



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

Transportation and Public Works Committee (TPWC) Meeting

March 15, 2018
9:30 A.M.
Commission Chambers

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**TPWC Meeting: March 15, 2017
Research Notes**

**Item No. 1G1
File No. 180308**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND FILE THREE GRANT APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION FOR UP TO \$90,000,000.00 OFFISCAL YEAR 2018 SECTION 5307 URBANIZED AREA FORMULA, SECTION 5337 STATE OF GOOD REPAIR FORMULA, AND SECTION 5339 BUS AND BUS FACILITIES FORMULA PROGRAM FUNDING AND AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS AND OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENTS SHOULD SUCH FUNDS BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should approve the terms and authorize the Mayor or Designee to execute and file the following three grant applications, as well as the receipt and expenditure of funds per the agreement, on behalf of the County with the United States Department of Transportation (DOT) and Federal Transit Administration (FTA) for up to \$90 million in FY 2018:

Grant Program Application	Estimated Value
Section 5307 Urbanized Area Formula	\$55 million
Section 5337 State of Good Repair Formula	\$29 million
Section 5339 Bus and Bus Facilities Formula	\$6 million

APPLICABLE LEGISLATION/POLICY

Resolution No. R-252-17, adopted by the Board on March 7, 2017, executed and filed three grant applications on behalf of the County for the Section 5307 Urbanized Area Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula programs.

<http://intra/gia/legistarfiles/MinMatters/Y2016/162867min.pdf>

Resolution No. R-282-16, adopted by the Board on April 6, 2016, executed and filed three grant applications on behalf of the County for the Section 5307 Urbanized Area Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula programs.

<http://intra/gia/legistarfiles/MinMatters/Y2016/160392min.pdf>

Resolution No. R-1064-13, adopted by the Board on December 17, 2013, executed and filed three grant applications on behalf of the County for the Section 5307 Urbanized Area Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula programs.

<http://intra/gia/legistarfiles/MinMatters/Y2013/132479min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transportation and Public Works (DTPW)

This item has no procedural history.

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FISCAL IMPACT

If this resolution is approved, it will have a positive fiscal impact to the County since it provides federal funding to the DTPW.

The FDOT will provide State Transportation Development Credits as soft match for the grants on the required \$22.5 million local match. The provision in 23 U.S.C. 120(j) allows a State to use toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce, as a credit toward the non-Federal share for any funds made available to carry out projects under title 23 (other than the Emergency Relief program and the Appalachian Development Highway System Programs) or chapter 53 of title 49, U.S.C. Program office guidance is found at:

www.fhwa.dot.gov/specialfunding/020807.cfm

It is the policy of the FDOT to make available the option to use toll revenue credits, authorized by Title 23 U.S.C. 120(j)(1), to Florida transit systems for use as soft match on eligible federal transit capital projects. On an annual basis, the State Public Transportation and Modal Administrator will be responsible for notifying Florida's transit systems of the availability of toll revenue credits and for approving the use of toll revenue credits on proposed transit capital projects.

<http://www.fdot.gov/transit/Pages/TransitResourceGuide.PDF>

ANALYSIS

The proposed resolution approves the execution and filing of three application for federal grants totaling up to \$90 million for FY 2018. Below is a summary of the programs for which the applications will be filed:

Section 5307 Urbanized Area Formula

The program makes funding available for public transportation capital, planning, job access, and reverse commute projects. The County will use the \$55 million funding for the proposed projects for the FY 2018 will be for the preventative bus maintenance, Metrorail, Paratransit, South Florida Vanpool services, Metromover Cable Replacement equipment, Camera project, and Capital Planning.

<https://www.transit.dot.gov/funding/grants/urbanized-area-formula-grants-5307>

Section 5337 State of Good Repair Formula

The program provides capital assistance for maintenance, replacement, and rehabilitation projects of high-intensity fixed guideway and bus systems to help transit agencies maintain assets in a state of good repair. Additionally, SGR grants are eligible for developing and implementing Transit Asset Management plans. Eligible recipients are state and local government authorities in UZAs with fixed guideway and high intensity motorbus systems in revenue service for at least seven years. The County will use the \$29 million funding for the proposed projects for the FY 2018 will be for the preventative maintenance of the rail system.

