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3 **RESOLUTION NO. 2016 - 43**
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5 **A RESOLUTION OF THE MAYOR AND CITY**
6 **COMMISSION OF THE CITY OF HALLANDALE BEACH,**
7 **FLORIDA, ADOPTING PROCUREMENT PROCEDURES**
8 **FOR PUBLIC PRIVATE-PARTNERSHIPS AND AMENDING**
9 **THE FEE SCHEDULE BOOKLET TO INCLUDE AN**
10 **APPLICATION FEE FOR UNSOLICITED PROPOSALS**
11 **PURSUANT TO FLORIDA STATUTE SECTION 287.05712;**
12 **AND PROVIDING AN EFFECTIVE DATE.**

13 **WHEREAS,** in 2012, the Florida Legislature passed and adopted House Bill 337,
14 which created Florida Statute Section 287.05712 ("statute") to provide for public-private
15 partnerships; and

16 **WHEREAS,** the intent of the Legislature was to encourage investment within the
17 state by private entities; to facilitate various funding sources for the development and
18 operation of qualifying projects, including expansion and acceleration of such financing to
19 meet the need; and to provide the greatest flexibility to public and private entities
20 contracting for the provision of public services. Examples of qualifying projects are outline
21 in Section 287.05712(1)(i); and

22 **WHEREAS,** the City intends to adopt the procurement procedures set forth in the
23 statute; and

24 **WHEREAS,** Section 287.05712(4)(a), Florida Statutes provides that: "The
25 responsible public entity may establish a reasonable application fee for the submission of
26 an unsolicited proposal under this section. The fee must be sufficient to pay the costs of
27 evaluating the proposal"; and

28 **WHEREAS,** ~~the City~~ is interested in considering such public-private partnership
29 proposals and intends to establish an application fee; and

30 **WHEREAS,** the City Manager is authorized to promulgate and publish such fees
31 and charges and shall insure the proper collection and accounting of all monies arising
32 therefrom; and

33 **WHEREAS**, the Finance Department has prepared a comprehensive booklet
34 containing fees and charges to be effective for the 2015-2016 budget year; and

35 **WHEREAS**, City Administration concludes that twenty five thousand dollars
36 (\$25,000) is a reasonable fee and recommends that the City amend the fee booklet to
37 include the fee; and

38 **WHEREAS**, the Mayor and City Commission find that amending the booklet to
39 include the fee is in the best interest of the City and of its residents.

40 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY**
41 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

42 **SECTION 1. Adoption of Procurement Procedures.** The City hereby adopts the
43 procurement procedures outlined in Florida Statute Section 287.05712, as it may be
44 amended from time to time.

45 **SECTION 2. Amendment to Fee Schedule.** The "Schedule of Fees and
46 Charges" dated September 25, 2015 (Resolution #2015-110) which is on file with Finance
47 Department, is hereby amended to include the \$25,000 Application fee.

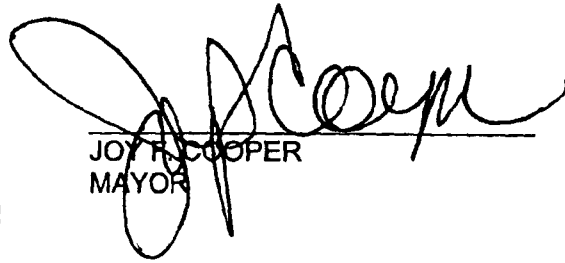
48 **SECTION 3. City Manager Determination.** The City Manager is authorized to
49 promulgate and publish such fees and charges and shall insure the proper collection and
50 accounting of all monies arising therefrom. In the event of doubt or ambiguity, the City
51 Manager is authorized to determine the appropriate fee.

52 **SECTION 4. City Manager Authority to Revise Fees.** The City Manager is
53 authorized to revise the appropriate fee(s), when additional fees or charges are required
54 by Broward County or the Florida State Legislature.

55 **SECTION 5. Effective Date.** This Resolution shall take effect immediately upon
56 its passage and adoption.

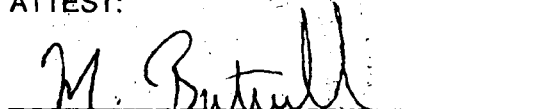
57 APPROVED AND ADOPTED this 2nd day of March, 2016.
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JOY R. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:


MARIO BATAILLE, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM


V. LYNN WHITFIELD
CITY ATTORNEY

VOTE	
AYE/NAY	
Mayor Cooper	<input checked="" type="checkbox"/> <input type="checkbox"/>
Vice Mayor Julian	<input checked="" type="checkbox"/> <input type="checkbox"/>
Comm. Lazarow	<input checked="" type="checkbox"/> <input type="checkbox"/>
Comm. London	<input checked="" type="checkbox"/> <input type="checkbox"/>
Comm. Sanders	<input checked="" type="checkbox"/> <input type="checkbox"/>

