

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, TO AWARD REQUEST FOR PROPOSALS NO. 2023-115-KB, FOR THE REDEVELOPMENT OF THE CITY-OWNED PROPERTY LOCATED AT 1940 PARK AVENUE (THE BARCLAY) AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS FOR A DEVELOPMENT AND GROUND LEASE AGREEMENT WITH 1940 BARCLAY PARTNERS, LLC, THE SOLE PROPOSER, WITH THE FINAL MATERIAL TERMS FOR THE PROJECT SUBJECT TO THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION; AND FURTHER, REFERRING THE PROPOSED PROJECT AND ANY ACCOMPANYING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, THE LAND USE AND SUSTAINABILITY COMMITTEE, AND THE PLANNING BOARD FOR REVIEW, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY CODE.

WHEREAS, on April 6, 2022, the Mayor and City Commission approved the recommendation of the Finance and Economic Resiliency Committee (the "FERC") to direct the Administration to develop a Request for Proposals (RFP) for the redevelopment of the Property); and

WHEREAS, on November 16, 2022, the Mayor and City Commission authorized the issuance of RFP 2023-115-KB for the redevelopment of the City-Owned Property Located at 1940 Park Avenue (The Barclay) and the RFP was issued on December 16, 2022; and

WHEREAS, the City received a sole proposal from The Barclay Partners LLC, now 1940 Barclay Partners, LLC ("Legacy" or the "Developer"), a joint venture between Urban American and Legacy Real Estate Development LLC.; and

WHEREAS, on March 21, 2023, the Evaluation Committee appointed by the City Manager convened to consider the proposals received, the Committee was comprised of: Ozzie Dominguez, Asset Management Division Director, Facilities and Fleet Management Department; Ariel Guitian, Senior Capital Projects Coordinator, Capital Improvement Projects Office; Marcela Rubio, Assistant Director, Office of Housing and Community Services Department; and Heather Shaw, Assistant Director, Economic Development Department; and

WHEREAS, the Committee was provided an overview of the project and information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law and was also provided general information on the scope of services and a copy of each proposal and was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP; and

WHEREAS, no ranking is available as the proposal from Legacy was the sole proposal; however, the Evaluation Committee scored the proposal highly with an average score of 87 out of 100 available points based on the evaluation criteria in the RFP; and

WHEREAS, on September 13, 2023, the City Commission unanimously directed separate, simultaneous discussions with RFP proposer Legacy, and the Housing Authority, who had not submitted a proposal pursuant to the RFP; and

WHEREAS, while still subject to the Cone of Silence, the Administration held discussions with Legacy, as directed by the City Commission, on nine (9) occasions between the September 13, 2023 City Commission and February 22, 2024 FERC meetings; and

WHEREAS, following Commission direction provided at the September 13, 2023 City Commission meeting, the Administration met with Housing Authority staff on two (2) occasions before the Housing Authority authorized a potential partnership with Legacy pursuant to HACMB Reso. No. 2024-01; and

WHEREAS, at the December 13, 2023 City Commission meeting, Vice Mayor Rosen Gonzalez sponsored a resolution to terminate the RFP and refer an item to FERC to discuss identification of funds including possible use of Arts and Culture General Obligation (G.O.); and

WHEREAS, On January 30, 2024, the Housing Authority Board of Commissioners passed HACMB Resolution No. 2024-01, approving negotiations with Legacy to partner in developing the Property; and

WHEREAS, at the January 31, 2024 City Commission meeting, item R7F, a proposed resolution to terminate the RFP and commence the process to identify funding for City renovation of the Property, was withdrawn by its sponsor; however, the City Commission adjourned the January 31, 2024 meeting before considering companion item R9 M, an update by the Administration on the status of RFP discussions; and

WHEREAS, on February 23, 2024, pursuant to the City Commission's referral on September 13, 2023, the FERC discussed Legacy's Proposal dated February 13, 2024; and

WHEREAS, during its February 23, 2024 meeting, the FERC requested that the Developer explore refining certain proposal terms and return to the March 2024 FERC meeting with multiple development scenarios reflecting how compensation to the City would be affected by adjustments to the tenant affordability mix, among other variables impacting Legacy's proposal; and

WHEREAS, at the February 23, 2024 FERC meeting, Commissioner Rosen Gonzalez withdrew her companion referral item C4 E, to discuss the conveyance of the Property to the Housing Authority; and

WHEREAS, the FERC unanimously passed a motion for the remaining item (originating on September 13, 2023 as R9 M) to return the following month when the Developer could present multiple development scenarios and financial terms to assist the Committee in discussion of a recommended redevelopment strategy without engaging in further discussions with staff; and

WHEREAS, following the February 23, 2024 FERC meeting, the Developer modified proposal terms and provided additional potential development scenarios in the Updated Proposal dated March 13, 2024; and

WHEREAS, on March 24, 2024, the FERC reviewed five (5) development options from the Developer which differed in approach towards historic preservation of the existing structure, proposed financial benefits to the City, affordability mix of the residential tenants, and architectural design; and

WHEREAS, the FERC recommended at its March 22, 2024 meeting that the City Commission award RFP 2023-115-KB to 1940 Barclay Partners, LLC, based on the Proposal dated March 13, 2024, Option 2, provided that the financial proposal includes a minimum Upfront Payment of \$6 million; and further, that the City Commission authorize the Administration to enter into negotiations with 1940 Barclay Partners, LLC, with the final material terms of the Project to be subject to the prior approval of the Mayor and City Commission.

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 accept the recommendation of the Finance and Economic Resiliency Committee, to award Request for Proposals No. 2023-115-KB, for the Redevelopment of the City-owned property located at 1940 Park Avenue (the Barclay) and authorize the Administration to enter into negotiations for a development and ground lease agreement with 1940 Barclay Partners, LLC, the sole proposer; require the final material terms of the project be subject to the prior approval of the Mayor and City Commission; and further, refer the proposed project and any accompanying proposed amendments to the City's land development regulations to the Finance and Economic Resiliency Committee, the Land Use and Sustainability Committee, and the Planning Board for review in accordance with the requirements of the City Code.


PASSED AND ADOPTED this _____ day of _____ 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 3-27-24
City Attorney *BA* Date