



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Transportation and Public Works
Committee (TPWC) Meeting

January 19, 2018
9:30 A.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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TPWC Meeting: January 19, 2018
Research Notes

Item No. 1G1
File No. 172810

Researcher: NR Reviewer: PGE

ORDINANCE RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST, THE PEOPLE'S TRANSPORTATION PLAN AND CHARTER COUNTY TRANSPORTATION SURTAX FUNDS; BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP, AMENDING SECTION 2-1421 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY TO THE TRUST EXECUTIVE DIRECTOR TO AWARD CONTRACTS FOR GOODS AND SERVICES UP TO A CERTAIN AMOUNT WITHOUT BOARD APPROVAL; PROVIDING REPORTING REQUIREMENTS TO THE TRUST AND THE BOARD; BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP, AMENDING SECTION 29-124; REVISING THE DEADLINE BY WHICH THE FIVE YEAR IMPLEMENTATION PLAN MUST BE UPDATED AND PRESENTED TO THE BOARD; REVISING THE CALCULATION USED TO DETERMINE THE AMOUNT MUNICIPALITIES MUST YEARLY ALLOCATE FOR TRANSPORTATION FROM THEIR GENERAL FUNDS IN ORDER TO REMAIN ELIGIBLE FOR RECEIPT OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS; UPDATING REFERENCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-1421 of the Code to provide authority to the Trust Executive Director to award contracts for goods and services up to a certain amount without Board approval, providing reporting requirements to the Board, by a two-thirds vote of the Commission membership; the ordinance also does the following:

- amends Section 29-124, revising the deadline by which the Five Year Implementation Plan must be updated and presented to the Board;
- revises the calculation used to determine the amount municipalities must allocate yearly for transportation from their general funds in order to remain eligible for receipt of Charter County Transportation Surtax funds.

APPLICABLE LEGISLATION/POLICY

Section 2-1421 of the Code - Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

https://library.municode.com/fl/miami_section_2-1421

Section 29-124 of the Code - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

https://library.municode.com/fl/miami_section_29-124

Section 29-124(d) of the Code states: The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period.

[https://library.municode.com/fl/miami_29-124\(d\)](https://library.municode.com/fl/miami_29-124(d))

Section 29-124(e) of the Code states: A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust.

[https://library.municode.com/fl/miami_29-124\(e\)](https://library.municode.com/fl/miami_29-124(e))

TPWC Meeting: January 19, 2018
Research Notes

Section 29-124(h) (i) of the Code states: Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions: (i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation.

[https://library.municode.com/fl/miami_29-124\(h\)\(i\)](https://library.municode.com/fl/miami_29-124(h)(i))

Florida Statutes 212.055(1) - Discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

http://www.leg.state.fl.us/statutes_212.055

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Department/Requester: None

The proposed ordinance was adopted on first reading at the December 19, 2017 Board meeting. On December 21, 2017, municipal notification of a public hearing scheduled before the TPWC on January 19, 2017 was provided.

FISCAL IMPACT

As indicated in the item's Fiscal Impact Statement, implementation of this ordinance will not have a fiscal impact to the Citizens' Independent Transportation Trust, the People's Transportation Plan or the Charter County Transportation Surtax.

ANALYSIS

The ordinance proposes to amend Section 2-1421 and 29-124 of the Code to allow the Executive Director of the Citizen's Independent Transportation Trust (CITT) to approve contracts for goods and services up to \$10,000 without Board approval, providing however that such approved contacts be reported to the CITT and the Board.

- Previous versions of the Ordinance included a provision for the Trust to approve small administrative support contracts. This provision was inadvertently eliminated.
- The proposed amendment includes authorization for approval of administrative support contracts up to \$10,000. These contracts will be reported to the Commission as part of the Quarterly Report submitted by the Trust to the Commission. This will provide for a more efficient and effective process for these small contracts.

The ordinance proposes to revise the calculation used to determine the amount municipalities must yearly allocate for transportation from their general funds in order to remain eligible for receipt of Charter County Transportation Surtax funds.

