

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED “ADMINISTRATION,” BY AMENDING ARTICLE II, ENTITLED “CITY COMMISSION,” BY AMENDING SECTION 2-18 ENTITLED “STOP THE PAUSE POLICY” TO ESTABLISH MINIMUM VOTING THRESHOLDS FOR THE CITY COMMISSION RELATING TO SPECIFIED PROJECTS AT ADVANCED STAGES OF COMPLETION HAVING AN ESTIMATED CONSTRUCTION COST ABOVE A STATED THRESHOLD; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach enacted Ordinance No. 2024-4648 on September 21, 2024, establishing voting thresholds for critical infrastructure projects; and

WHEREAS, the City Commission now desires to expand the coverage of the ordinance to include all capital projects having an estimated construction cost above a stated threshold at stated points of completion where substantial taxpayer funds have already been expended except in the case of unforeseen site conditions that materially impact the cost of the project; and

WHEREAS, the City Commission further finds that material changes to increase the scope of a project could result in significant cost overruns or negate the project entirely, and therefore should require a higher voting threshold than a simple majority; and

WHEREAS, these amendments will ensure clarity, fiscal responsibility, and continuity in the execution of capital projects; and

WHEREAS, the City Commission finds that it is prudent to establish a higher threshold of approval to pause, delay, stop, or materially modify capital projects at advanced stages to ensure continuity and completion, while allowing for exceptions in the case of unforeseen site conditions that materially impact the cost of the project, and provided, this policy shall not in any way limit the City Commission’s ability to accept the recommendation of the City Manager to reject all bids or to take any action the Commission deems necessary to protect the City’s rights under a contract with a design consultant or contractor; and

WHEREAS, the City provides robust communications in advance of design and throughout the project, including public meetings, a project specific web page, a map of active projects, dedicated Public Information Outreach (PIO) firm, door-to-door distributions, onsite coordination, and other mechanisms, and

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WHEREAS, the 30, 60, and 90-percent design completion points are significant milestones, and as the design advances, changes become more difficult and costly, and

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WHEREAS, the City will continue to utilize robust communication methods to engage the community for feedback at important design milestones; and

WHEREAS, establishing such higher thresholds of approval to pause, delay, stop or materially modify projects will also result in substantial cost savings to taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Article II of Chapter 2 of the Code of the City Miami Beach is hereby amended to create Section 2-18 as follows:

**CHAPTER 2
ADMINISTRATION**

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ARTICLE II. CITY COMMISSION

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Sec. 2-18. Stop the Pause Policy.

(1) Definitions.

For purposes of this section only:

~~(a) critical infrastructure projects shall be defined to include:~~

~~(i) Projects relating to fire flow, stormwater systems, potable water, and sanitary sewer projects deemed by the city manager to be critical due to risk of failure;~~

~~(ii) Utility projects to replace and/or upgrade systems that are at or near capacity; and~~

~~(iii) Neighborhood Improvement Projects (“NIPs”) that have been approved by the city commission, that may include resiliency related improvements such as road raising and harmonization.~~

(2) Voting Requirements to Pause, Delay, Stop or Materially Modify Critical Infrastructure Projects.

~~(a) A 5/7th vote of the City Commission shall be required before the City Commission may take any action that has the effect of pausing, delaying, stopping or materially modifying a critical infrastructure project (as defined herein) having an estimated construction cost of \$1,000,000 or more that is at least at 60% design.~~

~~(b) A 6/7th vote of the City Commission shall be required before the City Commission may take any action that has the effect of pausing, delaying, stopping or materially modifying a critical infrastructure project having an estimated construction cost of \$1,000,000 or more that has obtained all permits and is shovel ready.~~