<https://www.transit.dot.gov/funding/grants/state-good-repair-grants-5337>

Section 5339 Bus and Bus Facilities Formula

Provides funding to states and transit agencies through a statutory formula to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. In addition to the formula allocation, this program includes two discretionary components: The Bus and Bus Facilities Discretionary Program and the Low or No Emissions Bus Discretionary Program. The County will use the \$6 million funding for the proposed projects for the FY 2018 will be for 40-foot busses

<https://www.transit.dot.gov/funding/grants/busprogram>

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ADDITIONAL INFORMATION

The Fixing America's Surface Transportation (FAST) Act was signed into law on December 4, 2015. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act maintains our focus on safety, keeps intact the established structure of the various highway-related programs we manage, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects.

<https://www.fhwa.dot.gov/fastact/>

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**Item No. 3A
File No. 180435**

Researcher: NR Reviewer: TD

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$3,350,000.00 FOR THE PURCHASE OF DEBRIS PUSH AND CLEAR SERVICES FOR THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve this request for ratification of an emergency contract award, Contract No. E9940-0/18, Hurricane Irma Debris Push and Clear, in the amount of \$3,350,000 for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38, the County Mayor or the County Mayor's designee will have the authority to exercise all provisions of the contract, including any renewals or extensions.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1

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

[Resolution R 454-13, dated June 4, 2013, Emergency Contracts, Retroactive Contract Modifications - directs the Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and to bring retroactive contract modifications to the Board within 120 days of modifications.](#)

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor:

Requester:

FISCAL IMPACT

The fiscal impact of this emergency contract is \$3,350,000. The DTPW has applied for reimbursement from the Federal Emergency Management Agency for expenses related to this emergency contract.

ANALYSIS

Resolution R 454-13 directs the Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency. This item seeks ratification of an emergency contract awarded for the immediate clean-up debris on County maintained roadways and transit facilities after Hurricane Irma in the amount of \$3,350,000.

The DTPW determined that an emergency clean-up of debris was required to protect the safety of the public and to resume transportation services expeditiously after conducting an evaluation its facility and transportation infrastructure after Hurricane Irma.

According to the Mayoral Memorandum, the Department has applied for reimbursement from FEMA. The amount to be reimbursed by FEMA in FY 2017-18 for Hurricane Irma FY 2016-17 expenditures is being determined by Finance as they are still working with departments to finalize all hurricane expenditures in order to get FEMA to start looking at all costs incurred by the County.

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According to the Mayoral Memorandum:

- In order to obtain qualified vendors in an expedited manner, the DTPW requested rates from registered County vendors under the Miscellaneous Construction Contracts Program, as well as two prequalification pools, 9743-0/23, Grounds Maintenance and Pest Control and 7661-5/19-2, Tree Trimming and Removal Services.
- The rates were based upon the crew size, type of work, and equipment required.
- Forty-eight vendors provided debris clean-up on County roadways and seven vendors performed emergency cleaning services at County transportation facilities including Metrorail, Metromover, and Metrobus stations.
- There are 55 awarded vendors, of which 49 have a local address and are locally headquartered and 34 are certified Small Business Enterprises. The awarded vendors are listed in Attachment 1 of the Mayoral Memorandum dated March 15, 2018.

Input from DTPW (pending response for the BCC Agenda scheduled for 4/10/18):

- How much debris was picked up
- How much was paid per truck and/or ton given the allocation request of \$3,350,000
- Provide a copy of the Director's memorandum explaining the details of the clean-up conducted after Hurricane Irma on County maintained roadways and transit facilities.

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**Item No. 3B
File No. 172614**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING THE ACCESS AND DEVELOPMENT AGREEMENT AND ACCESS AND UTILITY EASEMENT BETWEEN MIAMI-DADE COUNTY AND 1010 BRICKELL HOLDINGS, LLC ("AGREEMENTS"); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve authorize the Mayor or Designee to execute the agreements with 1010 Brickell Holdings, LLC (Developer) relating to Access and Development Agreement and Access and Utility Easement Agreements.