- The current Ordinance defines the municipal MOE as the same level of general fund support for transportation that was included in the City's FY 2001-02 Budget. This was included in the original PTP in order to ensure that surtax funds supplemented and did not replace the existing municipal support. This method of calculation has worked well for almost all of the cities. There are, however, several cities that had an extraordinary "spike" in their FY 2001-2002 budget due to an extremely large one-time project. This spike has made it virtually impossible for those cities to meet the elevated MOE and qualify for surtax funding.

TPWC Meeting: January 19, 2018
Research Notes

- The proposed amendment would establish a revised way to calculate the MOE when the spike exceeded 150% of what the city normally spent. In that circumstance the MOE would be based on the average general fund support over the previous five years. This limited adjustment preserves the integrity of the MOE while recognizing an extraordinary circumstance.

The ordinance proposes to amend Section 29-124 to revise the deadline by which the Five Year Implementation Plan must be updated and presented to the Board.

- The Five Year Implementation Plan is prepared annually by the Trust in collaboration with the County. The Plan, among other things, monitors the progress on all surtax funded projects and includes the planned expenditures and schedule for all projects over the next five years.
- The proposed amendment clarifies that the date for the annual update is January 1st of each year. This will enable the Plan to incorporate the most current information as approved by the Commission in the annual Adopted Budget.

As stated in the item’s Social Equity Statement, the proposed amendments are not anticipated to have any measurable social equity benefit or burden.

This ordinance proposes to amend Section 2-1421 of the Code (Citizen’s Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax) by adding the following:

(8) Notwithstanding any provision to the contrary, the Executive Director shall have authority to award contracts in an amount up to \$10,000 for goods and services for the Trust and its staff without the need for action by the County Commission, so long as the award of such contracts does not result in the budget for the Trust exceeding the amount approved by the County Commission during the annual budget approval process. The award of such contracts shall be reported to the Trust and the County Commission on a quarterly basis.

This ordinance proposes to amend Section 29-124 of the Code (Special fund created; uses of surtax proceeds; and role of Citizens’ Independent Transportation Trust) as follows:

Current	Proposed
(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People’s Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no	(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the TPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People’s Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no

TPWC Meeting: January 19, 2018
Research Notes

later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than thirty days from the commencement of Miami Dade County's fiscal year. The Trust shall review and monitor projects included in the Five Year Implementation Plan and provide to the County Commission and post online an annual report no later than December 31 of each year. The annual report shall detail the progress on each project included in the Five Year Work Plan.

later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than January 1st of each year and shall be presented to the County Commission and posted online. The annual report shall detail the progress on each project included in the Five Year Work Plan.

h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation.

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation. Where the general fund support for FY 2001-2002 exceeded the general fund support in the preceding year by more than 150 percent, the maintenance of effort requirement may be calculated as the average general fund support for the five years preceding FY 2001-2002 and applied beginning FY 2001- 2002.

ADDITIONAL INFORMATION

There is some precedent to delegate authority to the Trust Executive Director to award contracts for goods and services up to a certain amount without Board approval, including a Board reporting requirement.

For example, the WASD's Acceleration Ordinance delegates to the County Mayor the power to approve Consent Decree and CIP contracts, including a Board reporting requirement.

Section 2-8.2.12 of the County Code (Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance) authorizes the County Mayor to accelerate the processing, procurement and award of any contract and agreement of the County for Consent Decree Work and other capital improvements contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including contracts related to the purchase of goods and services, construction and professional services. Any act undertaken pursuant to the authority set forth under this section is subject to ratification by the Board.

https://library.municode.com/fl/miami_S2-8.2.12

Also, Implementing Order 3-38 delegates contracting approval authority to the County Mayor for the procurement of goods and services. The County Mayor has further delegated some of that authority to the ISD Director. IO 3-38 includes reporting requirements.