~~(c) Notwithstanding the requirements of subsections (a) and (b), only a 4/7th vote shall be required for the Commission to take any action that has the effect of pausing, delaying, stopping or materially modifying a critical infrastructure project having an estimated construction cost of \$1,000,000 or more in the event of (i) unforeseen site conditions that materially impact the cost of construction, (ii) funding limitations, and/or (iii) funding emergencies, and provided, the provisions of this section shall not in any way limit the Commission's ability, on a 4/7th vote, to accept the recommendation of the City Manager to reject all bids or to take any action the Commission deems necessary to protect the City's rights under a contract with a design consultant or contractor.~~

~~(d) Notwithstanding anything to the contrary in this section, with regard to critical infrastructure projects having an estimated construction cost of \$1,000,000 or more, the approval of (i) material changes to increase the scope of any such critical infrastructure project or (ii) an increase to the contract price for any such project shall continue to require a simple majority (i.e. 4/7th) vote of the commission.~~

(1) Definitions.

For purposes of this section only:

(a) Capital projects shall include all projects contained in the City's five-year Capital Improvement Program (CIP).

(b) 30% Design Completion Milestone shall mean the overall vision and main ideas for the project. At this stage the design will reveal the project's size, shape, and purpose. Deliverables generally include:

(i) Site plan and basic floor plans showing overall layout, adjacencies, and key dimensions;

(ii) Initial building systems approach (structural concept, preliminary (MEP) strategies);

(iii) Preliminary architectural concepts (massing, elevations, basic materials);

(iv) Initial code and regulatory analysis identifying major constraints; and

(v) Preliminary cost estimate

(c) 60% Design Completion shall mean the stage at which drawings and documents have much more detail, showing how different systems and materials will come together and how the building will actually function, based on the concept developed at the 30% level. At 60%, the design has been substantially developed, enabling detailed cost reconciliation and value engineering decisions. Deliverables typically include:

(i) Updated architectural drawings, including developed plans, elevations, and building sections;

- (ii) Detailed engineering documents, including structural framing plans, MEP system layouts, and civil/utility design progress.
 - (iii) Outline specifications expanded to identify all major materials, equipment, and performance criteria.
 - (iv) More refined code compliance analysis.
 - (v) Second phase cost estimate from the Architect (required at each benchmark), ~~used for cost alignment with CM.~~
- (d) 90% Design Completion shall mean documents are nearly complete and suitable for final cost setting and the start of permitting, including:
- (i) Full architectural and engineering construction drawings, nearing final coordination level.
 - (ii) Final technical specifications covering all divisions.
 - (iii) Integrated MEP, structural, civil, landscape, and specialty systems with minimal outstanding decisions.
 - (iv) Quality control and interdisciplinary coordination completed, with only minor adjustments anticipated.
 - (v) 90% cost estimate (A/E) supporting preparation of the City's Bid Documents or the CM's Guaranteed Maximum Price (GMP); City emails confirm "CM GMP to take place at the 90% benchmark."

(2) Voting Requirements to Pause, Delay, Stop or Materially Modify Capital Projects.

- (a.) A 5/7th vote of the city commission shall be required before taking any action that has the effect of pausing, delaying, stopping, or materially modifying (including, without limitation, material modifications increasing or decreasing the project scope) a capital project having an estimated construction cost of \$1,000,000 or more that is at least at 60% design completion.
- (b.) A 6/7th vote of the city commission shall be required before taking any action that has the effect of pausing, delaying, stopping, or materially modifying (including, without limitation, material modifications increasing or decreasing the project scope) a capital project having an estimated construction cost of \$1,000,000 or more that is at least at 90% design completion and has obtained all required permits necessary for commencement of construction.
- (c.) Notwithstanding subsections (a) and (b), only a 4/7th vote shall be required for the city commission to take such action in the event of unforeseen site conditions that impact the cost of construction and provided, the provisions of this section shall not in any way limit the commission's ability, on a 4/7th vote, to accept the recommendation of the city manager to reject all bids, to value engineer a project to reduce costs if it is more than 10% over budget, or to take any action the commission deems necessary to protect the city's rights under a contract with a design consultant or contractor.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2026.

PASSED AND ADOPTED this _____ day of _____, 2026.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double underline denotes additions on second reading

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *RR*

Date