APPLICABLE LEGISLATION/POLICY

Resolution R-974-09 approved on July 21, 2009 by this 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>

Florida Statutes Section 125.35(2), *County authorized to sell real and personal property and to lease real property*, states the following: When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Bruno A. Barreiro, District 5

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

If this resolution is approved, it will not have a fiscal impact to the County since it will be entirely funded by the Developer

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ANALYSIS

The proposed resolution approves nonexclusive access for pedestrian ingress and egress to its property by traversing the station right-of-way at the Tenth Street/Promenade Metromover Station (Station). The agreement is for a period of 30-years which automatically extends for two, 30-year terms.

The developer is responsible for providing improvements to the station, valued at approximately \$765,000, in lieu of a one-time payment. A summary of the improvements included in the agreement are provided below:

- Demolition of existing planters, benches and concrete monument support wall signs.
- Modification/reconfiguration of north entry to station.
- Build ramps, walkways and stairs providing access to Metromover from building.
- New pavers to match sidewalk on 10th Street.
- Hand Rails at new stairs; 42” rails
- Reconfiguration/relocation of existing Fencing.
- Reconfiguration/relocation of existing Elevator Machine Room.
- Reconfiguration/relocation of existing Signage
- Pressure clean and paint ground floor concrete structure and existing metal fencing and gates.
- Flood panels adjacent to Metromover.
- Bike racks.
- New LED and fan inside Elevator Cab.
- One-time cleaning and maintenance of escalator.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), 1010 Brickell Holdings, LLC., has an active status as a Foreign Limited Liability Company and first filed and registered on 06/19/2012. The company's main address is at 411 West Putnam Avenue, Greenwich, CT., 06830.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=1010BRICKELLHOLDINGS%20M120000034570&aggregateId=forl-m12000003457-30a945ae-7e71-46d6-8b32-1f4fc7f56d18&searchTerm=1010%20brickell%20holding%2C%20lc&listNameOrder=1010BRICKELLHOLDINGS%20M120000034570>

Additional information is available, for the 1010 Brickell building, at the company's website:

<http://www.1010-brickell.com/sales-rentals/>

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**Item No. 3C
File No. 180307**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT AN OFFER TO SELL PROPERTY AT THE NEGOTIATED PURCHASE AMOUNT OF \$257,423.75 FOR THE ACQUISITION OF REVISED PARCEL 144, FOR RIGHT OF WAY NEEDED FOR THE PROJECT ENTITLED IMPROVEMENTS TO SW 137 AVENUE, FROM US-1 (SR 5) TO SW 200 STREET; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND TO PURCHASE AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE THE PURCHASE OF THE PROPERTY; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURCHASE; AND RESCINDING RESOLUTION NO. R-1010-16

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor or the County Mayor's designee to accept an offer to sell property at the negotiated purchase price of \$257,423 to acquire the property known as Revised Parcel 144, which is needed for road improvements to S.W. 37th Ave., from US-1 to S.W. 200; and to rescind Resolution No. R-1010-16.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust

http://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124

Miami-Dade county Code, Section 2-8.3, provides that "Whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.3

Florida Statutes, Section 212.055 (1) (d) governs "Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

Resolution No. R-1010-16, adopted by the Board on November 1, 2016, declared the acquisition of the designated property known as Parcel 144 for improvements to S.W. 137th Avenue, from US-1 to S.W. 200 Street, to be a public necessity; and authorized the County Mayor or County Mayor's designee and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property ... prior to filing an eminent domain action in a total amount not to exceed 15 percent over the appraised value.

<http://intra/gia/matter.asp?matter=162114&file=true&yearFolder=Y2016>

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

Department/Requester: Transportation and Public Works

This item has no procedural history.

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FISCAL IMPACT

According to the Fiscal Impact Statement, funding for the right-of-way acquisition, design, and construction of this project is provided by Charter County Transportation Surtax Funds proceeds, and may be supplemented by other eligible funding sources. Funding is programmed within the adopted FY 2017-18 Right-of-Way Acquisition for Construction Projects Countywide (P2000000537) Site 76078 in Commission District 8.