TPWC Meeting: January 19, 2018
Research Notes

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

TPWC Meeting: January 19, 2018
Research Notes

Item No. 2D
File No. 180016

Researcher: BM Reviewer: PGE

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE EXPRESSWAY AUTHORITY PROVIDING FOR MIAMI-DADE EXPRESSWAY AUTHORITY'S ASSUMPTION OF THE PROCUREMENT, FINANCING, DESIGN AND CONSTRUCTION OBLIGATIONS FOR THE WIDENING OF SW 137 AVENUE BETWEEN SW 8 STREET AND SW 26 STREET AND TRANSFERRING TEMPORARY CONTROL OVER THE CONSTRUCTION SITE AND PORTIONS OF THE RIGHT-OF-WAY TO THE MIAMI-DADE EXPRESSWAY AUTHORITY UNTIL ACCEPTANCE OF THE CONSTRUCTION WORK; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT SUBJECT TO ANY REQUIRED APPROVALS BY THE TRANSPORTATION PLANNING ORGANIZATION

ISSUE/REQUESTED ACTION

Whether the Board should approve an interlocal agreement between Miami-Dade County and the Miami-Dade Expressway Authority (MDX) providing: (1) MDX's assumption for procurement, finance, design and construction obligations for the widening of SW 137 Avenue between SW 8 Street and SW 26 Street; (2) MDX's temporary control over the construction site and portions of the right-of-way to enable MDX and its contractors to design, construct, and administer the project; and (3) the resumption by the Department of Transportation and Public Works of operation and maintenance responsibility for SW 137 Avenue between SW 8 Street and SW 26 Street upon MDX's acceptance of the work under the project.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Department/Requester: N/A

This item has no procedural history.

FISCAL IMPACT

If this item is approved by the Board, this item will have no fiscal impact to the County since MDX will assume financial and management responsibility for the construction. MDX shall be solely responsible for all project costs and expenses.

ANALYSIS

The Interlocal Construction and Maintenance Agreement between the County and MDX provides MDX temporary authority over a project construction site and portions of the right-of-way to widen SW 137 Avenue between SW 8 Street and SW 26 Street from four to six lanes, which will improve safety for drivers, and is an unfunded priority project in the 2040 Long Range Transportation Plan (link provided below).

The intent of the project is to alleviate traffic congestion caused because the current four lane configuration of this corridor does not match the lane configuration south and north of this segment, thus creating severe congestion for traffic entering or exiting the State Road 836 Extension at SW 137 Avenue. The construction will align with the current six-lane configuration. The project will also correct an operational deficiency mainly in the form of bottlenecks where the road converges from six lanes to four lanes and will alleviate congestion at the intersection of SW 137 Avenue and SW 8 Street, which causes severe traffic congestion for southbound traffic during peak hours by providing better access to State Road 836.

TPWC Meeting: January 19, 2018
Research Notes

MDX will assume financial and management responsibility for the construction in order to procure and fund the design and construction of the improvement to the County road in order to improve traffic flow and alleviate traffic congestion. MDX will immediately release control of the work site to the County upon completion of the infrastructure improvements. MDX shall provide all liability insurance as required for this project.

During all phases of the project, MDX shall be responsible for keeping SW 137 Avenue between SW 8 Street and SW 26 Street and all adjacent streets and areas in appropriate and safe state of maintenance and repair. MDX shall obtain all necessary permits and approvals required in accordance with applicable state, federal and local laws. No cost, claim, lien, or other expense shall be incurred by the County for the related project. The County can conduct inspections on the construction site and perform reasonable tests.

ADDITIONAL INFORMATION

The Miami-Dade County Long Range Transportation Plan provides information on the long range transportation plan throughout the County. A link to the 2040 Long Range Transportation Plan is provided below:

<http://www.miamidade2040lrtp.com/>

A google maps link to the subject area is provided below:

<https://www.google.com/maps/place/SW+26th+St+%26+SW+137th+Ave,+Miami,+FL+33175/@25.7508011,-80.4146883,15z/data=!4m5!3m4!1s0x88d9bf994dc1cdc9:0xf239b324fdd3affa!8m2!3d25.7435824!4d-80.4161474>

**TPWC Meeting: January 19, 2018
Research Notes**

**Item No. 3A
File No. 172831**

Researcher: NR Reviewer: PGE

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY IDENTIFIED AS PARCEL 1, AS ROAD RIGHT-OF-WAY, FOR THE ROAD PROJECT ENTITLED IMPROVEMENTS TO NW 97 AVENUE, FROM NW 58 STREET TO NW 70 STREET, IN SECTION 17, TOWNSHIP 53, RANGE 40 EAST AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve designating a portion of Miami-Dade County-owned property, as public road right-of-way, for the Project Entitled Improvements to NW 97 Avenue, from NW 58 Street to NW 70 Street, in Section 17, Township 53, Range 40 East.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12
Department/Requester: Transportation and Public Works**

There is no procedural history for this item.

