



City of Miami

Legislation

Resolution

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 13-00836

Final Action Date:

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), CALLING FOR A REFERENDUM SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2013, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF MIAMI, FOR THEIR APPROVAL OR DISAPPROVAL THE FOLLOWING REFERENDUM BALLOT QUESTION, "SHALL THE CITY BE AUTHORIZED TO LEASE APPROXIMATELY 7 ACRES OF WATERFRONT LAND IN COCONUT GROVE TO GROVE BAY INVESTMENT GROUP, LLC, FOR \$1.8 MILLION OF MINIMUM GUARANTEED ANNUAL RENT UPON COMPLETION AND APPROXIMATELY \$17.9 MILLION OF PRIVATELY FUNDED IMPROVEMENTS TO REDEVELOP AN EXISTING MARINA, CONSTRUCT RESTAURANTS, IMPROVE THE PUBLIC BAYWALK, FUND A PORTION OF A PARKING GARAGE, AND OTHER IMPROVEMENTS, WHICH LEASE SHALL HAVE A 50 YEAR TERM WITH TWO 15 YEAR RENEWAL OPTIONS?"; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER, DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THIS RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN 45 DAYS PRIOR TO THE DATE OF SUCH REFERENDUM SPECIAL ELECTION.

WHEREAS, the City of Miami ("City") owns a property located at 3385 Pan American Drive, 3351 and 3377 Charthouse Drive, Miami, Florida 33133 ("Property"); and

WHEREAS, the City issued Request for Proposals #12-13-001 ("RFP") on January 11, 2013 to solicit an integrated package of planning, design, construction, leasing and management services from the private sector to operate the Property; and

WHEREAS, two (2) proposals were initially received and deemed responsive in accordance with the RFP's terms and conditions; and

WHEREAS, one of the proposers withdrew their proposal due to unforeseen circumstances; and

WHEREAS, pursuant to the RFP, the City Manager constituted a Technical Review Committee and a Financial Review Committee, each consisting of three (3) members, to review proposals for purposes of feasibility related to planning and zoning restrictions and financial capabilities respectively and reported their findings to the Selection Committee; and

WHEREAS, pursuant to the RFP, the City Manager duly appointed five (5) members to the Selection Committee, to evaluate proposals received in response to the RFP; and

WHEREAS, the Selection Committee met on June 4, 2013 to hear the oral presentations of the

two (2) proposals; and

WHEREAS, the Selection Committee then met on June 26, 2013 to: (i) evaluate proposals; (ii) consider the minimum threshold standards; (iii) evaluate criteria and scoring values assigned; and (iv) determine a rank order based on the score achieved and render a written report to the City Manager of its findings; and

WHEREAS, based on the RFP's requirements, the Selection Committee recommended that the City Manager negotiate and execute a Lease ("Lease") with Grove Bay Investments Group, LLC; and

WHEREAS, the City Manager approved the recommendation of the Selection Committee; and

WHEREAS, the City Commission has determined that the contemplated Lease will be in the City's best interest;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. In accordance with the provisions of Section 29-B of the Charter of the City of Miami, Florida and Section 2-12 of the Code of the City of Miami, Florida, as amended, a referendum special election is hereby called and directed to be held in the City of Miami, Florida, from 7:00 A.M. until 7:00 P.M., on Tuesday, November 5, 2013, for the purpose of submitting to the qualified electors of the City of Miami for their approval or disapproval the proposed lease of the Property as set forth in Ballot Question No. 13.

Section 3. The referendum Special Election shall be held at the voting places in the precincts designated, all as shown on the list attached hereto and made a part hereof and referred to as Exhibit No. 1 or as may be designated by the Supervisor of Elections of Miami-Dade County, Florida, in conformity with the provisions of the general laws of the State. The Precinct Election Clerks and Inspectors to serve at said polling places on said election date shall be those designated by the Supervisor of Elections of Miami-Dade County, Florida, for such purpose in accordance with the general laws of the State. A description of the registration books and records which pertain to election precincts wholly or partly within the City of Miami, and which the City of Miami is hereby adopting and desires to use for holding such referendum special election is as follows: all registration cards, books, records and certificates pertaining to electors of the City of Miami and established and maintained as official by the Supervisor of Elections of Miami-Dade County, Florida, in conformity with the provisions of the general laws of the State of Florida, are hereby adopted and declared to be, and shall hereafter be recognized and accepted as, official registration cards, books, records and certificates of the City of Miami.