ANALYSIS

The Department of Transportation and Public Works (DTPW) intends to implement a project entitled "Improvements to S.W. 137 Avenue, from US-1 to S.W. 200 Street". This project will expand, beautify and improve a new two-lane road with sidewalks, curb and gutter, a continuous storm drainage system, signalization, pavement markings and signage, street lighting, bicycle facilities, a bridge crossing over one canal, and a culvert for a canal. In order to implement this project, the County will have to acquire the property known as Revised Parcel 144, comprising 38,263 square feet of land, and use Charter County Transportation Surtax Funds for this purpose.

According to Miami-Dade County Code, Section 29-124, the surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be spent for the transportation and transit projects and the adopted Five-Year Implementation Plan. Expenditure of surtax proceeds shall be subject to the following limitations:

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.
- (e) The Five-Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust, which shall forward a recommendation thereon to the County Commission.
- (f) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

The estimated appraised value of the redesigned parcel inclusive of attorney fees and costs and a 15 percent incentive was \$218,794. The property owner wanted to sell the property for \$287,228. Following negotiations, the property owner Mr. Julio A. Viyella and JC Real Estate Holdings ("Sellers"), and the DTPW settled on the purchase price of \$257,423. This settlement amount is recommended as being in the best interest of the County, as it avoids the payment of attorneys' fees and costs associated with trial. It would also save the County the time, resources and expenses associated with eminent domain proceedings, which would otherwise be required.

This item may only be considered by the Board if the Citizens' Independent Transportation Trust has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this item.

If the proposed resolution is adopted, Resolution No. R-1010-16 will have to be rescinded. It authorized the County Mayor or County Mayor's designee and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property ... prior to filing an eminent domain action in a total amount not to exceed 15 percent over the appraised value.

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ADDITIONAL INFORMATION

Eminent domain: The right of a government or its agent to expropriate private property for public use, with payment of compensation.

Below is a map of Revised Parcel 144.



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Research Notes**

**Item No. 3D
File No. 180321**

Researcher: BM Reviewer: TD

RESOLUTION DESIGNATING PORTIONS OF MIAMI-DADE COUNTY OWNED PROPERTY IDENTIFIED AS PARCEL 16 AND PARCEL 17 AS ROAD RIGHT-OF-WAY FOR THE NW 97 AVENUE BETWEEN NW 70 STREET AND NW 74 STREET ROAD IMPROVEMENTS PROJECT, IN SECTION 16 AND SECTION 17, TOWNSHIP 53 SOUTH, RANGE 40 EAST AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution designating portions of Miami-Dade County (County) owned property, Parcel 16 and Parcel 17, at the intersection of NW 97 Avenue and NW 74 Street, as road right-of-way in Sections 16 and 17, Township 53 South, Range 40 East.

APPLICABLE LEGISLATION/POLICY

Resolution no. R-148-14, adopted by the Board on February 4, 2014, urged the Florida Legislature to amend senate and house rules of procedure to impose on the legislature the same sunshine law requirements that are required of local governments pursuant to Florida Statutes 286.011.

<http://intra/gia/legistarfiles/MinMatters/Y2014/140146min.pdf>

Florida Statutes, Section 286.011 *Public meetings and records; public inspection; criminal and civil penalties*, states All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.011.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

If this resolution is approved, it will cause a \$100 annual maintenance cost since the parcels will be added to the County's Road System. The funding will be provided by District 1 Road Impact Fees (RIF).

ANALYSIS

The proposed resolution approves Parcel 16 and Parcel 17 as road right-of-way for road improvements in the City of Doral, District 12, represented by Commissioner Jose "Pepe" Diaz. The improved road consists of four lanes, with street lighting, a storm drainage system, pavement markings, signing, sidewalks, and curb and gutter. Parcel 16, Folio no. 30-3016-000-0010, is approximately 400 sq. ft. Parcel 17, Folio no. 35-3017-001-0120, is approximately 357 sq. ft. Below is a link of the roadway to be assigned as a road right-of-way:

<https://www.google.com/maps/@25.8398982,-80.3545024,18z>

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Research Notes**

**Item No. 3E
File No. 180310**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONTRACT IN THE AMOUNT OF \$322,974.79 TO HIGHWAY STRIPING, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED PAVEMENT MARKINGS INSTALLATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.2.7.01 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-53; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor or the County Mayor's designee to execute a contract in the amount of \$322,974.79 to Highway Striping, Inc., for the People's Transportation Project entitled "Pavement Markings Installation"; and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124

Florida Statutes, Section 212.055 (1) (d) governs "Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

Miami-Dade County Code, Section 2-8.2.7.01 governs the prequalifying, registration, award and construction of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises. The 7040 Plan under this section provides that [t]he Set Aside Plan shall be a 100 percent CSBE set aside. To qualify, participants must be certified by the Department of Small Business Development in their contracting trade.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.2.7.01

Miami-Dade County Implementing Order 3-53 establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which provides small, local contractors countywide with a fair opportunity to compete for work on County construction projects of appropriate size.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item has no procedural history.