FISCAL IMPACT

The total annual maintenance costs associated with this item will be \$3,842, and will be funded by the Department of Transportation and Public Works' (DTPW) General Fund allocation.

ANALYSIS

This items seeks to designate a portion of County-owned property as public road right-of-way for programmed improvements along NW 97 Avenue, from NW 58 Street to NW 70 Street. The square footage of the County-owned property is 3,068, approximately 0.070 acres more or less.

A right-of-way is a type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines.

This project consists of widening the existing roadway from a two-lane to a four-lane divided roadway, and includes sidewalks, curb and gutter, bike lanes, a continuous storm drainage system, pavement markings and signage, signalization, lighting, and landscaping. These improvements will improve traffic mobility and drainage, as well as beautify this section of NW 97 Avenue.

Input from DTPW

1. Estimated beginning of construction is January 2019, and estimated completion is June 2020.
2. Approximately \$4,500,000 is the cost of the programmed improvements along NW 97 Ave, from NW 58 Street to NW 70 Street.
3. The community will be positively impacted by the roadway improvements that include widening the road, providing sidewalks, providing roadway lighting and providing a new drainage system.

TPWC Meeting: January 19, 2018
Research Notes

4. The right-of-way is needed to construct the improvements noted above, specifically the sidewalks, and will remain as public right-of-way in perpetuity.

ADDITIONAL INFORMATION

The impact of this project is countywide; however, the proposed right-of-way is located within District 12, represented by Commissioner Jose "Pepe" Diaz.

**TPWC Meeting: January 19, 2018
Research Notes**

**Item No. 3B
File No. 172927**

Researcher: BM Reviewer: PGE

RESOLUTION APPROVING THE ACCEPTANCE OF A QUIT CLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEYING TO MIAMI-DADE COUNTY AN APPROXIMATELY 8.0 ACRE PARCEL OF VACANT LAND (FOLIO NO. 30-4904-000-0071) LOCATED AT STATE ROAD 90/TAMIAMI TRAIL (SW 8 STREET) AND SW 147 AVENUE, MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE ACCEPTANCE OF THE PROPERTY

ISSUE/REQUESTED ACTION

Whether the Board should approve an acceptance of a Quit Claim Deed from the Florida Department of Transportation (FDOT), conveying to Miami-Dade County (County) an approximately 8.0 acre parcel of vacant land at State Road 90/Tamiami Trail (SW 8 Street) and SW 147 Avenue for the development of the Department of Transportation and Public Works (DTPW) proposed Tamiami Park and Ride/Bus Terminal Facility (Tamiami Station).

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 337.25 Acquisition, lease, and disposal of real and personal property, relates to the conveyance of land, building, or other property, real or personal, for the construction, operation, and maintenance of a transportation facility.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0337/Sections/0337.25.html

Administrative Order No. 8-1 sets forth the standards for Acquisition or Lease of Real Property from the Private Sector. Prior to the purchase of any non-right-of-way real property, an environmental assessment of the property shall be conducted by the Department of Environmental Resources Management (DERM) or a certified environmental engineering firm.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-1.pdf>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Joe A. Martinez, District 11
Requester/Department: Transportation and Public Works**

This item has no procedural history.

FISCAL IMPACT

If this item is approved by the Board, the estimated annual cost to operate and maintain the Tamiami Station is approximately \$100,000, which is to be accommodated within the existing DTPW's Annual Operations and Maintenance Budget.

ANALYSIS

If this item is approved by the Board, the FDOT will convey property owned by it via a Quitclaim Deed to the County. The property is approximately 8 acres of vacant land and will be used for the development of the proposed Tamiami Station. Additionally, acceptance of the parcel will eliminate FDOT's involvement to secure permits or applicable conditional requirements.

TPWC Meeting: January 19, 2018
Research Notes

The Quitclaim Deed has a reverter which states that the Property is to be used in perpetuity for the public purpose use of a park and ride transportation facility for the general public. If the property ceases to be used for the described purpose, all property rights shall revert back to said Grantor. The land is to be used solely for public purposes.

