

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 26, 2024

10:20 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 34 OF THE CITY CODE, ENTITLED "COMMUNITY DEVELOPMENT," BY AMENDING ARTICLE II, ENTITLED "COMMUNITY REDEVELOPMENT," BY AMENDING DIVISION 3, ENTITLED "REDEVELOPMENT TRUST FUND," BY AMENDING SECTION 34-87, ENTITLED "PROHIBITION," TO AUTHORIZE THE REVIEW AND APPROVAL OF CERTAIN REQUESTS FOR FUNDING FROM THE REDEVELOPMENT TRUST FUND OF THE CITY OF MIAMI BEACH REDEVELOPMENT AGENCY TO SUPPORT THE DEVELOPMENT OF PUBLIC AREAS OF THE CONVENTION CENTER HEADQUARTERS HOTEL CONSISTENT WITH SECTION 163.370(2)(C)(3), FLORIDA STATUTES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **ANALYSIS**

The proposed Ordinance was approved on First Reading at the May 15, 2024 City Commission meeting. No changes have been made between First and Second Reading.

The proposed Ordinance has been placed on the City Commission meeting agenda for First Reading at the request of Commissioners Alex Fernandez and Tanya K. Bhatt. The Ordinance has been drafted pursuant to the direction of the Board of the Miami Beach Redevelopment Agency ("Agency") at its meeting on March 13, 2024.

Section 163.370(2)(c)(3), Florida Statutes (the "Redevelopment Act"), authorizes the use of Agency resources to support "public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways."

The City, through Resolution 2018-30425, approved a development and ground lease agreement between the City and MB Mixed Use Investment, LLC, a Florida limited liability company (the "Hotel Developer") for the development and operation of the Convention Center Hotel contemplated by the Redevelopment Plan at the location defined in the lease agreement (the "Hotel Parcel"). The Hotel Parcel is ready for the commencement of construction of the Convention Center Hotel upon the closing of construction financing. Due to widespread market conditions, the cost to construct the Convention Center Hotel has increased by more than \$237 million since the award of the lease agreement, and current debt and equity markets cannot alone finance the construction cost of the Convention Center Hotel.

On March 13, 2024, the Board of the Agency adopted a motion directing Agency staff to negotiate a grant agreement with the Hotel Developer to provide financial support from the Agency trust fund for the support of the Convention Center Hotel (the "Motion").

Section 34-87 of the City Code currently prohibits the use of Agency funds to support a project

that is owned by or leased to a private entity. Accordingly, the amendments set forth in the attached Ordinance have been drafted to permit the consideration of a grant of Agency funds to the Hotel Developer to support the construction of the hotel, as previously authorized by the Agency Redevelopment Plan and the Redevelopment Act, and pursuant to the direction of the Agency Board on March 13, 2024.

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on June 7, 2024. See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Attorney

### **Sponsor(s)**

Commissioner Alex Fernandez  
Commissioner Tanya K. Bhatt