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FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact of this contract award will be approximately \$322,974.79. The base contract amount is \$259,798.40, exclusive of contingency and dedicated allowance amounts. The proposed improvements qualify under the allowable work categories included in the People's Transportation Plan Neighborhood Improvement Section. The project is included in the Fiscal Year 2017-18 adopted Capital Budget and funded by the Charter County Transit System Surtax funds.

ANALYSIS

As required under the Miscellaneous Construction Contracts Program, the Department of Transportation and Public Works (DTPW) forwarded Request for Price Quotation (RPQ) No. 20170262, utilizing the MCC 7040 Plan, to a list of 61 pre-qualified firms. On November 29, 2017, Highway Striping, Inc., proffered the lowest responsive and responsible bid of \$259,798.40, which was 17.48 percent below the County's cost estimate. The second lowest bidder, P&J Striping, Inc., proffered a base bid of \$314,590.72, which was 0.08 percent below the County's cost estimate. The third lowest bidder, Dremcon Construction Corp., proffered base bid of \$437,881.45, which was 38.81 percent over the County's cost estimate. The work will be performed in the following districts:

- District 1, represented by Commissioner Barbara J. Jordan;
- District 3, represented by Commissioner Audrey M. Edmonson.
- District 9, represented by Commissioner Dennis C. Moss; and
- District 10, represented by Commissioner Javier D. Souto;

According to Miami-Dade County Code, Section 29-124, the surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be spent for the transportation and transit projects and the adopted Five-Year Implementation Plan. Expenditure of surtax proceeds shall be subject to the following imitations:

- (g) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (h) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (i) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (j) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.
- (k) The Five-Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust, which shall forward a recommendation thereon to the County Commission.
- (l) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

Based on the result of the solicitation, the DTPW issued a recommendation for award to Highway Striping, Inc. on December 6, 2017 for RPQ No. 20170262, with the stipulation that approval for this project must be obtained from the CITT and the Board.

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ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

The People's Transportation Plan (PTP) provided \$167 million for Neighborhood Improvements. These include modifications of intersections; resurfacing of local and arterial roads; installation/repairs of guardrails; installation of school flashing signals and enhancement of greenways and bikeways; replacement/repair of sidewalks; repair/installation of drainage, landscape beautification roadway signage, roadway lighting, pavement markings, and traffic calming; and Americans with Disabilities Act (ADA) accessibility to bus stops throughout the County.

<http://www.miamidade.gov/citt/library/five-year-plan/neighborhood-improvements.pdf>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Highway Striping, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 05/29/2008. The principal address is registered as 10724 S.W. 188th Street, Miami, FL 33157. Its registered agent is Nieto, Julio, 10724 S.W. 188th Street, Miami, FL 33157.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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Item No. 3F

File No. 180388

Researcher: NR

Reviewer: TD

RESOLUTION APPROVING A PARKING AND PEDESTRIAN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BRICKELL CITY CENTRE PROJECT, LLC, WHICH ALLOWS IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY SURROUNDING BRICKELL CITY CENTRE PROJECT, AND THE RELOCATION OF COUNTY PARKING SPACES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE PARKING AND PEDESTRIAN AGREEMENT AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Parking and Pedestrian Agreement (Agreement) with Brickell City Centre Project, LLC (Brickell City Centre) which allows improvements in the public right-of-way surrounding Brickell City Centre, and the relocation of Miami-Dade County (County) parking spaces.

APPLICABLE LEGISLATION/POLICY

On April 3, 2012, the Board passed Resolution No. R-306-12 approving a Brickell Parcel A Vacant Land Lease, and a Brickell Metromover Parcels B, C, and D Development, Maintenance, and Easement Agreement with Swire Properties, LTD. (Swire).