The Tamiami Station, to be located at the corner of SW 8th Street and SW 147th Avenue, will accommodate approximately 500 parking spaces and a bus terminal as identified in the 2010 Annual Update to the DTPW Transit Development Plan. The station is a major part of the implementation of the planned Flagler Corridor Bus Rapid Transit Service as well as the State Road 836 Express Bus service. The FDOT has secured full funding from the Federal Transit Administration (FTA), FDOT and the County's People's Transportation Plan (PTP) for the design and construction of the park and ride/bus terminal project. It is anticipated that the operation of the Tamiami Station will commence in the summer of 2020.

Additional Information

The link below to the Transit Annual Plan provides additional information relating to the Tamiami Station as well as the other Park-and-Ride Facilities throughout the County.

<https://www.miamidade.gov/transit/library/pdfs/misc/2016-tdp-annual-plan.pdf>

The link to the report below provides additional information regarding Express Bus Service at the Tamiami, Panther, and Dolphin Stations.

<https://www.miamidade.gov/transit/library/pdfs/misc/sr-836-express-bus-service-east-west-corridor.pdf>

**TPWC Meeting: January 19, 2018
Research Notes**

**Item No. 3C
File No. 172367**

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER FOR THOSE PORTIONS OF THEORETICAL SW 222 AVENUE AND SW 240 STREET LOCATED WITHIN SECTION 20, TOWNSHIP 56 SOUTH, RANGE 38 EAST IN MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should approve execution of a Miami-Dade County Disclaimer in favor of the Florida Power and Light (FPL) for those portions of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09, requires that any resolution authorizing the executing of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County. This resolution was adopted by the Board on July 21, 2009.
<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2009/091900min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9
Department/Requester: Transportation and Public Works

12/14/17: Commissioner:

Commissioner Sosa asked the following questions to the department:

If this was a street closure?

Do we opinion with data on this one?

So what they are doing is creating a private street for the flow of traffic in that area or to close?

Why does FPL need this reservations at the boundaries of the everglades if no development is projected in the area?

Commissioner Sosa had a concern that this is like when the proposals from MDX came to extend totally from outside of the UDB to sell property to develop later. He concern are the roads. And had questions on this item.

Department:

This is a hypothetical road that does not exist at this time and the reservation is being abandoned at the request of FPL.

There are no existing road in the area; there is not traffic impact.

They did not know the nature of their request but FPL own the land in the surrounding area, but the reservation was placed many year ago. Based on the zoning on the area, a reservation of right-of-way is not permitted there.

This cleans up the title for FPL as there is currently a reservation.

Sponsor:

A representative for FPL will provide the details to Commissioner Sosa at a meeting if requested and advised that this disclaimer is a typical process that is done.

The item was deferred until the January 19, 2018 meeting, passed 4-0.

TPWC Meeting: January 19, 2018
Research Notes

11/16/17: No action was taken due to lack of a quorum at the Transportation and Public Works Committee.

FISCAL IMPACT

There is no fiscal impact associated with this action since there are no existing roads within the areas being disclaimed.

ANALYSIS

The proposed resolution authorizes an execution of a Miami-Dade County Disclaimer of portions of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East) in favor of FPL. Disclaimer means the refusal to accept an interest in or power over property. The disclaimer states that the County never accepted the reservation created by Arvida Corporation. Additionally, FPL is requesting said disclaimer so as to clear title. The project impact is in District 9. More specifically, FPL, the present property owner of the lands adjacent, is requesting that the Department of Transportation and Public Works disclaim any interest it might have to the property.

As FPL is the owner of all of the lands adjacent to theoretical SW 222 Avenue and SW 240 Street located in Section 20, Township 56 South, Range 38 East, it is asking the County to disclaim any rights it might have by virtue of a warranty deed created on March 24, 1966 by Arvida Corporation. There will be no impact to traffic since there are no existing roads along the lines being disclaimed. As stated in the mayoral memo, the subject area is agricultural and the possibility of it ever being developed is very remote.

ADDITIONAL INFORMATION

The link below demonstrates that the area in question is located in an agricultural area outside of the Urban Development Boundary, and near the Everglades National Park.

