corner will not hinder the future development of the new fire station.

Parking Analysis

The preferred option, Option 1 (building positioned on NE corner), would result in a loss of 30 (15 public and 15 in fire station lot) parking spaces.

Option 2 (building positioned in the center), would result in a loss of 41 parking spaces.

Option 3 (building positioned on SE corner), would result in a loss of 45 parking spaces.

At this time, there are no planned increases in ADA parking spaces for any of the options. If an increase in spaces is requested, it will be discussed at a later date.

Fire Department Analysis

It is the Fire Department's main concern that this concept does not hinder the Fire Department's future new fire station. This was addressed through the Planning Department's massing study mentioned earlier.

Operating Costs

Administration has reviewed the proposed budget and operation plan and believes it is acceptable; however it will be vetted again as the plan develops further.

Legislative Tracking

Parks and Recreation

ATTACHMENTS:

Description

- Resolution
- Exhibit A – Resolution No. 2017-30082
- Exhibit B – Collaboration, Funding and Management Agreement with The Sabrina Cohen Foundation, Inc.
- Exhibit D - Massing Study Fire Station at 5301 Collins Avenue
- Exhibit C – The Sabrina Cohen Foundation, Inc.'s Draft Concept Plan and Budget & Operation Plan Submission to the Cit

RESOLUTION NO. 2017-30082

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.

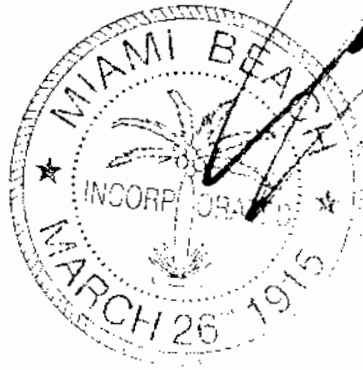
NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission, hereby accept the proposal from the Sabrina Cohen Foundation, Inc., a Florida not-for-profit corporation ("Foundation"), for the Foundation, a public charity, 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 31 day of October 2017.

ATTEST:

RE 11/3/17
RAFAEL E. GRANADO, CITY CLERK

[Signature]
PHILIP LEVINE, MAYOR



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 9-20-17
City Attorney RAP Date