<http://intra/gia/matter.asp?matter=120462&file=true&yearFolder=Y2012>

On October 20, 2015, the Board passed Resolution No. R-955-15 approving an Amendment to the Lease covering only Parcel A which is not encumbered by the Metromover system, but was overbuilt by Brickell City Centre by approximately 2,240 square feet.

<http://intra/gia/matter.asp?matter=152227&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: NONE

Requester: Transportation and Public Works

FISCAL IMPACT

This item represents a positive fiscal impact to the County as the improvements and relocation of parking spaces will be entirely funded by Brickell City Centre.

ANALYSIS

The item seeks to approve the Agreement with Brickell City Centre that will allow improvements in the public right-of-way surrounding Brickell City Centre. Further, the agreement states Brickell City Centre will provide fifteen (15) employee parking spaces for the exclusive use of the County, to replace parking spaces which may be lost from the County Parking Lot in the course of future development. Further, the parking spaces provided for County use shall be free of charge, and remain open and accessible to the County at all times and be located as per Section 3(a) of the Agreement.

According to the agreement, Brickell City Centre on the commencement date of the agreement will begin the process to install pedestrian mobility and safety enhancements in the area within the County Right-of-Way at the ground level below and adjacent to the South Miami Avenue overpass, south of the 5th Street travel lanes. The improvements include lighting, landscaping, and other features that will render this portion of the right-of-way more accessible and safer for pedestrians, and shall remain perpetually open for the use and benefit of the public.

The term of the Agreement will start upon its execution, and will continue for a period of 10 years, and will automatically terminate unless a further extension is agreed upon in writing by the parties. Brickell City Centre is

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obligated to provide parking spaces so long as areas underneath the South Miami Avenue overpass continue to be used by the Department of Transportation and Public Works (DTPW) as a maintenance facility.

ADDITIONAL INFORMATION

Brickell City Centre is a \$1.05 billion mixed-use development. Strategically located in the center of the Brickell financial district, this is the single largest project currently underway in downtown Miami. Brickell City Centre is anticipated to bring a whole new level of urban living and sophistication to the area.

The highlights of the project include:

- 9.1 acres along South Miami Avenue between Eighth Street and Sixth Street
- 5.4 million square feet of office, residential, hotel, retail and entertainment space, in addition to a two-level underground parking garage that spans seven acres below the property
- An environmentally progressive CLIMATE RIBBON™ architectural feature that will provide innovative climate control so shoppers can walk in comfort between stores and restaurants
- Incorporates key transportation centers with the Miami Metromover while offering easy access to Interstate 95

Project statistics

- 500,000 square-foot shopping center
- 260,000 square feet of office space in two towers
- 780 condominiums in two towers
- 263 hotel rooms
- 89 serviced apartments
- 2,600 parking spaces
- An environmentally sophisticated and innovative CLIMATE RIBBON™ architectural feature that will provide active and positive climate control
- Phase II: One Brickell City Centre mixed-use tower

Economic Impact

- Approximately \$1 billion in overall economic impact
- Approximately 1,700 construction jobs on average per year for four years
- Approximately 3,700 direct jobs and 2,500 indirect jobs after construction completion
- \$5.4 million in ad valorem taxes for the City of Miami
- \$1 million in annual revenue from parking surcharges for the City of Miami
- \$6.1 million in permit and impact fees for the City of Miami
- \$9.6 million annually in ad valorem taxes from Miami Dade County
- \$1.2 impact fees for Miami Dade County

Project Description: Brickell City Centre found at:

<http://brickellcitycentreconnect.com/project-description/>

Input from DTPW (pending response for the BCC Agenda scheduled for 4/10/18):

- Clarify whether a period of 10 years is sufficient time to fulfill all the requirements under the contract

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**Item No. 3G
File No. 180404**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING A GAS EXTENSION CONTRACT AGREEMENT, WITH PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS IN SUPPORT OF MASTER DEVELOPER AGREEMENT CONTRACT NO.: 00096, COMPRESSED NATURAL GAS PROGRAM FOR MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the gas extension contract agreement with Pivotal Utility Holdings, Inc. d/b/a Florida City Gas, in support of Master Developer Agreement Contract No. 00096, compressed natural gas program for the Miami-Dade County Department of Transportation and Public Works.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-35-17, adopted by the Board on January 24, 2017, approves the award of a Master Developer Agreement, Contract No. 00096, Compressed Natural Gas Program for the Miami-Dade Department of Transportation and Public Works, to Trillium Transportation Fuels, LLC, in a total amount not the exceed \$428,773,000 for an initial ten-year term with an option to renew up to ten years.