<https://www.google.com/maps/@25.5442166,-80.5493625,1016m/data=!3m1!1e3>

The Urban Development Boundary for Miami-Dade County was established by the Comprehensive Development Master Plan (CDMP) and generally approved through the year 2020. For reference, below is a link to the '2015 Urban Development Boundary'.

<http://www.miamidade.gov/planning/cdmp.asp>

**TPWC Meeting: January 19, 2018
Research Notes**

**Item No. 3D
File No. 172821**

Researcher: NR Reviewer: PGE

RESOLUTION AUTHORIZING APPROVAL OF A DEVELOPMENT AGREEMENT FOR STATION IMPROVEMENTS TO DADELAND NORTH METRORAIL STATION INCLUDING AN EXCHANGE OF EASEMENTS BETWEEN MIAMI-DADE COUNTY AND DADELAND APARTMENTS, LLC AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, EXERCISE ALL PROVISIONS CONTAINED THEREIN, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve a Development Agreement for station improvements at the Dadeland North Metrorail Station, including an exchange of easements between Miami-Dade County and Dadeland Apartments, LLC.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09, approved on July 21, 2009 by the Board, directs that any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter, or mortgage creating or reserving a real property interest in favor of the County contain language requiring such instrument, after proper execution, to be recorded in the public records of the County within which the real property is located.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7

Department/Requester: Transportation and Public Works

FISCAL IMPACT

There will be a positive fiscal impact to the County as the station improvements will be financed by the Developer at a greater value than the exchange of property easements.

ANALYSIS

This item seeks approval of a development agreement for station improvements to the Dadeland North Metrorail Station, which includes an exchange of easements between the County and the developer, Dadeland Apartments, LLC. The Developer proposes a mixed-use transit-oriented development (TOD) that will consist of two buildings with 416 multi-family residential rental units, 22,183 square feet of ground floor retail, and 487 parking spaces. Construction is expected to begin in April 2018.

The County will convey four small easements to the Developer for ingress and egress to its Transit Oriented Development (TOD) along SW 70 Avenue in consideration of the sum of Ten Dollar (\$10.00). The Developer will convey two easements on SW 85 Street in consideration of the sum of Ten Dollar (\$10.00). According to the Mayoral Memorandum, the value of the County owned property is \$380,779 and the value of the Developer owned property is \$106,291, leaving \$274,500 to be paid to the County.

In lieu of payment to the County, it is mutually agreed by the Owner and Developer, that the Developer will contribute \$274,500 for station improvements at the Dadeland North Metrorail Station. The station improvements will include: covered walkways, covered entrance to the pedestrians, TV screens on the train platform, bicycle accessibility

TPWC Meeting: January 19, 2018
Research Notes

enhancements, etc.; Schedule 2.1 (HW p. 124) of the Agreement provides a description and rendering depiction of improvements.

The Term of Agreement will be two years or until such time as the Developer completes the Improvements, whichever comes first, and, unless the Agreement is terminated. The term of the Agreement shall automatically renew for up to two additional renewal terms of one year each upon expiration of the preceding Term.

The Agreement shall not become effective unless and until the Board and the Federal Transit Administration (FTA) approve the execution of this Agreement. The Developer is to comply with the following FTA requirements:

1. Not to discriminate based on race, color, national origin or sex;
2. Not to discriminate based on disability and binding the same to compliance with the Americans with Disabilities Act with regard to any improvements constructed;
3. Language in FTA Master Agreement, particularly relating to conflicts of interest, debarment and suspension;
4. Continuing control of the property by DTPW;
5. Continued unobstructed public access to the system;
6. Non-interference with transit operations; and
7. FTA Third Party Rules and Regulations

The County grants and conveys to the Developer for the benefit of the Project a temporary easement over the Property including the Air Rights above the System.

Exhibit D of the item is the Miami-Dade Transit (MDT) Adjacent Construction Safety Manual (Dated August 2015), which was prepared in the interest and for the guidance of those who may want to construct a non-MDT physical structure on, adjacent to or over, an existing MDT facility and/or property.

The purpose of Adjacent Construction Manual is to provide uniform minimum standards and criteria for the construction, development and maintenance of all properties that have or may enter the Safety Zone that has been established for all MDT property and extending on either side of the Metrorail and/or Metromover systems. These standards are intended to provide the basic guidance for the construction, development and maintenance of property adjacent to the operating guideway systems so as to:

1. Protect the safety of the general public and MDT Employees;
2. Protect the guideway system and the MDT property from physical damage;
3. Preserve the level of service and operational schedules so as to cause the least disruption for the ridership and use of the MDT system.