Section 4. In compliance with Section 100.342, Florida Statutes (2012), the City Clerk is hereby authorized and directed to publish notice of the adoption of the herein resolution and of the provisions hereof, at least twice, once in the fifth week and once in the third week prior to the week in which the aforesaid referendum special municipal election is to be held, in newspaper(s) of general circulation in the City of Miami, Florida, which notice shall be substantially in the following form:

**"NOTICE OF REFERENDUM SPECIAL ELECTION
TO BE HELD ON
TUESDAY, NOVEMBER 5, 2013
IN THE CITY OF MIAMI, FLORIDA
PURSUANT TO RESOLUTION NO. 13-_____**

A referendum Special Election will be held on Tuesday, November 5, 2013 from 7:00 A.M. until 7:00 P.M. in the City of Miami, Florida, at the polling places in the several election precincts designated by the Board of County Commissioners of Miami-Dade County, Florida, as set forth herein, unless otherwise provided by law, for the purpose of submitting to the qualified electors of the City of Miami, Florida, the following question:

"Shall the City be authorized to lease approximately 7 acres of waterfront land in Coconut Grove to Grove Bay Investment Group, LLC, for \$1.8 million of minimum guaranteed annual rent upon completion and approximately \$17.9 million of privately funded improvements to redevelop an existing marina, construct restaurants, improve the public baywalk, fund a portion of a parking garage, and other improvements, which lease shall have a 50 year term with two 15 year renewal options?"

By order of the Commission of the City of Miami, Florida.

City Clerk

A list of City of Miami polling places follows:
(Insert list of City of Miami polling places.)

YES
(For the Measure)

NO
(Against the Measure)

Section 5. The official ballot to be used at said referendum Special Election shall be in full compliance with the laws of the State of Florida with respect to absentee ballots and to the use of the mechanical voting machines or the Computer Election System, and shall be in substantially the following form, to wit:

**"OFFICIAL BALLOT
REFERENDUM SPECIAL ELECTION
TUESDAY, NOVEMBER 5, 2013
FOR APPROVAL OR DISAPPROVAL OF
THE FOLLOWING QUESTION:**

Authorizing lease at City-owned property,
3385 Pan American Drive, 3351 & 3377 Charthouse Drive, Miami, Florida 33133

_____ YES
(For the Measure)

"Shall the City be authorized to lease approximately 7 acres of waterfront land in Coconut Grove to Grove Bay Investment Group, LLC, for \$1.8 million of minimum guaranteed annual rent upon completion and approximately \$17.9 million of privately funded improvements to redevelop an existing marina, construct restaurants, improve the public baywalk, fund a portion of a parking garage, and other improvements, which lease shall have a 50 year term with two 15 year renewal options?"

_____ NO
(For the Measure)

Section 6. The form of the ballot shall be in accordance with the requirements of general election laws. Electors desiring to vote to approve the Question described above, shall be instructed to mark in the appropriate place next to the word "YES" within the ballot containing the statement relating to the Question. Electors desiring to vote to disapprove the Question described above, shall be instructed to mark in the appropriate place next to the word "NO" within the ballot containing the statement relating to the Question.

Section 7. The City Clerk shall cause to be prepared absentee ballots containing the Question set forth in Section 5 above for the use of absentee electors entitled to cast such ballots in said referendum Special Election.

Section 8. All qualified electors of said City shall be permitted to vote in said referendum Special Election and the Supervisor of Elections of Miami-Dade County, Florida, is hereby requested, authorized, and directed to furnish, at the cost and expense of the City of Miami, a list of all qualified electors residing in the City of Miami as shown by the registration books and records of the Office of said Supervisor of Elections and duly certify the same for delivery to and for use by the election officials designated to serve at the respective polling places in said election precincts.

Section 9. For the purpose of enabling persons to register who are qualified to vote in said referendum special election to be held on November 5, 2013, and who have not registered under the provisions of the general laws of Florida and Chapter 16 of the Code of the City of Miami, Florida, or who have transferred their legal residence from one voting precinct to another in the City, they may register Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Miami-Dade County Elections Department located at 2700 Northwest 87th Avenue, Doral, Florida, within such period of time as may

be designated by the Supervisor of Elections of Miami-Dade County, Florida. In addition to the above place and times, qualified persons may register at such branch offices and may also use any mobile registration van for the purpose of registration in order to vote in the herein described referendum special election during such times and on such dates as may be designated by the Supervisor of Elections of Miami-Dade County, Florida.

Section 10. Todd B. Hannon, the City Clerk of the City of Miami, Florida, or his duly appointed successor, is hereby designated and appointed as the official representative of the Commission of the City of Miami, Florida, in all transactions with the Supervisor of Elections of Miami-Dade County, Florida, in relation to matters pertaining to the use of the registration books and the holding of said referendum special election.

Section 11. The City Clerk shall deliver a certified copy of this Resolution to the Supervisor of Elections of Miami-Dade County, Florida, not less than forty-five days prior to the date of the herein referendum Special Election.

Section 12. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{1}

APPROVED AS TO FORM AND CORRECTNESS:

JULIE O. BRU
CITY ATTORNEY

Footnotes:

{1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.