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	March 2, 2016		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1st Reading		2nd Reading	
	X		Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes	No
Funding Source:	N/A		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No	
							X	
Account Balance:	N/A		Quasi-Judicial: <i>(Enter X in box)</i>		Yes		No	
							X	
Project Number :	N/A		RFP/RFQ/Bid Number:		N/A			
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: <i>(Enter X in box)</i>					
		No	Cohesive Visual Appeal <input type="checkbox"/> Civil & Respectful Government <input type="checkbox"/> Create Local Jobs <input type="checkbox"/> Economic Development <input type="checkbox"/> Improve City Infrastructures <input type="checkbox"/> Improve Safety, Security & Comfort of Residents <input type="checkbox"/> Operational Excellence <input checked="" type="checkbox"/> Quality of Life <input type="checkbox"/> Vibrant Destination <input type="checkbox"/>					
Sponsor Name:	Daniel Rosemond, City Manager		Department: Procurement		Andrea Lues, Procurement Director			

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, ADOPTING PROCUREMENT PROCEDURES FOR PUBLIC PRIVATE-PARTNERSHIPS AND AMENDING THE FEE SCHEDULE BOOKLET TO INCLUDE AN APPLICATION FEE FOR UNSOLICITED PROPOSALS PURSANT TO FLORIDA STATUTE SECTION 287.05712; AND PROVIDING AN EFFECTIVE DATE.

Staff Summary:

BACKGROUND:

During the August 19, 2016, City Commission Meeting, the City Commission directed staff to conduct research on how other governmental entities receive and process unsolicited proposals. On January 25, 2016, staff presented to the Hallandale Beach Community Redevelopment Agency (HBCRA) Board of Directors - as most of the unsolicited proposals are received by the HBCRA - research based on best practices for the receipt and process of unsolicited proposals, as required by Florida Statute (F.S.) 287.05712, Public-Private-Partnerships (P3s).

During this meeting, HBCRA Attorney, Steven Zelkowitz, noted that HBCRA typically conveys property to a developer in connection with its projects, and thus F.S. 287.05712 cannot be applied to unsolicited proposals received by HBCRA. This is because F.S. 287.05712(4)(d)5 requires that the project be owned by the public entity, or that ownership of the project will be conveyed to the public entity. Accordingly, this would be impracticable in the context of the HBCRA's policies and mission.

After discussion by the Board, it was recommended a Resolution be drafted and presented to the City Commission to establish an application fee for unsolicited proposals pursuant to F.S. 287.05712 for qualifying projects received by the City. This, because HBCRA cannot adopt fees for City processes.

CURRENT SITUATION:

The Resolution is being presented to the City Commission as recommended by HBCRA Board of Directors. As discussed during the January 25, 2016, meeting, the Resolution sets the application fee for the submission of unsolicited proposals received by the City of Hallandale Beach. The fee is being set similar to an escrow account to cover the administrative costs to process and evaluate an unsolicited proposal, including costs of hiring of a consultant to assist in the evaluation, should said services be needed. The City will receive the fee and cover all costs related to the review process, should the project not be approved, any remaining funds – after all administrative costs are accounted for - will be refunded to the applicant. On the other hand, should the project be approved, any remaining fees will be applied to necessary permits and to the overall project development fees.

Pursuant to HBCRA By-Laws, HBCRA will adopt the aforementioned procurement process and policy.

FISCAL IMPACT:

Proposed Fee is for \$25,000 per unsolicited proposal received.

Proposed Action:

Staff recommends the City Commission approve the proposed Resolution, which approves the setting of the application fee for receipt of unsolicited proposals for qualified projects by the City.

Attachment(s):

Exhibit 1 - Resolution

10. APPROVAL OF DRAFT MINUTES

- A. JANUARY 27, 2016 REGULAR CITY COMMISSION MEETING
DRAFT MINUTES

Attachments: Draft Minutes

11. CONSENT AGENDA

- A. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, ADOPTING PROCUREMENT PROCEDURES FOR PUBLIC PRIVATE-PARTNERSHIPS AND AMENDING THE FEE SCHEDULE BOOKLET TO INCLUDE AN APPLICATION FEE FOR UNSOLICITED PROPOSALS PURSANT TO FLORIDA STATUTE SECTION 287.05712; AND PROVIDING AN EFFECTIVE DATE. (STAFF: PROCUREMENT DIRECTOR)

Attachments: Agenda Cover Memo
Exhibit 1 - Resolution

12. ORDINANCES ON FIRST READING

- A. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 ZONING AND LAND DEVELOPMENT CODE; ARTICLE 1, GENERAL PROVISIONS; SECTION 32-8, DEFINITIONS, TO MODIFY THE DEFINITION OF "HOTEL", PROVIDE REGULATIONS TO ENSURE THAT HOTEL, MOTEL, AND CONDOMINIUM HOTELS REMAIN COMMERCIAL USES, AND TO MONITOR COMPLIANCE WITH LOCAL AND STATE LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (STAFF: DEVELOPMENT SERVICES DIRECTOR) (FIRST READING)

Attachments: Agenda Cover Memo
Exhibit 1 - Ordinance

- B. AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$28,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF HALLANDALE BEACH, FLORIDA CAPITAL IMPROVEMENT REFUNDING REVENUE BONDS, SERIES 2016 FOR THE PURPOSE OF REFUNDING A PORTION OF THE ISSUER'S LOAN FROM THE FLORIDA MUNICIPAL COUNCIL DATED AS OF SEPTEMBER 1, 2007 AND FINANCING THE PROJECT; COVENANTING TO BUDGET, APPROPRIATE AND DEPOSIT