The development site is located within Commission District 7, represented by Commissioner Xavier L. Suarez.

DTPW INPUT (pending responses to questions posed by OCA)

1. What's the financial benefit to the developer
2. What's the estimate regarding jobs to be generated under this project
3. What's the estimated construction completion date
4. What, if any, impact will this project have on the surrounding community – neighboring apartments and traffic/pedestrian mobility
5. How does this development agreement impact the existing agreement with Green Dadeland Station
6. Does this agreement impact the Underline project
7. The Development Agreement was notarized in 2016; why is it just travelling to the Board

**TPWC Meeting: January 19, 2018
Research Notes**

**Item No. 3E
File No. 172894**

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1 (B)(3) OF THE MIAMI-DADE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO EXECUTE AN AGREEMENT WITH TERRABOOST MEDIA LLC FOR THE CONTINUATION OF MAINTAINING AND REPLENISHING HAND SANITIZING DISPLAYS AT EACH OF THE TWENTY-THREE METRORAIL PASSENGER STATIONS AND AT EACH OF THE TWENTY-ONE METROMOVER STATIONS FOR A PERIOD NOT TO EXCEED ONE YEAR, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Designated Purchase with Terraboost Media LLC (Terraboost) to continue maintaining and replenishing hand sanitizing displays at the 23 Metrorail passenger stations and the 21 Metromover stations for a one year term.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the County Code, Contracts and purchases generally relates to designated purchases. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Administrative Order 8-5 established the requirements regarding Permission to Conduct Private Business on Public Property. Permits shall be issued for a specific time period not to exceed one year in duration, are non-transferable, and may be revoked at any time at the discretion of the department director. Each permit holder shall keep a copy of the approved permit at each business site. A master file of all permits shall be maintained by the County Manager.

Permits, other than those specifically exempted in the section below, may be renewed once, upon approval by County Manager. If a person or firm wishes to continue to conduct private business on County property after the renewal period has expired, a concession or lease is required. The County will follow competitive procedures prior to awarding any concession or lease, where applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-5.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Transportation and Public Works

This item has no procedural history.

TPWC Meeting: January 19, 2018
Research Notes

FISCAL IMPACT

If this item is approved by the Board, it will have a positive benefit to the County as Terraboost will provide the necessary ongoing maintenance of the displays with unlimited hand sanitizer for transit riders.

ANALYSIS

If this item is approved by the Board, the County will execute an agreement with Terraboost to continue to provide the necessary ongoing maintenance of the displays with unlimited hand sanitizer at all the Metrorail and Metromover stations for one year, until October 2018.

Terraboost provides a cost efficient vehicle that allows advertisers to both communicate with and sponsor the wellness of their target audience. The vendor has approximately 15 thousand advertisement Kiosks throughout the nation.

The Department of Transportation and Public Works (DTPW) entered into a permit agreement with Terraboost to provide hand sanitizing displays at the County's Metrorail and Metromover stations. The original one-year term agreement commenced on October 2015, and included one, one-year option to renew which expired on October 2017. Accordingly, this item is requesting a designated purchase to retroactively approve the expired agreement (effective October 15, 2017) while affording DTPW sufficient time to conduct a replacement procurement for a long term successor contract. Terraboost signed the extension agreement on 8/31/17.

Below is a summary of the responsibilities for Terraboost under the extension agreement:

- Maintain and replenish hand sanitizing displays at each of the 23 Metrorail Passenger Stations and at each of the 21 Metromover Stations
- Provide unlimited hand sanitizing cartridges and batteries for the displays at all stations
- Maintaining the displays in good order and in a safe and suitable condition
- Repair and replace any display that is broken, damaged, or defaced at its sole cost
- Maintain all advertising spaces occupied with advertising materials at all times as stated in Section 13 of the Permit Agreement.
- Displays are not allowed on the platform level of stations
- May only install more than one display prior written approval
- The advertising may not protrude from the display
- Permittee retains the rights, title and interest in and to the displays