<http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016>

Resolution No. R-612-17, adopted by the Board on June 6, 2016, approves a gas extension contract agreement with Southern Gas Companies d/b/a Florida City Gas in support of Master Developer Agreement Contract No. 00096, Compressed Natural Gas Program for Miami-Dade Department of Transportation and Public Works.

<http://intra/gia/matter.asp?matter=171964&file=false&yearFolder=Y2017>

Resolution R-504-15, adopted by the Board on June 2, 2015 requires the County to undertake certain measures to minimize the negative aesthetic impact to the public prior to conveyance of an easement or license for the installation of utility lines and equipment on County-owned property.

<http://intra/gia/matter.asp?matter=151008&file=true&yearFolder=Y2015>

Resolution No. R-974-09, adopted on July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

The proposed resolution has no procedural history.

FISCAL IMPACT

Per the Mayor's memorandum, Florida City Gas has computed an average annual revenue of \$113,914, with a maximum allowable construction estimated at \$683,484. According to the Fiscal Impact Statement, if there is no gas consumption after 12 months from the service installation date, Florida City Gas may disconnect the service from the main, and the County shall reimburse Florida City the maximum allowable construction estimate for constructing and providing gas extension services. If needed, these funds would be derived from DTPW Operating Funds.

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ANALYSIS

On January 24, 2017, through Resolution No. R-35-17, the Board approved the award of a Master Developer Agreement Program Contract No. 00096, Compressed Natural Gas (CNG) Program for the Department of Transportation and Public Works (DTPW), to Trillium Transportation Fuels, LLC. The Master Developer Agreement provided for the initial replacement of 300 buses, and allowed for future expansion of the CNG Program with the purchase of an additional 200 CNG buses.

As a result, DTPW is required to enter into an agreement with Florida City Gas for the installation of gas facilities and monitors in order to service this contract, and to provide a space for metering and associated equipment. On June 6, 2017, through Resolution No. R-612-17, the Board approved a similar Gas Extension Contract Agreement with Southern Gas Companies d/b/a Florida City Gas, in support of Master Developer Agreement Contract No. 00096, Compressed Natural Gas Program for DTPW to install equipment and gas meters that will monitor the consumption of gas at the Central Depot, located at 3431 N.W. 31st Street, Miami FL 33142. The proposed resolution approves an Agreement with Florida City Gas that covers the installation of a gas facility that will service DTPW's Compressed Natural Gas Program, including the installation of equipment and gas meters that will monitor the consumption of gas at the Coral Way Bus Depot, located at 2776 S.W. 74th Avenue, Miami, MF 33155.

Highlights of the Master Developer Agreement

Scope of work and County objectives for the Compressed Natural Gas (CNG) Program for DTPW:

- Design, build, finance, operate and maintain County CNG fuel service stations;
- Upgrade existing County infrastructure including upgrading and/or converting County maintenance facilities and existing fuel stations to provide CNG;
- Obtain CNG powered buses, with the goal of replacing County diesel powered buses with CNG buses;
- Supply CNG fuel for County buses; and
- Generate revenues for the County through the sale of CNG fuel to third parties.

ADDITIONAL INFORMATION

A newspaper article dated May 30, 2017, entitled "10 benefits of using Compressed Natural Gas (CNG)" explains that "Compressed Natural Gas", commonly referred to as CNG, is a clear, odorless, non-corrosive gas that can be used as a cheaper, cleaner and more efficient alternative to the traditional fuels used in vehicles. The gas is compressed so sufficient fuel can be stored within the vehicle to extend the driving range". It lists the benefits to using CNG.

<http://www.looptt.com/content/10-benefits-using-compressed-natural-gas-cng>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Florida City Gas is not currently registered.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>